

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

November 21, 2023, @ 5:30 p.m.
REMOTE ONLY – VIA ZOOM

Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Charter Review Committee.

The zoom link is: <https://cambridgema.zoom.us/j/83253118929>

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, November 21, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- III. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - Communications from the Public
 - i. A communication was received from Marilyn Frankenstein, regarding city council composition
 - Other Meeting Materials
- IV. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- V. Legislative Article and Decision Points - Strong Mayor-Council
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review draft article and decision points.
 - i. Legislative Article Draft
- VI. Executive Article and Decision Points - Strong Mayor-Council
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review draft article and decision points.
 - i. Executive Article Draft

11/11/2023

Marilyn Frankenstein

Comment:

"I think the mayor model is best, but we should also elect the mayor separately, especially if they are to have more power; further what happened to the idea of having districts or wards with councillors not being all elected city wide--was this discussed? if you kept the same system (which i think is very undemocratic) what were the reasons for that?"

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY, POWERS

(a) Composition - There shall be a city council of nine members nominated and elected by and from the voters at-large by proportional representation. The city council shall exercise the legislative powers of the city.

(b) Term of Office - City councilors shall be elected for terms of two years each beginning on the first business day of January in the year following their election, and until successors have been qualified.

(c) Eligibility - Any registered voter shall be eligible to hold the office of councilor. If a councilor moves from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section [placeholder]. The city council shall determine whether a councilor has moved from the city.

(d) Legislative Powers - The city council shall have and shall exercise all the legislative powers of the city, except as such powers are reserved by this charter to the school committee or to the qualified voters of the city.

SECTION 2-2: CITY COUNCIL OFFICERS

a) Election and Term - As soon as practical after the councilors-elect have been qualified following each regular city election, as provided in section [placeholder], the members of the city council shall elect from among its members a president and vice president, who shall serve for a 2-year term. The method of election of the president/chair and vice-president/vice-chair shall be

Commented [1]: Do we need a decision point as to whether this includes the new definition of registered voter? Or perhaps indicate "any voter registered to vote in the city's municipal elections" to assume the new voting definition applies?

Commented [2]: Yes good idea

determined by City Council rules. The member of the city council senior in length of consecutive service shall perform the duties of president/chair until members elect a president/chair.

(c) Powers and Duties of Council President –

(i) General Administration - The council president shall preside at all meetings of the council, shall regulate its proceedings and shall decide all questions of order. The council president shall perform any other duties consistent with the office that may be provided by charter, by ordinance, by council rules, or by other vote of the council.

(ii) No Veto Power – The city council president shall have no power to veto but shall have the same powers as any other member of either such body to vote on measures before it.

(iv) Appointments of Committees - The council president shall appoint all members of all committees established by the rules of the council, whether special or standing.

(v) Chair/member of the school committee - The council president/chair shall also be chair of/serve as a member of the school committee and shall update the council regularly on school committee matters.

Commented [3]: decision point

(d) Temporary Absence - During a temporary absence of the council president, the duties of president shall be performed by the vice-president. If there shall be neither a president nor a vice-president, the member of the council senior in length of consecutive service shall perform the duties of president until there is no longer an absence.

(e) Vacancy - If there is a permanent vacancy in the office of president or vice-president, the city council shall elect by majority vote one of its members to fill such office for the unexpired term. Until such vacancy is filled, the member of the city council senior in length of consecutive service shall perform the duties of president/chair until there is no longer an absence

Commented [4]: Common methods of filling vacancies for an elected office include special election or election of the body. Election of the body avoids the expense of a special election, but can be viewed as subrogation of voter intent. Some municipalities balance these concerns by providing a special election if the vacancy occurs in the first half of the term, and election by the body if it is in the second half of the term. This could be considered for mayor.

Commented [5]: Looks good, but might want to give a timeline since it apparently took the council a long time to choose the mayor.

