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March 17, 2025

Cambridge City Council
Cambridge City Hall
795 Massachusetts Ave., 2nd Floor
Cambridge, MA 02139

Re: City Charter – Update Regarding Alternative Mayoral Selection Proposals and Other Updates

To the Honorable, the City Council:

After the January 27, 2025, Special Meeting of the City Council, Councillor Sobrinho-Wheeler prepared alternative options for the selection of the mayor and requested input and feedback from the Law Department and Election Commission staff. Law Department and Election Commission staff reviewed the options Councillor Sobrinho-Wheeler prepared and provided feedback in a memorandum presented during the City Council's Special Committee of the Whole meeting on February 13, 2025. At this meeting, the City Council voted that the City Manager direct the Election Commission and Law Department to work with the City Council to draft via ordinance a process for the selection of a Mayor based on ranked choice voting and to clarify language to permit this in the Charter. Language was drafted into the proposed charter that would allow the City Council to set an alternative method of choosing the mayor via ordinance or city council rules.

This language, and other sections of the draft charter pertaining to elections, were provided to the Elections Division of the Secretary of State's Office for review and to determine whether their office or the state legislature would have any issues or concerns with the proposed language. **After review, the Elections Division advised that they anticipated that the state legislature would likely reject the current proposed charter language regarding setting an alternative method for choosing the mayor via ordinance or city council rules.** The Election Division advised that alternative mayoral selection processes determined at a later date via ordinance or city council rule would likely not pass muster. **The Elections Division advised that if an alternative selection method was to be proposed, the state legislature would require specific language and procedures within the proposed revised charter language itself.** The Elections Division advised that if specific language was to be drafted into the proposed revised charter, there would need to be specifics regarding processes, parameters, and

logistics. The Elections Division also advised that before approving of a method they would want to know that Election Commission staff had studied the method and ensured the Election Commission technology would be able to work with that method.

In light of the Elections Division's guidance, the following has been prepared to update the City Council regarding what options are available regarding the mayoral selection process among elected city councillors. We reiterate from our last memo that some of the options presented here have not been fully studied, and that their feasibility or impact on voter behavior has also not been fully studied. The options have been designed, however, to attempt to address the concerns raised by the Elections Division. Additional studies and testing may reveal further issues that could not have been anticipated. The Election Commission and the state Elections Division have also not had the opportunity to review the proposals and provide input, depending on the direction the City Council wishes to proceed with on this issue.

Option #1 – Keep Existing Mayor Selection Process

Under the City's current Plan E charter, "the city council shall, by a majority vote of all the members elected, elect a mayor and vice chairman from its own members and the persons elected..." As this is the current method by which the mayor is selected, continuing this system under the proposed updated charter would yield no objections from either the Elections Division or the state legislature. Thus, keeping the current system would most likely pass review by the state legislature and the Elections Division when the home rule petition with the approved proposed charter is presented.

Option #2 – Change Mayoral Selection Process Through Separate Special Legislation

City councillors inquired whether, under the current system, the City Council could, via majority vote, decide that the mayor shall be selected by an alternative means, such as re-running the proportional representation city council election ballots for one seat instead of nine seats, drawing straws, or even by random. After review and discussion with the Elections Division, it is unlikely that such a proposal would pass muster. The language of the charter establishes that the selection of the mayor and vice mayor is only through a majority vote "of all the members elected..." If the charter allowed for the councillors to vote for an alternative selection process, it would have been provided for under state law. The lack of such language suggests that such alternative selection processes were not envisioned under state law for plan forms of government. This interpretation is shared by the Elections Division, which did not believe that the City Council simply taking a vote on an alternative process would be deemed sufficient.

Therefore, if the City Council wishes to establish a new process for selecting the mayor, it would have to be put in writing in the charter language. As previously noted, however, the City has never previously elected a mayor before in a ranked choice election, and there are concerns regarding potential impacts on City voter behavior, election equipment capability, and feasibility. As such, under Option #2, the City Council could pursue an alternative mayoral selection process through separate special legislation at a later time. The current majority vote mayoral selection

process would be brought forward with the current proposed charter language to the state legislature for approval by the state legislature, while the alternative mayoral selection process could be sent to the Government Operations Committee, or another committee, for further study. This would provide opportunity and time for the Election Commission to study the options available and test the City's voting equipment with the City's vendors, election experts, and state officials to determine feasibility and impacts. Once approved, the City Council would then send a separate home rule petition to the state legislature to amend the City's charter to allow for the new system. Note that pursuing this process would require another ballot question to approve the change to the charter during a municipal election.

Option #3 – Draft New Language in Current Proposed Draft

If the City Council wishes to proceed with drafting new language with a specific process for alternative selection of the mayor among the elected members of the City Council, decisions will need to be made regarding how the process would be structured. The following are questions the City Council would need to decide to draft such a process. Please note that it is unclear whether such a system can be tested prior to submitting the proposed revised charter to the state legislature, so feasibility and impact may be unknown when the state legislature conducts its review. The guidance presented is our best effort at this time to propose a system that could be workable given the constraints that are currently known.

