



CHARTER REVIEW COMMITTEE

COMMITTEE MEETING

~ AGENDA ~

Tuesday, October 25, 2022

5:30 PM

Remote Meeting

The Charter Review Committee will hold a public meeting to discuss matters related to the Charter Review Committee. Detailed agenda included.

Agenda for Charter Review Committee Meeting on October 25, 2022.

A communication was received from the Charter Review Committee, transmitting agenda, minutes, and communications.



City of Cambridge

(ID # 17206)
IN CITY COUNCIL
October 25, 2022

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

**October 25, 2022 @ 5:30 p.m.
REMOTE ONLY – VIA ZOOM**

Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this meeting will be REMOTE ONLY via ZOOM.

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

AGENDA

- I. Roll Call
- II. Introduction by Chair, Kathy Born
- III. Adoption of Meeting Minutes from meeting of September 29, 2022
- IV. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - Communications from the Public
- V. Discussion of Collins Center Memo
 - Noting especially questions 1 and 4
 - In considering your thoughts, it may be helpful to review the language of Cambridge's current charter - <https://www.cambridgema.gov/publications/documents/p/planecharter>
 - Committee members should prepare to speak for up to three minutes on their ideas for the Committee to consider. These can be general ideas for the Committee to consider or specific topics you'd like to discuss. The Collins Center Memo may help frame your thoughts, but feel free to bring in your own ideas as well. The idea of this portion is to present ideas for further consideration. The Collins Center will use the information we talk about here to plan subsequent meeting topics. This portion of the meeting will be a continuation of the last several minutes of last meeting. We heard from several Committee members about their ideas for charter reform and their concerns with City structures and we would like to continue to hear from everyone.
- VI. Public Comment
 - Members of the public are invited to bring their own ideas based on the Collins Center prompts for consideration by the Committee and the Collins Center.
- VII. Conclusion of Meeting



City of Cambridge

(ID # 17204)
IN CITY COUNCIL
October 25, 2022

Agenda Items – Tuesday, October 25, 2022

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DRAFT**MINUTES OF THE CHARTER REVIEW COMMITTEE****Thursday, September 29, 2022**

The Cambridge Charter Review Committee held a meeting on Thursday, September 29, 2022. The meeting was called to order at approximately 5:38 p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was remote via zoom.

At the request of the Chair, the Clerk called the roll.

Kaleb Abebe - Present
 Jessica Dejesus Acevedo - Present
 Mosammat Faria Afreen - Absent
 Nikolas Bowie - Absent
 Kevin Chen - Present
 Max Clermont - Present
 Jennifer Gilbert – Present (joined shortly after roll call at approximately 6:00pm)
 Kai Long – Present
 Patrick Magee – Present
 Mina Makarious - Present
 Lisa Peterson - Present
 Ellen Shachter - Present
 Susan Shell - Absent
 Jim Stockard - Absent
 Chair, Kathleen Born - Present

11 members recorded as present. Four members recorded as absent.

The Chair recognized Member Ellen Shachter who made a motion to accept the minutes from the meeting held on September 13, 2022. The motion was seconded by Member Patrick Magee.

At the request of the Chair, the Clerk called the roll.

Kaleb Abebe - Yes
 Jessica Dejesus Acevedo - Yes
 Mosammat Faria Afreen - Absent
 Nikolas Bowie - Absent
 Kevin Chen - Yes
 Max Clermont - Yes
 Jennifer Gilbert - Absent
 Kai Long – Yes
 Patrick Magee – Yes
 Mina Makarious - Yes
 Lisa Peterson - Yes
 Ellen Shachter - Yes
 Susan Shell - Absent

Jim Stockard - Absent

Chair, Kathleen Born – Yes

The vote was 10 – Yes, and 5-Absent. The motion to accept the minutes from the meeting held on September 13, 2022, passed.