SECTION 2-3: PROHIBITIONS

(a) Holding Other City Position – Except as otherwise provided by the charter and as permitted by the Massachusetts General Laws, no member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until 1 year following the date on which the former member's service on the city council has terminated unless such appointment is affirmed by 6 members of the city council. This section shall not prevent a city employee who vacated a position to serve as a member of the city council from returning to the same position upon the expiration of the term for which that person was elected.

SECTION 2-4: COMPENSATION

(a) Salary - The president and the members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and they shall receive no other compensation from the city. No increase or reduction in the salaries of city councilors shall take effect during the year in which such increase or reduction is voted, and no change in such salaries shall be made between the election of a new council and the qualification of the new council.

Commented [6]: Consideration: should the president receive additional compensation either by stipend or percentage?

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative powers of the city council may be exercised in a manner determined by the city council.

(b) **Quorum** – A majority of all the members elected to the city council shall constitute a quorum. Except as otherwise provided by General Laws or by this charter, the affirmative vote, taken by a roll call vote, of a majority of members of the city council shall be required to adopt any ordinance, order, resolution or vote, except that the affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the city council.

Commented [7]: Some charters provide that a majority of elected members is required to enact an ordinance and a majority of members present is sufficient to conduct business.

Commented [8]: If you have a city council of 9, a majority of members is 5 while a majority of members present could be as few as 3.

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

(i) The city council shall fix suitable times for its regular meetings. Except in the cases of executive sessions authorized by Massachusetts General Laws, all meetings of the city council shall be open to the press and to the public, and the rules of the city council shall provide that residents and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter **considered**;

Commented [9]: Provides for public comment on any agenda item. Some charters allow reasonable limitations on public comment (such as duration)

(ii) special meetings of the city council shall be held at the call of the president, or the vice-president of the city council, or any three members, for any purpose; provided, however, that notice of the meeting shall state the time of holding such meeting and be signed by the person or persons calling the same. Except in an emergency as declared by the mayor, the notice shall be delivered at least 2 business days in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be **held**. A copy of each notice shall be immediately posted.

Commented [10]: METHOD OF DELIVERY / PROPER NOTICE should be developed. Traditional it would be in hand or at residence, but a digital option may be preferred.

(iii) all sessions of the city council and of every committee or subcommittee of the council shall be open to the public, unless otherwise specified by law; and

(iv) a full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city **clerk**;

Commented [11]: We might want to add reference the tracking system here.

SECTION 2-6: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

(a) Department Heads –

Commented [12]: New provision

(i) Prior to posting and beginning the search for a department head position, the mayor shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.

(ii) The mayor shall refer to the city council and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a department head. The city council shall have 30 days after the date on which notice of the proposed appointment was filed with the city clerk to vote to approve the appointment with approval not to be unreasonably withheld. An approved appointment shall be effective immediately. The city council shall accompany a rejection of the appointment with a written statement describing the reason, which shall be delivered to and placed on file with the city clerk within 30 days of filing. If the city council does not take up the appointment within 30 days, the appointment shall be deemed approved. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section ____ of this charter.

Commented [13]: decision point

(b) Multiple-Member Bodies - The mayor shall refer to the city council and simultaneously file with the clerk the name of each person the mayor desires to appoint or reappoint as a member of a multiple-member body. Appointment of a member of a multiple-member body made by the mayor will be effective upon a majority vote of the city council, which vote shall occur within 45 days after the date on which notice of the proposed appointment was filed with the city clerk. The

Commented [14]: Current language

appointment may be approved or rejected by a majority of the full city council before 45 days. An appointment or reappointment shall take effect if the city council fails to act within those 45 days.

SECTION 2-7: CITY COUNCIL APPOINTMENTS

(a) City Auditor - The city council, by the affirmative vote of at least six members, shall appoint a city auditor for an indefinite term of office. The city auditor shall be appointed solely based on the candidate's professional qualifications and experience. The city auditor shall keep and have charge of the accounts of the city and shall from time to time audit the books and accounts of all city agencies. The city auditor shall have such other powers and duties as provided for auditors and accountants by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or by any other vote of the city council.