A. Starting Point: Proportional Representation/At Large Elections/Initial Councillor Eligibility

The City Council has made clear in prior Committee of the Whole meeting votes of its intention for the City to continue using proportional representation for all City Council and School Committee races, and that all such races will continue to be at-large. Furthermore, the mayor and vice-mayor are still to be selected from amongst those elected to the City Council for that term.

Thus, if the City Council is to pursue putting an alternative mayoral selection process in the proposed charter language, it should be based on a continuation of the City's at-large, ranked choice system, with a hard requirement that only the elected councillors for that term are qualified to be either mayor or vice mayor.

B. Incumbency Requirement

Using this as a starting point, the City Council will first need to decide whether an elected city councilor must have previously served on City Council to be mayor. If there is an incumbency requirement, the City Council will also need to decide what it will entail. For instance, will councilors need only to have served one prior term on the City Council to be able to run for mayor? Two terms? If two or more terms are required, do those prior terms need to be consecutive? Do they have to be a current incumbent, or could they have served on the City Council years ago?

As noted in prior guidance, having an incumbency requirement could have potential impacts on voter behavior depending on whether separate ballots are used for mayor and council races or not. If a voter wants to vote for only non-incumbents, then they will have no say in voting for who will be mayor. Also, note that no other elected office in the City has ever had such an incumbency prerequisite, which could potentially discourage new candidates from running for office.

C. Term Limits

The next question the City Council would need to decide is whether the mayor and vice mayor will have term limits. If there are term limits, the City Council will also need to decide what such limits will entail. Two terms only? Two consecutive terms only? Will there be a maximum number of terms as mayor permitted for a single councillor? For example, if it is a maximum of two terms only, a councillor would not be permitted to ever serve as mayor again, even if they continued to be elected to the City Council.

D. Implications of Being Unable to Meet Eligibility Requirements

If the City Council decides to have eligibility requirements for elected councillors to become mayor, it will also need to determine what happens in the event that no one wins the City Council race who meets the eligibility requirements necessary to be mayor. For example, there could be circumstances where no incumbents win the election, or the only incumbent who wins has already served two terms and is disqualified. How will the City Council select a mayor or vice mayor in such circumstances?

E. Determining Candidate Interest/Separate Nomination Paper Requirement

As only elected councillors would be able to serve as mayor, there must be a process where candidates make clear at the start whether they are interested in running for mayor or not. This would enable uninterested candidates to be removed from consideration from the start. If the City Council also sets eligibility requirements, it would also allow the Election Commission to disqualify candidates from the start who do not meet those standards.

The City Council would also need to determine whether to require candidates interested in serving as mayor to submit additional nomination papers to be on the ballot, and if so, what the qualifying voter signature threshold would be.

F. Vice Mayor

The next question the City Council would need to decide is how the vice mayor would be selected amongst the elected councillors. Would the same process as before be kept, where the elected councillors by majority vote select amongst themselves who will be vice mayor? Would the selected mayor choose from amongst the councillors who will serve as vice mayor? Would it be the next person who qualifies via ranked choice count (assuming such a process is possible)? Again, would the Vice Mayor position have the same term limits as the mayor if established? (E.g. two terms max?)

G. Vacancy

The City Council would need to decide how to deal with mayor or vice mayor vacancies. Under the current charter, “If the office of mayor or vice-chairman becomes vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term; provided, that no such vacancy shall be filled so long as there is any vacancy in the council.” Does the City Council wish to preserve this system? If not, what would be the alternative method? Would you recount the results of the election removing the candidate to see how the votes are distributed again (assuming such a process is possible)? Does the vice mayor become mayor and a new vice mayor is selected?

H. Separate Ballot

In light of all these potential decision points and given previously raised concerns regarding potential impacts to voter behavior, we have reservations regarding any alternative mayoral selection process employing a rerunning of the city council election results for one seat instead of nine. As previously noted in the February 11, 2025 memo, having a candidate’s proportional representation vote rank determine their eligibility for mayor could significantly alter a voter’s decision making process regarding how to rank their vote, disfavoring candidates they would have otherwise supported. For example, a voter could support a candidate for city council but not for mayor, and as a result does not rank the candidate high to prevent them from becoming mayor. Incumbent eligibility requirements could result in further impacts to voter behavior, as voters who may want to only vote for non-incumbents would have no say in voting for who will be mayor.