The Chair gave an overview of her idea for the forming of subcommittees. The two subcommittees described were for “Agenda Setting” and “Drafting/Writing”. The Chair clarified her goals for the subcommittees and took a question from Member Ellen Shachter regarding the details of subcommittees. Libby Corbo of the Collins Center answered some questions from the Chair on their role in drafting language. Member Mina Makarious directed several questions to the City Solicitor’s office regarding how subcommittee work relates to open meeting law. Elliot Veloso of the City Solicitor’s office indicated that their office had concerns about the role subcommittees could play. The Chair asked Libby Corbo how other cities across Massachusetts worked within subcommittees and broadly the role that other city law departments played within a review process. Libby Corbo indicated that they typically do not have much interaction with city law departments at all during their work, but said that she had spoken on the phone with City Solicitor Nancy Glowa who said that the City Solicitor’s Office should be involved throughout the process. Member Lisa Peterson asked the Chair for further clarification regarding the relationship between the Collins Center and the Drafting Subcommittee. Elliot Veloso further stated his concern about the adherence to open meeting law and questioned whether the subcommittees, as currently understood, would be feasible under the law. The Chair and Elliot Veloso began an extended conversation about open meeting law and subcommittee work. Lisa Peterson asked Elliot Veloso about forming less formal, non-decision making, subcommittee groups to assist in scheduling and agenda-setting. Elliot Veloso indicated his skepticism in the ability of the Committee to work in subcommittees without breaking the open meeting law. Elliot Veloso then began reciting the open meeting law briefing materials from the Massachusetts Attorney General’s website.

The Chair recognized a comment from a member of the public commenting on the subcommittee work. Member Jennifer Gilbert asked about other ways to overcome the logistical challenges of planning for meetings. Member Max Clermont asked about simply expanding the current planning process to make the subcommittee less formal. Elliot Veloso again recited from the Attorney General’s guidance on open meeting law. Member Kai Long indicated her concern about City support for the Committee if it would be able to live up to the City Solicitor’s expectations under the law. Other members indicated agreement with the pressures of adhering to open meeting law without communicating outside of meeting times. Elliot Veloso indicated the law department would need to look into the issue further. Committee staff, Patrick Hayes, indicated that the Committee should move onto other business because of time restraints. The Chair indicated that she preferred to come to a conclusion on the issue of subcommittee work. Libby Corbo suggested that the discussion continue between the Chair, the law department, and the Collins Center after the meeting, as the Committee is limited by time restraints. The Chair asked the law department whether she could call a vote to form a subcommittee to begin agenda-setting. Elliot Veloso indicated there were still concerns about open meeting law. The discussion continued until approximately 6:45pm.

The Chair recognized Member Patrick Magee who made a motion to enter into the public record the email communications from the Chair to the entire Committee from September 22, 2022 and September 29, 2022. The motion was seconded by Member Kevin Chen.

At the request of the Chair, the Clerk called the roll.

Kaleb Abebe - Yes
 Jessica Dejesus Acevedo - Yes
 Mosammat Faria Afreen - Absent
 Nikolas Bowie - Absent
 Kevin Chen - Yes
 Max Clermont - Yes
 Jennifer Gilbert - Yes
 Kai Long – Yes
 Patrick Magee – Yes
 Mina Makarious - Yes
 Lisa Peterson - Yes
 Ellen Shachter - Yes
 Susan Shell - Absent
 Jim Stockard - Absent
 Chair, Kathleen Born – Yes

The vote was 11 – Yes, and 4-Absent. The motion to accept two email communications from the Chair to the Committee, passed. The two email communications are attached to these minutes.

The Chair recognized several comments from the public on the open meeting law and subcommittee discussion. The Chair introduced a memo from the Collins Center with discussion questions. A copy of the memo is attached to these minutes. The Chair recognized Member Max Clermont who brought up a discussion of how to engage with public discussion going forward. The Chair described in detail her ideas for public input and recognized several Members for their ideas as well. Members Chen, Long, Clermont, Gilbert, Acevedo, Abebe, Magee, and Peterson indicated their thoughts on public engagement.

Members Peterson and Long, and the Chair indicated their further frustrations with the law department’s opinion on the Committee’s agenda-setting ability. Elliot Veloso again warned members about discussing any matters of substance outside of formal meetings. The Chair noted that she had a discussion with the City Manager about providing further staff options to assist the Committee with its work. Elliot Veloso again recited directly from the Attorney General’s website to assist the Committee in understanding open meeting law and their limitations.

The Chair recognized Libby Corbo to discuss the Collins Center’s role in agenda setting and the broad timeline of their work. Members Abebe, Shachter, and Makarious added their thoughts on the timeline of the work.

Chair Born called for public comment at 7:15pm. Two members of the public announced themselves to speak, John Hawkinson and Jameson Quinn. John Hawkinson made a comment about public comment generally and a comment on the drafting subcommittee. Jameson Quinn

asked about commenting in the Q&A zoom function and thanked the Committee for their discussions.