(b) City Clerk - The city council, by the affirmative vote of a majority of members, shall appoint a city clerk. The city clerk shall be appointed solely based on qualifications and experience. The city clerk shall have such powers and duties as provided for clerks by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or by any other vote of the city council.

(c) Clerk of the Council - The city council, by the affirmative vote of a majority of members, shall appoint a clerk of the council, who may be the city clerk. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be provided by ordinance or by other vote of the city council.

(d) Additional Staff - The council may establish additional council support positions and consultants by ordinance as the council deems necessary and may, by the affirmative vote of at

Commented [15]: QUESTION: these appointments are written to be mandatory (language from Watertown). What happens if the council doesn't make the appointment?

Commented [16]: Then the job remains vacant.

Commented [17]: new

least six members, appoint staff to serve in those positions. All officials of the city shall cooperate with employees and consultants of the city council in the performance of their oversight functions.

(d) Salaries - The officers appointed under Section 2-7 shall receive such salaries as set by ordinance.

(e) Supervision - The council president shall be responsible for day-to-day supervision of the city auditor, city clerk, and clerk of the council, including but not limited to the discipline of same up to and including an unpaid suspension of not more than five days; provided, however, that the council president may, at the council president's sole discretion, bring to the city council any personnel matter involving the city auditor or clerk of the council for appropriate action, and provided further that the affirmative vote at least six members of the city council shall be required to remove the city auditor or clerk of the council.

(f) Removal: Any person appointed or elected by the council may be removed by the council.

SECTION 2-8: ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) Information Requests

(i) Mayor - The city council may, at any time, request from the mayor, specific information on any municipal matter within its jurisdiction and may request the mayor to be present to answer written questions relating thereto at a meeting to be held not earlier than 7-days from the date of receipt by the mayor of said questions. The mayor shall personally, or through the head of a department or a member of a multiple-member body, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any

Commented [18]: This entire subsection is fraught with danger. Maybe put the removal in with the appointment subsection and get rid of the rest?

Commented [19]: Ok - this is Watertown's language. Is there someone who should be responsible for supervision of the positions appointed by the council? Wondering how that is typically handled? Leave it to ordinance? I guess it gets tricky if there is a council appointment someone has to be put on leave ASAP. Hopefully that doesn't happen but...

other matter. The mayor may attend and address the city council in person or through the head of a department or a member of a multiple-member body, upon any subject and at any time.

(ii) Department Heads, Chair of Multiple-Member Bodies- The city council may require the chair of a city multiple-member body or a city department head to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

(d) Notice: The council shall give not less than fourteen (14) days advance notice to any person it may require to appear before it under this section. The notice shall include specific questions on which the council seeks information, and no person called to appear before the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by _____ . The mayor shall receive a copy of all such notices.

Commented [20]: Process for notice to be developed.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

(a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon, and receiving the affirmative vote of the council president and 5 members of the city council. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature, shall be passed as an emergency measure, and except as provided in General Laws Chapter 166, Sections 70 and 71, no such grant, renewal, or extension shall be made otherwise

than by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(b) General Measures - Every adopted measure shall become effective upon adoption or at such later time as it may specify. An ordinance shall not be amended or repealed except by another ordinance adopted in accordance with this charter.

(c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the city council, a single member present may object to the taking of the vote, and postpone the vote until the next regular or special meeting of the city council. If two or more present members object, the vote shall be postponed until the next regular meeting. This procedure shall not be used more than once for any specific matter regardless of whether it has been amended. A charter objection shall have privilege over all motions but shall be raised prior to or at the call for a vote by the presiding officer and all debate shall cease. The charter objection process shall not apply to emergency measures as defined in this section.