Given all these issues, we currently view the only way such an alternative mayoral selection process to be feasible is if the race is put on its own separate ballot if eligibility requirements are to be set. This would allow candidates to be weeded out from the race depending on eligibility requirements and whether they are interested in the position. It would allow voters to rank without fear of having to adjust their choices on the City Council as a whole race. Please note that having a third separate ballot could have other impacts on voting, such as longer wait times at polling locations and lines at voting machines due to the additional time necessary to process. Additionally, if there are ballot questions, polling locations could potentially be processing four or more multi-page ballots for each voter. Additional ballots may require the City to purchase new tabulators with higher processing speeds or extra tabulators to handle the volume. Requiring multiple ballots could also have additional impacts on absentee voting and early voting by mail, as all the multi-page ballots would have to be mailed to the voter along with instructions, voter certifications, and return envelopes.

I. Extended Time to Determine Mayor

It should also be recognized that another impact of this process would be that identifying who the mayor would be after an election will take an extended period of time. While preliminary results of a municipal election can be provided on election night, this does not account for Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) ballots, absentee

and mail in ballots received on election day, provisional ballots, and other similar ballots that must be counted post-election day. Until the results of the City Council election are finalized, it will not be possible to determine the mayor race until well past the election.

Other Outstanding Charter Issues

Along with this letter, the Law Department is submitting a revised, redlined version of the draft charter. The revised version reflects: 1) the votes the Special Committee of the Whole took on February 24, 2025; 2) further changes the Law Department and Election Commission staff made to the Elections section of the draft charter, which include changes as a result of discussion with the Board of Election Commissioners; 3) further changes advised by the Secretary of State's Elections Division; and 4) a few other points that we note for the Council's consideration.

After the Law Department has received the Council's input on the few remaining items, the Law Department will prepare the draft charter in a form that can be submitted to the Legislature as a Home Rule Petition.

Very Truly Yours,



Megan B. Bayer
City Solicitor

~~SAMPLE DRAFT~~
**COUNCIL-MANAGER FORM CHARTER
CITY OF CAMBRIDGE**

For purposes of City Council review, the Charter Review Committee's recommendations and the Collins Center's sample text are accepted as is, with subsequent City Council directed edits and revisions in redline format. As such, black, bold, greyscale, and italics typeface distinctions are not used in this draft for ease of reference.

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ARTICLE 1: INCORPORATION; SHORT TITLE; ETC.

SECTION 1-1: INCORPORATION

The inhabitants of Cambridge, Massachusetts, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name “City of Cambridge”.

Commented [A2]: State reference added to make clear that City is part of Commonwealth for incorporation purposes.

SECTION 1-2: SHORT TITLE

This document shall be known and may be cited as the “Cambridge Charter.”

SECTION 1-3: DIVISION OF POWERS

All legislative powers of the city shall be vested in a city council. The administration of all city fiscal, prudential, and municipal affairs shall be vested in an executive branch headed by a city manager appointed by the city council.

SECTION 1-4: POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the Massachusetts constitution or General Laws, it is the intention and the purpose of the voters of Cambridge, through the adoption of this charter, to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each power were specifically and individually enumerated in this charter.

SECTION 1-5: CONSTRUCTION

The powers of Cambridge under this charter are to be construed liberally in favor of the city, and the specific mention of any particular power is not intended to limit the general powers of the city as stated in the Cambridge Charter. ~~All prior home rule petitions and special acts or general laws adopted by the city legislation shall be read harmoniously with the Cambridge Charter to have full force and effect.~~ To the extent that any provision of this charter shall conflict with any special act or general law adopted by the city, the provision of this charter shall prevail.

Commented [A3]: Law Dept recommends adding this language to avoid a situation where prior home rule petitions and special legislation are invalidated if they refer to sections in prior Charter that do not exist in new charter.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Cambridge may exercise any of its powers or perform any of its functions, and may participate in their financing, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political subdivision of the Commonwealth, or with the United States government or any of its agencies. The City Council shall in the performance of their duties consider intergovernmental and regional relations.

SECTION 1-7: DEFINITIONS

The following words and phrases as used in this charter shall, unless the context requires otherwise, have the following meanings. ~~{to be filled in}~~

Commented [A4]: Definitions will be added as sections are further revised, specifically Elections. Will standardize bulleting and formatting throughout document to make consistent. Typos will also be corrected.

(a) Charter – The word “charter” or “Charter” shall mean the Cambridge Charter and any amendment to it hereafter adopted.

(b) City – The word “city” or “City” shall mean the City of Cambridge, Massachusetts.

(c) City Council – The word “City Council” or “Council” shall mean the City Council of the City of Cambridge, Massachusetts.

(d) School Committee – The words “School Committee” shall mean the School Committee of the City of Cambridge, Massachusetts.

(e) Commonwealth – The word “commonwealth” or “state” shall mean the Commonwealth of Massachusetts.

(f) County – The word “county” shall mean the County of Middlesex, Massachusetts.

(g) MGL – The word “MGL” shall mean the Massachusetts General Laws as amended. Whenever reference is made to the General Laws, this shall mean the Massachusetts General Laws and shall be cited as MGL.