The Chair indicated at 7:20pm that they should begin discussing the Collins Center memo with discussion topics. Noting the time, Libby Corbo indicated that given the time it might be pertinent to hear from Committee members. Kai Long talked about the ability of the City to be responsive to the needs of the community. Mina Makarious talked about which City services can be addressed by the Charter and which services are outside of the Charter recommendations. Ellen Shachter spoke about how short terms for City Councillors can hamper the responsiveness of elected officials. Lisa Peterson spoke about language barriers for folks in the City and reiterated Ellen Shachter's thoughts on term length for elected officials. Jessica Acevedo spoke about working to commit as a City to business owners who are people of color and providing more opportunities for people of color to become business stakeholders in Cambridge. Patrick Magee brought up the pros and cons on geographical representation and at-large, elected officials. Libby Corbo talked about how all these different issues have solutions that can be found in the Charter review process.

The Chair recognized Member Lisa Peterson who made a motion to adjourn the meeting at 7:30pm. The motion was seconded by Member Ellen Shachter.

At the request of the Chair, the Clerk called the roll.

Kaleb Abebe - Yes

Jessica Dejesus Acevedo - Yes

Mosammat Faria Afreen - Absent

Nikolas Bowie - Absent

Kevin Chen - Yes

Max Clermont - Yes

Jennifer Gilbert - Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious - Yes

Lisa Peterson - Yes

Ellen Shachter - Yes

Susan Shell - Absent

Jim Stockard - Absent

Chair, Kathleen Born – Yes

The vote was 11 – Yes, and 4-Absent. The motion to adjourn passed.

Chair Born announced that the next meeting would be on Tuesday, October 11, 2022, at 5:30 p.m. and it would be via zoom.

There being no further business before the Committee, the Chair adjourned the meeting at 7:32 p.m.

Attachments: Communications to the Committee (not discussed)

Communications to the Committee from the Chair

Collins Center Memo – September 29, 2022

Hayes, Patrick

Subject: Memo - Communication from CRC Chair Kathy Born to City Solicitor

From: Kathleen Born <kathyborn@gmail.com>

Subject: Charter Review Committee - Working Groups

Date: October 4, 2022 at 2:41:17 PM EDT

To: Nancy Glowa <nglowa@cambridgema.gov>

Cc: "Veloso, Elliott" <eveloso@cambridgema.gov>, "Bayer, Megan" <mbayer@cambridgema.gov>

Nancy Glowa
City Solicitor

Dear Nancy,

Before moving forward with planning the agenda for the 10/11/22 meeting of the Cambridge Charter Review Committee, I wanted to be clear where the Law Department has landed on the matter of whether any of our 15 members can confer in small working/ planning groups (no more than 4 people) for purposes such as planning agendas for future meetings, drafting preliminary changes to various parts of the Charter for the purpose of subsequent discussion in full committee, or planning public outreach methods and venues. It is understood that no votes would be taken in these groups, nor would they be referred to as "sub-committees." It is also understood that this Committee as a whole is purely advisory to the full City Council.

After our last meeting and the discussion on the matter of sub-committees and working groups with City Attorney Veloso present and commenting, I posed the issue to the Attorney General's Division of Open Government. They responded by referring to several past decisions from their office, amongst them the following (underlining mine):

"This month we offer guidance on the creation of subcommittees under the Open Meeting Law, and permissible communications among members that constitute less than a quorum of a public body. We recognize that public body members want to conduct business efficiently and effectively. However, public body members must exercise caution when communicating and carrying out the public body's responsibilities outside of a properly posted meeting. The Open Meeting Law prohibits deliberation outside of a posted meeting. "Deliberation" is communication *among a quorum* on a matter within the public body's jurisdiction. Because the Open Meeting Law focuses on communications among a quorum, there is no prohibition on communications outside of a meeting that do not involve or reach a quorum of members—as long as the members are not also a quorum of a subcommittee. Therefore, it is important to understand whether members of a public body may constitute a designated subcommittee."

Thus I am assuming, going forward, that conversations (teleconferences, Zoom meetings, and telephone conversations) between small groups (2-4 people) of the 15 member Charter Review Committee for various purposes including planning agendas and drafting charter components for further discussion by the whole Committee are indeed in compliance with the Open Meeting Law, provided that these groups are not referred to as "sub-committees". Please advise me if I am mistaken.

Regards,

Kathleen L. Born
Chair
Cambridge Charter Review Committee

Attachment: Charter Review Committee Meeting Materials 102522 (17204 : Charter Review Committee Agenda and Other Materials)

From: [Susan Shell](#)
To: [Cambridge Charter Review Committee](#)
Cc: [Hayes, Patrick](#); [Kathleen Born](#); [Susan Shell](#)
Subject: Meeting Materials for 9/29/22
Date: Tuesday, September 27, 2022 3:33:10 PM

To: Members of the Charter Review Committee
From: Susan Shell
Date: Sept. 27, 2022

Since I am unable to attend Thursday's meeting, I am sending along comments in advance, in response to Kathy's request that we be prepared at the upcoming meeting to discuss the issues we consider most important.