(d) Publication - Every proposed ordinance or loan order, except emergency ordinances and revenue loan orders, shall be published once in full in at least one local newspaper, on the city website, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage, the ordinance as amended and completed, shall again be published once in the aforesaid manner; provided that if any ordinance or proposed ordinance, or codification thereof, shall exceed in length eight pages of ordinary book print, then there shall be no requirement to advertise as aforesaid if the same is published by the city council in a municipal bulletin or printed pamphlet, but otherwise in conformity with said provisions, except for zoning ordinances or amendments thereto, a summary of which shall be published at least two times in a local newspaper. The publication of such zoning summaries shall include a statement indicating

where copies of the ordinance may be examined and obtained and a statement that claims of invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication. Emergency ordinances shall take effect on the date of their passage and shall be published at the earliest practicable moment.

SECTION. 2-12 GOAL SETTING

- (a) At the beginning of each council term, within the first six months, the council shall develop council goals for the upcoming term, in consideration of previous council goals, ~~and the strategic needs and vision of the city.~~
- (b) The council shall seek input from the mayor, department heads, multi-member bodies and the public in the development of council goals.
- (c) The council shall consider intercity and regional issues in development and prioritization of council goals and strategic vision.
- (d) The council may develop both short- and long-term goals. To the extent practicable, goals shall be measurable, include timelines for implementation, and relevant budget requirements.
- (e) The council shall establish a broad public engagement process to incorporate public input into development of council goals. This shall include at least two public hearings at which public comment is accepted and such additional outreach efforts as the council deems appropriate. The goal-setting and public engagement process under this section shall be publicized via multiple media avenues available to the city, including on its website, social media pages, and through direct electronic communications. The council shall also review

Deleted: city manager

Commented [21]: remove?

the results of any city-wide surveys or other public engagement tools undertaken in the prior term.

- (f) The council shall publish its goals for the term in multiple media avenues available to the city, including on its website, social media pages, council newsletters and through direct electronic communications.
- (g) The council shall establish a public method of tracking progress in meeting the established goals

SECTION 2-10: FILLING OF VACANCIES

In all occurrences of a vacancy, the city clerk shall notify the city council and the chairperson of the board of election commissioners of the vacancy within 7 days. Within 7 days after notification, the chairperson of the board of election commissioners or a designee shall certify, in writing, to the city clerk the name of the defeated candidate for the office of councilor-at-large with the next highest number of votes at the municipal election at which councilors-at-large were elected for the term in which the vacancy occurs. If the person is eligible and willing to serve, the city clerk shall administer the oath of office to the person within 15 days after certification and the person shall serve. If the person who is eligible declines the office, is not eligible and willing to serve, or fails to take the oath of office within the time period set forth in this section, then the person with the next highest number of votes at the election who is eligible and willing to serve shall serve.

Where no defeated candidate is eligible and/or willing to serve, the process for filling the vacancy shall be determined by the number of days remaining until the next municipal election.

Commented [22]: Some charters have moved away from appointment of the "second place" candidate and simplify the process:
If a vacancy occurs:
(i) more than 180 days until the next municipal election here shall be a special election.
(ii) 180 days or less prior to any regular municipal election in the office of councilor at-large, then the seat remains vacant until the next regular municipal election.

Commented [23]: Yes

If a vacancy occurs:

- (i) more than 180 days until the next municipal election, there shall be a special election.
- (ii) 180 days or less prior to any regular municipal election in the office of councilor at-large, then the seat remains vacant until the next regular municipal election. The person elected shall fill the vacancy for the remainder of the unexpired term and the term to which elected. The city clerk shall administer the oath of office to them at the next meeting of the city council.

Commented [24]: Another option (and as provided in the current charter) is to have the vacancy filled by the council. A consideration would be whether 6 months prior to the election campaigning has begun and whether this would give an advantage to a declared candidate if that individual was selected by the council (a provision could be added prohibiting declared candidates from the temporary appointment).

ARTICLE 3

EXECUTIVE BRANCH

SECTION 3-1: MAYOR: ROLE; TERM OF OFFICE; ELIGIBILITY

- (a) Role – The chief executive officer of the city shall be a mayor, elected by the registered voters at-large by proportional representation.
- (b) Term of Office – The term of office for mayor shall be four years, beginning on the first business day in January following the municipal election.
- (c) Term Limit - No person shall hold the office of Mayor for more than three terms in total.
- (b) Eligibility – Any registered voter shall be eligible to hold the office of mayor.