(h) ~~(a) Board of Election Commissioners~~ ~~– Election Commission~~ – The words “Board of Election Commissioners” and “Election Commission” shall mean the Board of Election Commissioners of the City of Cambridge.

(i) Election Commission – The words “Election Commission” shall mean the Elections Department for the City of Cambridge.

(g) ~~“Proportional representation”, any proportional representation method of election authorized by chapter fifty four A of the General Laws.~~

(h) ~~“Regular municipal election”, the biennial election held for electing officers of the city as provided in this act.~~

ARTICLE 2: LEGISLATIVE BRANCH

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

(a) Composition - There shall be a city council of nine members nominated and elected by the municipal voters at large by proportional representation as provided in Article 7. The city council shall exercise the legislative powers of the city.

(b) Term of Office - City councillors shall be elected for terms of two years each beginning on the first Monday of January in the year following their election, except when that first Monday falls on a legal holiday, then the term shall begin on the following day, and until successors have been qualified.

(c) Eligibility - Any registered municipal voter over the age of 18 shall be eligible to hold the office of councillor. If a councillor moves from the city during the councillor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-14. ~~The city council shall determine whether a councillor has moved from the city or is otherwise qualified to hold office.~~

SECTION 2-2: GENERAL POWERS

Except as otherwise provided by law or by this charter, all powers of the city shall be vested in the city council that shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

SECTION 2-3: ~~PRESIDENT/CHAIR/MAYOR AND VICE PRESIDENT/VICE CHAIR/VICE MAYOR, ELECTION; TERM; POWERS~~

(a) Election and Term - As soon as practical after the councillors-elect have been qualified following each regular city election, as provided in Article 7, the members of the city council shall elect from among its members a ~~president/chair/mayor and vice president/vice chair/vice mayor, who shall serve for a 2-year term. The city council may establish an alternative method to select a mayor from amongst the elected members. The method of election of the president/chair and vice president/vice chair shall be 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~~ mayor.

(b) Powers and Duties - The following shall be the powers and duties of the ~~council president/chair~~ mayor:

- i. Head of the city - The ~~council president/chair~~ mayor shall be recognized as the official head of the city for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process ~~to the extent applicable by law.~~
- ii. Presiding officer of the city council - The ~~council president/chair~~ mayor shall be the presiding officer of the city council. The ~~council president/chair~~ mayor shall have no power of veto but shall have the same powers as any other member of the city council to vote upon all measures before it.
- iii. Appointment of committees - The ~~council president/chair~~ mayor shall appoint members of, and oversee, all committees of the council, whether standing or ad hoc.

~~Goal Setting - The council president/chair/mayor shall coordinate, with the council, the development and prioritization of both short and long term council goals to support a strategic vision for the city, as provided for in section 2-11 at the beginning of each council term.~~

~~iv-iii.~~ State of the Ceity - The ~~council president/chair~~ mayor shall at least once per term annually, together with the city manager, address the city council, school committee, officers of the city and the public on the state of affairs of the city.

v. Other duties - The ~~council president/chair~~ mayor shall perform such other duties consistent with the office ~~and with MGL c. 43, §§ 93 through 116, inclusive, as may be imposed upon them by the as may be provided by charter, by ordinance, or by vote of the city council.~~

iv.

Commented [A5]: Law Dept previously recommended that this be changed to say the Election Commission because the Election Commission determines whether someone is a registered voter. However, we have revised this to go back to the original language because we received guidance from the Secretary of State's Office, Elections Division that this should actually be the City Council because it the Council should determine if one of its members is or is not qualified to hold office.

Commented [A6]: The Charter Review Committee draft allowed for three potential terms depending on City Council wishes. Positions in draft revisions have defaulted to "mayor" and "vice-mayor" based on prior charter, but can be further revised based on what the City Council wishes the position be identified as.

Commented [A7R6]: Title of positions shall remain "mayor" and "vice-mayor" per City Council 2/24/25 vote.

Commented [A8]: Language added per City Council 2/14/25.

Commented [A9R8]: The Elections Division of Secretary of State's Office has advised that any alternative method of selecting the mayor among the councillors elected must be written out in the charter itself, and cannot be formalized via ordinance or City Council rule. Please refer to Law Department 3/17/25 memo for guidance regarding potential City Council approaches.

Commented [A10]: Certain laws do not recognize service of lawsuits to the mayor. Language added to protect City in event of improper service to mayor so that charter does not establish additional rights a complainant would not be entitled to.

Commented [A11]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council's own legislative and rule making authority.

Commented [A12]: Revised so that State of the City address shall be once per term instead of annually, per City Council 2/24/25 vote.

Commented [A13]: Language revised to reflect additional mayoral powers delineated under state law, which mirrors the City's current charter.

~~vi.v.~~ Member of the school committee - The council president/chair/mayor shall serve as a member of the school committee and shall update the council regularly on school committee matters.