I assume that our main function as a charter review committee is to consider the overall structure of government in Cambridge and whether it is serving the current and longer - term interests of the city and its residents.

A city is not a supermarket; and though it must strive to meet the individual needs and be responsive to the individual preferences and values of its residents, it is also a civic body with a collective identity and interest over time. (We are not just consumers of city services but fellow citizens.)

That collective good is arguably best served when competing goals and values are weighed and balanced thoughtfully, and with a view to unavoidable trade-offs and the possibility of unanticipated consequences.

One way to achieve this is through public deliberation, in which arguments are presented from a number of sides, with a view not just to "winning" but in order to arrive at a better shared understanding of the collective interest and how to further it.

In lieu of such opportunities, honest differences of opinion are likely to degenerate into polarizing conflicts, with sub-optimal results from the standpoint of the common good.

I am not sure whether or not the current charter facilitates such constructive deliberation and weighing of priorities with a view to the short- and long-term interests of the city, or if modifications in the current structure would enable it to do so more effectively.

Specifically: Do current City Council election arrangements encourage such deliberation, or might they be improved – e.g., by the re-introduction of partial neighborhood representation, changes in the method of voting tabulation, different rules governing information provided to the public about candidates, etc.?

Additionally: Is too much currently expected of the City Manager by way of setting these priorities and/or might there be ways of easing his/her/their burden?

One way of addressing such questions is a mayoral system, in which candidates for office set out their priorities publicly in advance, and where voters have a chance to witness and participate in open debate. Are there ways we might incorporate some of the advantages of that system within a Council/City Manager structure? Or are things fine as is?

I have no particular take on these questions, but think it would be useful to address them.

Best,

Susan

To the members of the Cambridge Charter Review Committee,

I write to you before tonight's charter review committee hearing to ask that members consider looking into the feasibility of holding municipal elections on even numbered years in the hope of attracting more voter turnout.

In the last Cambridge municipal election ([Nov. 2021](#)), only 33% of registered voters turned out to the polls. This translates to 22,079 votes, which is up from 21,239 in the [2019 municipal election](#). Compare that to the [65.6% voter turnout](#) for the 2018 state election, and you will see the large disparity in turnout between even and odd numbered years.

An article in [The Urbanist](#) shows that odd-year elections tend to overrepresent a smaller segment of the voting bloc that is more heavily concentrated in wealthier areas. Even-year elections, on the other hand, have higher turnout that is more representative sample of the entire community.

Thanks,
Burhan

Burhan Azeem
City Councillor, Cambridge MA
617-349-4280 (office)
617-798-1140 (cell)



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Framework for Beginning Charter Review Discussions

Undertaking a review of the City's charter is an opportunity to have a significant impact on the municipality for years or even decades to come. However, it is also an extraordinarily challenging endeavor – statutorily, logistically, and politically. It can be difficult to know where to begin. This document provides several topic areas for consideration as you begin the process of charter review.

Before beginning, it may be helpful to conceptualize the charter as a foundational or structural document for City government operations. Charters do not typically address specific issues within the community, such as lack of affordable housing, but can address broader topics, such as strengthening related departments and committees. Charters can also create committees to study specific issues, identify solutions and recommend possible ways to address issues (something a charter committee does not typically have the time / capacity to achieve during its review).

One overarching question to use as a starting point: ***What are the systemic problems you are hoping to solve and/or the long-term threats that you are hoping to avoid?*** Note that this does not mean looking at short-term challenges. This means looking at major systemic or structural problems – issues that occur year after year, that affect government functions, or that are the result of fundamental problems of organization.

Another way to begin is to break potential issues with the charter into categories. Below are six questions to consider, each of which focuses on a different set of reasons to consider revising a charter:

1. ***Is the government responsive to the needs and preferences of the current population?***
2. ***Does the charter include a current understanding of best practices?***
3. ***Has the charter been kept consistent with changes in state or federal laws?***
4. ***Has the charter been kept consistent with changes in values or cultural changes?***
5. ***Is there any text in the charter that has caused confusion or dispute over interpretation?***
6. ***Have Special Acts enacted over the years been reviewed for current validity?***
7. ***Are there innovative charter provisions in other communities that you would like to see incorporated into Cambridge?***

For the upcoming meeting, please pick one question (or more) and write down your thoughts in relation to the Cambridge charter review process. It will help focus and guide our discussion. We look forward to hearing your thoughts!