SECTION 3-2: PROHIBITIONS

The mayor shall not hold another compensated city position or other elected public office. A former mayor shall not hold a compensated appointed city office or city employment for 1 year after termination of their service as mayor. Any former mayor shall not receive compensation for contracted work authorized during their tenure as the mayor, however, they may be compensated for limited hours advising the incoming mayor. This subsection shall not prevent a city officer or other city employee who has vacated a position to serve as the mayor from returning to the same office or other position of city employment held when the position was vacated. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-3: COMPENSATION

The mayor shall receive compensation for the mayor's services as set by the city council by ordinance. An ordinance increasing or reducing the compensation of the mayor shall not be enacted unless:

- (i) it is adopted by a 2/3 vote of the full city council;
- (ii) it has been adopted on or before the 18th month of the mayor's term; and
- (iii) it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

Commented [25]: depends on length of mayor term (42nd)

SECTION 3-4: EXECUTIVE POWERS

(a) Executive Powers - The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the city agencies under the general supervision and control of the office of the mayor. The mayor shall cause this charter, laws, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall supervise, direct, and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter.

(b) Supervision of City Agencies - The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, upon request, any information or materials the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall be responsible for the efficient and effective coordination of the activities of all city agencies and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city.

(c) Multiple-Member Bodies - The mayor shall be, by virtue of the office, an *ex officio* member of every appointed multiple-member body of the city. The mayor may, as an *ex officio* member, attend any meeting of an appointed multiple-member body of the city, including executive sessions, to participate in the discussions of that body, but shall not have the right to vote.

SECTION 3-5: APPOINTMENTS BY THE MAYOR

(a) Chief Administrative and Financial Officer (CAFO): The mayor shall appoint a chief administrative and financial officer to coordinate and direct the operations and functions of the city government. The CAFO shall be appointed by the mayor, subject to review by the city council

under section _____. The appointee shall be appointed on the basis of strong administrative and executive qualifications and a combination of education, training and/or municipal experience to perform the duties of the office. The CAFO shall devote full time to the duties of this position and shall not engage in any other business or occupation during their term, except as permitted herein.

Commented [26]: decision point

Commented [27]: CC can veto with 2/3 vote

Commented [28]: necessary?

(b) Department Heads - The mayor shall appoint, subject to the provisions contained in Section _____, all department heads for whom no other method of appointment or selection is provided by this charter. Department heads serve at the discretion of the mayor subject to the limitations and requirements imposed by federal and state laws, rules, and/or regulations.

Commented [29]: city council confirmation

(c) City Solicitor: The mayor shall appoint the city solicitor to be the chief legal adviser of, and attorney for, the city and all divisions and offices thereof in matters relating to their official powers and duties. It shall be the city solicitor's duty, either personally or by such assistants as may be designated, to perform all services incident to the legal department; to give advice in writing when so requested to the mayor, to prosecute or defend, as the case may be, all suits or cases to which the municipality may be a party, and to provide other legal support as requested by the mayor or required by ordinance. The city solicitor shall be appointed on the basis of having strong legal qualifications and shall be especially fitted by education, training, and experience to perform the duties of the office.

(d) Multiple-Member Bodies – The mayor shall appoint, subject to the provisions of Section _____, all members of multiple-member bodies for whom no other method of appointment or selection is provided by the General Laws. All members shall serve terms as defined by ordinance, this charter or General Laws.

Commented [30]: city council confirmation

Commented [31]: should this just be "for who no other method of appointment or election is provided". Removing by general laws, assuming there are ordinances, admin orders, etc that might provide different appointment methods

(f) The mayor may also appoint such ad hoc committees or working groups as the mayor deems appropriate to advise the mayor on matters affecting the city.