- (c) Temporary absence - During a temporary absence of the president/chair/mayor, the duties of president/chair/mayor shall be performed by the vice president/vice mayor/chair. If there shall be neither a president/chair/mayor nor a vice mayor/president/vice chair, the member of the city council senior in length of consecutive service shall perform the duties of president/chair/mayor until there is no longer an absence.
- (d) Permanent Vacancy - If there is a permanent vacancy in the office of president/chair/mayor or vice mayor/president/vice chair, the city council shall elect by majority vote one of its members to fill such office for the unexpired term. The member of the city council senior in length of consecutive service shall perform the duties of president/chair/mayor or vice mayor until members elect a new president/chair/mayor or vice mayor.

Commented [A14]: Note that electing the mayor could affect these procedures.

SECTION 2-4: PROHIBITIONS

Except as otherwise provided by the charter and 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 one (1) year following the date on which the former member's service on the city council has terminated unless such appointment is affirmed by six (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 2-5: COUNCIL SALARY; EXPENSES

- (a) Salary - The president/chair/mayor and the members of the city council shall receive for their services such salary as the city council shall determine by ordinance, and they shall receive no other compensation from the city. No increase or reduction in the salaries of city councillors 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.
- (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.

Commented [A15]: In several places this charter provides that salaries will be set by ordinance.

Commented [A16R15]: Language kept per City Council 2/24/25 vote.

SECTION 2-6: 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, City Council rules, 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.
- (c) Rules - ~~The r~~Rules for operation of the City Council shall be reviewed and adopted established by City Council towards at the beginning of every new City Council each term.

Commented [A17]: Current City Council rules state that "The rules of the City Council should be reviewed and provisionally adopted towards the beginning of every new City Council term. Recommend keeping conditional language so that City Council is not targeted by claim that they did not timely set rules at beginning of each term.

Commented [A18R17]: Language revised to be like the introduction of the current Rules of the City Council, Paragraph 1, Sentence 2: "The rules of the City Council should be reviewed and provisionally adopted towards the beginning of every new City Council term."

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

- (a) City Manager - The city council shall appoint a city manager as provided for in Section 3-1.
- (b) City Auditor - The city council, by the affirmative vote of a majority of members, shall appoint a city auditor for an indefinite term of office. The city auditor shall be appointed solely based on 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~~ departments. 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.

- (c) 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.~~

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

- ~~(e)~~ (e) Supervision, discipline, and removal of city council employees - The council president/chair/mayor shall be responsible for supervision of the City Clerk and the City Auditor ~~any employee appointed by city council, including the city auditor and clerk of the council.~~ The council president/chair/mayor shall be able to impose discipline up to and including an unpaid suspension of not more than five days. However, removing an employee appointed by city council shall require an affirmative vote of at least six (6) council members.

SECTION 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

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

- (b) Multiple-member bodies - The city manager shall refer to the city council and simultaneously file with the clerk the name of each person the city manager 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 city manager 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 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. This provision shall not apply to any multiple-member body whose appointment process is already set forth pursuant to state or federal law, home rule petition, special legislation, or any other superseding state or federal statutory or regulatory authority. In such instances, the appointment process set forth pursuant to state or federal law, home rule petition, special legislation, or any other superseding state or federal statutory or regulatory authority shall control.

SECTION 2-9: ACCESS TO INFORMATION

- (a) In general - The city council may make inquiry ~~with the City Manager~~ into the affairs of the city and into the conduct and performance of any city ~~agency~~ department.

- (b) Information requests Policy Orders:

- i. ~~During any regular meeting, City manager~~ The city council may, at any time, through a vote of approval of policy orders, may request from the city manager specific information on any municipal matter within its jurisdiction. The City Council, through the issuance and approval of policy orders, may also, through the City Manager, request department heads, chairs of a board, or city staff provide information in relation to municipal services, functions and powers, or duties which are within the scope of their responsibility and not within the jurisdiction of the school committee, and may request the manager to be present to answer written questions relating thereto at a meeting to be held not earlier than seven (7) days from the date of receipt by the city manager of said questions. The city manager shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other

Commented [A19]: Deleted, as the City Clerk's Office currently performs all these functions.

Commented [A20]: At the 2/24/25 meeting the Special Committee said they wished to put this on hold for further discussion. The Council could consider deleting this section so City Council could put discipline in ordinance or delegate to HR Department or the Mayor by order.

Commented [A21]: Deleted per City Council 1/17/25 vote. City Council voted against proposal appointing department heads.

Commented [A22R21]: Language restored per City Council 2/24/25 vote.

Commented [A23]: Language added per 2/24/25 vote

Commented [A24]: Language "with the City Manager" deleted per City Council 2/24/25 vote.

matter. The city manager may attend and address the city council in person or through the head of a department or a member of a board, on any subject and at any time.

- ii. The City Council and City Manager shall coordinate and schedule meetings when the City Manager, or through the head of a department, member of a board, city staff, or other designee, provides a response to a policy order. Responses to policy orders shall be provided to the City Council in testimonial or written form. Department Heads, Chair of Multiple Member Bodies
~~The city council may require the chair of a multiple member body or a city department head, through the city manager, 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. The city council shall give a minimum of seven (7) days' notice to a person it may require to appear before it under this section. Notice shall be in writing. The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing. The city manager shall receive a copy of any notice issued under this section at the same time as the person who is requested to appear before the council.~~

- iii. The City Council shall set procedures for the filing and issuance of policy orders through its rules. The City Council and the City Manager shall work together to establish processes for the tracking and categorizing of policy orders and responses.

SECTION 2-10: 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 a majority of members present. 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 MGL c. 164, §§ 70 and 71, and MGL c. 166~~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 the same process by which it was adopted.
- (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 manner provided above, except as follows. 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 provided above if the same is published by the city council in a municipal bulletin or printed pamphlet or on the city website, but otherwise in conformity with said provisions, except for zoning

Commented [A25]: City Council should consider this and may want to delete this section. This conflicts with the City Council's Policy Order authority, and also would make it very difficult for CM, department heads to respond. It's also very granular in terms of detail.

Commented [A26R25]: City Council held on sections in 2/24/25 meeting to allow Law Dept to revise to be more in line with City Council's Policy Order authority. City Council rules provide procedures for policy orders, but does not define them. Revisions made to sections to define policy orders while keeping them aligned to City Council rules. Language has also been revised to reflect City Council and City Manager coordination in tracking and responding to policy orders and to encourage that cooperation in the future.

Commented [A27]: Statutory citations corrected. Original citation in draft was incorrect.

Commented [A28]: Deleted per 2/24/25 vote

ordinances or amendments thereto, a summary of which shall be published at least two times in a local newspaper and on the city website. 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 be published at the earliest practicable moment.

Commented [A29]: Deleted per 2/24/25 vote.

SECTION 2-11: 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 city manager, department heads, multi-member bodies, and the public in the development of council goals.
- (c) The council shall consider intercity and regional issues in the 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 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 2-12: CITY MANAGER EVALUATION

The city council shall conduct an annual review of the city manager as provided in section 3-1(e).

Commented [A30]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council's own legislative and rule making authority.

SECTION 2-13: FILLING OF VACANCIES

Except as provided in this section, a vacancy in the City Council shall be filled in the manner provided in Section 7-15.

Except as provided in this section, a vacancy in any elective body shall be filled in the manner provided in section thirteen of chapter fifty four A. If, under said section, no regularly nominated candidate of the city council or school committee remains, the vacancy shall be filled for the unexpired term by a majority vote of the remaining members, except that if the remaining members fail to fill such vacancy within thirty days after they shall have been notified by the city clerk that such vacancy exists, such vacancy shall be filled by the appointment of any qualified voter of the city by the mayor, or, if there is no mayor, by the vice-chairman, or if there is no mayor or vice-chairman, by the member of the council or of the school committee, as the case may be, senior in length of service, or, if more than one have so served, then the member senior both in age and length of service.

ARTICLE 3: EXECUTIVE BRANCH

SECTION 3-1: CITY MANAGER APPOINTMENT; QUALIFICATIONS AND ELIGIBILITY; TERM OF OFFICE; COMPENSATION; EVALUATION; ~~GOAL SETTING~~

- (a) Appointment - The city council shall appoint a city manager who shall be sworn to the faithful performance of the duties and who shall be the chief executive officer of the city and shall be responsible for the administration of all departments, multiple member bodies, commissions, boards, and officers of the city, except those employees appointed by city council, the school committee, and any official appointed by the governor or elected official.
- (b) Qualifications and Eligibility - The city manager shall be appointed on the basis of administrative and executive qualifications only and need not be a resident of the city or commonwealth when appointed. No member of the city council shall, during their term of office, be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city shall be chosen as city manager.
- (c) Term of Office - The city manager shall hold office at the pleasure of the city council. The city council shall enter into an employment agreement with the city manager for a term not to exceed five (5) years; the city manager may, however, serve consecutive successive terms upon a vote by city council to renew or extend the employment agreement. The terms of the employment agreement shall be consistent with the provisions of this charter.

~~(d) Annual Performance Review – Annually the City Council shall prepare and deliver to the City Manager a written review of the City Manager’s performance in a manner provided by ordinance.~~

~~(e) Compensation - The city manager shall receive such compensation as the city council shall fix by contract. The city manager shall not receive any other compensation from the city other than that fixed by the city council.~~

~~(e) Evaluation – Annually the city council shall prepare and deliver to the city manager a written review of the city manager’s performance in a manner provided by ordinance. This review shall include specific metrics related to council goals outlined in Section 2-11. The council shall provide opportunities for public participation throughout the review process.~~

~~(f) Goal setting – The city council and city manager shall collaboratively develop and prioritize goals for the city manager that shall be used to measure the city manager’s performance during the evaluation process and to provide guidance to the city manager. These city manager goals shall take into account the council’s goal set pursuant to Section 2-11.~~

SECTION 3-2: POWERS AND DUTIES.