(g) The mayor shall strive, to the extent practicable, to seek appointees to such committees, multiple-member bodies and/or offices from the entire city, reflecting both demographic and geographic diversity of membership.

Commented [32]: new?

Commented [33]: Did you add this? Perhaps add economic?

Commented [34]: I think libby had added this. Wasn't sure if we should keep it

SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a temporary or permanent vacancy occurs in a city office that is appointed under Section ___, the mayor may designate a person to perform the duties of the office on a temporary basis for up to 150 days until the position can be filled as provided by law or by this charter. Persons serving as temporary officers under this section shall have only those powers indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others.

(a) Filing of a Temporary Appointment - When the mayor designates a person under this section, the mayor shall file a certificate with the city clerk in substantially the following form:

“I designate (name of person) to perform the duties of the office of (office in which vacancy exists) on a temporary basis until the office can be filled by (the regular procedure for filling the vacancy or when the incumbent shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Cambridge.”

(b) Extension of Temporary Appointments - If an extension of a temporary appointment is necessary, the mayor may seek additional extensions in 60-day increments, which shall be

authorized by a majority vote of the city council. If an extension is not approved, the position shall be deemed vacant.

SECTION 3-8: TEMPORARY APPOINTMENTS TO MULTIPLE-MEMBER BODIES

Whenever a temporary or permanent vacancy occurs on a multiple-member body that is appointed under Section __, the mayor may designate a person to perform the duties of the office on a temporary basis for up to 150 days until the position can be filled as provided by law or by this charter. If an extension of a temporary appointment is necessary, the mayor may seek additional extensions in 60-day increments, which shall be authorized by a majority vote of the city council. If an extension is not approved, the position shall be deemed vacant, except on multiple-member bodies where such vacancy would prevent a quorum. In such instances, a temporary appointment shall be permitted to remain until a successor is qualified, however, the authority of the temporary appointment shall be limited to matters where failure to act by the multiple-member body may have adverse consequences to the city.

SECTION 3-9: APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution, or vote adopted or passed by the city council, except any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 days of such adoption or passage. If the mayor approves the measure, the mayor shall sign it; if the mayor disapproves the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and reconsider the same measure after 14 days but before 30 days from the date of its return to the city council. If the city council,

Commented [35]: decision point

regardless of the disapproval by the mayor, shall again pass the identical measure by a 2/3 vote of the full council, it shall then be deemed in force. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The mayor shall, by written communication:

- (i) recommend to the city council for its consideration measures as the needs of the city require; and
- (ii) keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate any fiscal, financial, or administrative issues facing the city.

(b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for any purpose. Unless the mayor designates an emergency, notice of the meeting shall be delivered at least 2 business days in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately.

SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor – Whenever the mayor is unable to perform the duties of the office, the city council president shall be the acting mayor. In the event that the city council president is unable to serve as acting mayor under this section, the city council shall elect a councilor to serve as acting mayor from among its membership. The city council, by the affirmative vote of six members, shall

determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

Commented [36]: This strikes me as odd / older language. Is there something else newer charters are using?

(b) Powers of Acting Mayor – The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the city and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from city service unless the absence of the mayor shall extend beyond 60 days, nor shall the acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. The city council president or another councilor serving as acting mayor shall not vote as a member of the city council.

SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize and subsequently remove authorization from a subordinate officer or employee of the city to exercise or perform a power, function, or duty of the office of the mayor, provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize the mayor to delegate the powers and duties of a school committee member, the power of appointment to city office or employment, or to sign or return measures approved by the city council unless the provisions of Section 3-11 (b) apply.

SECTION 3-13: FILLING OF VACANCY

Whenever a vacancy occurs in the office of mayor by death, removal, resignation, or any other reason, the process for filling of the vacancy shall be determined by the month of the mayoral term

in which the vacancy occurs. Following an election to fill a mayoral vacancy, the winning candidate shall begin immediately and serve the remaining unexpired term.

Commented [37]: This means the candidate elect would immediately take office and not wait until January to be sworn.