The city manager shall be the chief executive officer of the city and shall be responsible to the city council for the proper administration of all city affairs placed under the city manager’s charge by or under the charter. ~~The city manager shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and officers of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, any official appointed by the governor or any body elected by the voters of the city.~~ The city manager shall be responsible for ~~implementation~~ the implementation of policies established by the city council, as reflected in the city council’s votes and resolutions and in ordinances, appropriation orders, and loan authorizations.

The powers and duties of the city manager shall include, but are not intended to be limited to, the following:

General:

- a) Supervise, direct, and be responsible for the efficient administration of all city activities placed under the manager’s control by the charter, by ordinance, or otherwise, including all officers appointed by the manager and their respective ~~agencies~~ departments.

Commented [A31]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council’s own legislative and rule making authority.

Commented [A32]: Added Section 116(a) from prior Plan E charter, which was passed in prior charter review changes, adding annual performance reviews of the City Manager. Language taken verbatim.

Commented [A33]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council’s own legislative and rule making authority.

Commented [A34]: Language taken from state law and the City’s current charter. Language should be added for continuity.

b) Be responsible for the coordination of the activities of all ~~agencies~~departments under their control with the activities of all other city ~~agencies~~departments, including those elected by the voters of Cambridge and those appointed by other elected officials.

c) Ensure that all the provisions of the General Laws, the city charter, city ordinances, and other votes of the city council that require enforcement by the manager or by officers or employees subject to the manager's supervision are faithfully carried out and enforced.

~~d) Be responsible for the establishment and ongoing maintenance of a centralized public tracking tool to provide city residents with information about: 1) proposed and enacted council ordinances and council approved policy orders; 2) status of proposed council measures, including policy orders; and 3) the status of actions taken by the executive branch to implement measures that have been approved by city council.~~

e) Make such recommendations, from time to time, to the city council that, in the manager's judgment, are deemed necessary or desirable.

f) Determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order, and enforcement of laws. The manager shall notify the council ~~president~~mayor as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the city council may meet to review, ratify, or terminate said public emergency.

g) Authorize any subordinate officer or employee to exercise any power or perform any function that the city manager is authorized to exercise or perform, provided, however, all acts performed under any such delegation shall be deemed to be the acts of the city manager.

h) Pursuant to section 3-3, appoint all members of multi-member bodies for whom no other method of appointment is provided by General Law, the charter, ordinance, or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance, so long as appointment is not already provided for by General Law, home rule petition, special legislation, or other superseding state or federal statutory or regulatory authority. ~~In such instances, the appointment process set forth pursuant to state or federal law, home rule petition, special legislation, or any other superseding state or federal statutory or regulatory authority shall control.~~

Commented [A35]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council's own legislative and rule making authority.

Commented [A36]: Same comment about multi-member bodies as above.

Commented [A37R36]: Language revised per City Council 2/24/25 vote.

Appointment, personnel, hiring, and bargaining

i) Pursuant to section 3-3, appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, city officers, and employees of city ~~agencies~~departments under the direction and supervision of the city manager. Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.

j) Administer personnel related matters, including bargaining with municipal employees, and fix the compensation of all municipal employees appointed by the manager within the limits established by appropriation and any ordinance or collective bargaining agreement.

k) Inquire at any time into the conduct of office of any officer, employee, or department under the City Manager's supervision.

Financial:

l) Prepare and submit an annual operating budget under the policy guidance of ~~and taking into account the goals set by,~~ the council.

~~m) Assure that a full and complete record of the financial and administrative activities of the city is kept and shall render a complete written report to the city council at the end of each fiscal year and at such times as the city council may reasonably require.~~

n) Execute contracts, subject to such prior city council approval as may be prescribed by ordinance.

Commented [A38]: Deleted per City Council 12/9/24 vote. Area concerns matters already under council's own legislative and rule making authority.

Commented [A39]: Deleted per City Council 2/24/25 vote.

Property, facilities, and procurement:

- o) Have full jurisdiction over the rental and use of all city facilities, except school buildings and grounds. The City Manager shall be responsible for the maintenance and repair of all city-owned property, including, if authorized by an ordinance establishing a central city maintenance department, school buildings and grounds.
- p) Ensure that a full and complete inventory of all property owned by the city, both real and personal, is kept.
- q) Execute all deeds conveying city real property, but that any such conveyance shall have been previously authorized by the vote of the city council pursuant to the applicable provisions of the General Laws.