(a) Whenever a vacancy occurs during:

(i) Months 1 through 17: The city council shall call a special election to be held within 90 days following the date of the vacancy.

(ii) Months 18 through 21: A special election need not be held and the position shall be filled by vote at the upcoming regular city election.

(b) The city council president shall serve as the acting mayor in all cases until the vacancy is filled.

In the event that the city council president is unable to serve as the acting mayor under this section, the city council shall elect a councilor to serve as the acting mayor from among its membership.

If the councilor serving as the acting mayor under this section chooses to run for mayor, they shall not be entitled to have the words “candidate for reelection” printed with that person’s name on the subsequent election ballot. Any person serving as the mayor under this section shall receive the compensation then in effect for the position of mayor and shall not vote as a member of the city council.

ARTICLE 6
FINANCIAL PROCEDURES

SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

SECTION 6-2: ANNUAL BUDGET MEETING

At least 60 days before the beginning of the fiscal year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the financial condition of the city, revenue and expenditure forecasts for at least 3 years and other relevant information prepared by the mayor in order to develop a coordinated budget.

Commented [1]: timing?

SECTION __ : BUDGETARY PRIORITIES

~~The president/chair/mayor of the council shall call a meeting of the council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the city, revenue and expenditure forecasts, and other information relevant to the budget process. The president/chair/mayor also shall invite the city's state legislative delegation, representatives of the school committee and other relevant stakeholders to attend this meeting.~~

Commented [2]: will be handled by above section, lead by the mayor

Prior to the end of the calendar year, the city council shall develop and submit to the mayor, budgetary priorities that take into consideration the council goals created pursuant to Section __, with input from the city manager and the community. There shall be broad public engagement in diverse formats with opportunities for the public to provide input, including at least one public hearing. ~~The budget developed by the city manager will outline how the proposed budget is consistent with the council's budgetary priorities.~~

Commented [3]: timing?

Deleted: publish

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least 30 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from

Commented [4]: State Law dictates 170 days after organization of the city, which is roughly June 20th or 10 days before the beginning of the fiscal year

the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable; provided, however, that the budget for elected officials shall identify the cost of compensation and the cost of benefits for those officials. The school budget, as adopted by the school committee shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

Commented [5]: Confirm with current practice?

SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing - The city council shall publish in at least 1 local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place when a public hearing on the proposed operating budget will be held by the city council, not less than 14 days after publication of the notice.

Commented [6]: website

(b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease amounts except expenditures required by law; provided, however, that except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the General Laws. If the city council fails to take action on an item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

Commented [7]: confirm with current practice? I assume not

(c) Availability of the Operating Budget – In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor shall cause the entire budget document to be posted on the city's website. Said proposed budget document shall remain posted during the city council review process contained in this article. After the enactment of the budget, it shall be posted on the city's website and shall remain there throughout the fiscal year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor and shall indicate that it is the final budget of the city.

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

(a) Submission - The mayor shall submit a capital improvement program to the city council at least 60 days before the start of each fiscal year. The capital improvement program shall include:

Commented [8]: current practice?

- (1) a general summary of its contents;
 - (2) a list of all capital improvements proposed to be undertaken during the next 5 years, with supporting information as to the need for each capital improvement;
 - (3) cost estimates, methods of financing and recommended time schedules for each improvement;
- and
- (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public Hearing - The city council shall publish in at least 1 newspaper of general circulation in the city a notice stating: (i) the times and places where entire copies of the capital improvements program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than 14 days after publication of the notice.

Commented [9]: update

(c) Adoption - At any time after the public hearing but before the last day of the last month of the current fiscal year, the city council shall by resolution adopt the capital improvements program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvements program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

SECTION 6-6: INDEPENDENT AUDIT

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the city council. The award of a contract to audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award. At least every 5 years, the city council shall conduct a competitive procurement process to retain these auditing services.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

Except as otherwise provided by law, no official of the city of Somerville shall knowingly or intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in

accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