Communication:

- ~~r) Publish an annual report comprising the complete statistical record of the operations of every city department, commission, and committee for the preceding year. Said report shall be published annually and made available for distribution to the public not later than four months after the end of the period on which the report is based.~~
- s) Be responsible for city government communications, including, but not limited to, developing a timely and comprehensive communication strategy, coordinating the announcements and messages from department heads, communicating regularly, via all available media avenues, with residents, ensuring that all aspects of the city's website are kept up to date, and soliciting recommendations for greater communication from residents.

Commented [A40]: Deleted per City Council 2/24/25 vote.

Additional duties:

- u) Perform all executive functions and powers delineated in MGL c. 43, §§ 103 and 104.
- v) Perform such other duties and functions as authorized, as necessary, or as may be assigned to the office of city manager by the Massachusetts General Laws, by any special act or special legislation or home rule petition, by this charter, by ordinance or other vote of the city council, or otherwise.

Commented [A41]: Language taken from state law and the City's current charter. Language should be added for continuity.

SECTION 3-3: APPOINTMENTS AND REMOVALS

The city manager shall make all appointments and removals in the departments, multi-member bodies and offices of the city for whose administration the city manager is responsible, except as otherwise provided in this charter.

- (a) Department Heads – the city manager shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, city officers, and employees of city ~~agencies~~ departments under the direction and supervision of the city manager.
- (b) City Solicitor – The City Solicitor shall be appointed by and serve at the pleasure of the City Manager. The City Manager shall refer to the City Council and simultaneously file with the Clerk the name of the person the City Manager appoints as City Solicitor. Appointment of the City Solicitor made by the City Manager may be rejected by a two-thirds (2/3) vote of the City Council, which vote shall occur within 30 days after the date on which notice of the appointment was filed with the City Clerk. An appointment shall take effect if the City Council fails to meet the vote threshold required to reject appointment or fails to act within those 30 days. Due to the City Solicitor's unique role of providing legal advice and representation to the entire City, including all officials, departments, employees and multi-member bodies, including the City Council, City Councillors may provide comments to the City Manager about the City Solicitor's performance of work done directly for the Council, and the City Manager will incorporate those comments in the City Solicitor's performance review.

Commented [A42]: Language added per 2/24/25 vote.

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

~~(c) Multiple Member Bodies – the city manager shall appoint all members of multi-member bodies for whom no other method of appointment is provided by general law, the charter, ordinance, or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance, so long as appointment is not already provided for by General Law, home rule petition, special legislation, or other superseding state or federal statutory or regulatory authority. In such instances, the appointment process set forth pursuant to state or federal law, home rule petition, special legislation, or any other superseding state or federal statutory or regulatory authority shall control.~~

~~(d) (e) Notification to city council - The city manager shall report every appointment and vacancy of department heads made to the city council at the next meeting thereof following such appointment or vacancy. The city manager may authorize the head of a city agency department, for whose administration the city manager is responsible, to appoint and remove subordinates in such city agency department, subject to the provisions of this charter.~~

~~(e) Interference by City Council Prohibited – Except as provided in Section 2-7 and by this charter, neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or their removal from, office by the city manager or any of their subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except as otherwise provided by this charter, the city council and its members shall not give orders to any subordinate of the city manager either publicly or privately and shall direct all requests for service through the city manager. Nothing in this section shall prevent city council or its members from discussing matters generally with city staff, presuming the city manager is kept informed.~~

SECTION 3-4. ACTING CITY MANAGER.

- (a) Temporary absence - The city manager shall, by letter filed with the city council and a copy filed with the city clerk, designate a qualified city officer, department head or administrative employee to exercise the powers and perform the duties of the office during temporary absence. During the first ten working days of a temporary absence of the city manager, the city council may revoke such designation by a two-thirds vote and, after the expiration of ten working days, by a majority vote, whereupon it may appoint another qualified city officer, department head or employee to serve as acting city manager until the city manager shall return and resume the manager's duties.
- (b) Vacancy - Any vacancy in the office of city manager shall be filled as soon as possible by the city council, but pending such appointment the city council shall designate a qualified city officer, department head, administrative employee, or former city manager to exercise the powers and perform the duties of the city manager on an acting basis. The appointment of an acting city manager shall be for a term not to exceed four (4) months; provided, however, one renewal, not to exceed a second four (4) months, may be permitted.
- (c) Powers and Duties -The powers of a temporary or acting city manager shall be limited to matters not admitting of delay; provided, however, no temporary city manager under (a) above shall have authority to make permanent appointments or removals to department head positions.

SECTION 3-5: REMOVAL

Before the city manager may be removed prior to the end of the contract term, the city manager shall have the right to be heard publicly at a meeting of the city council prior to the final vote on the question of removal, but before and during such hearing the city council may suspend the city manager from office.

Commented [A43]: Deleted per City Council 1/17/25 vote. City Council voted against proposal appointing department heads.

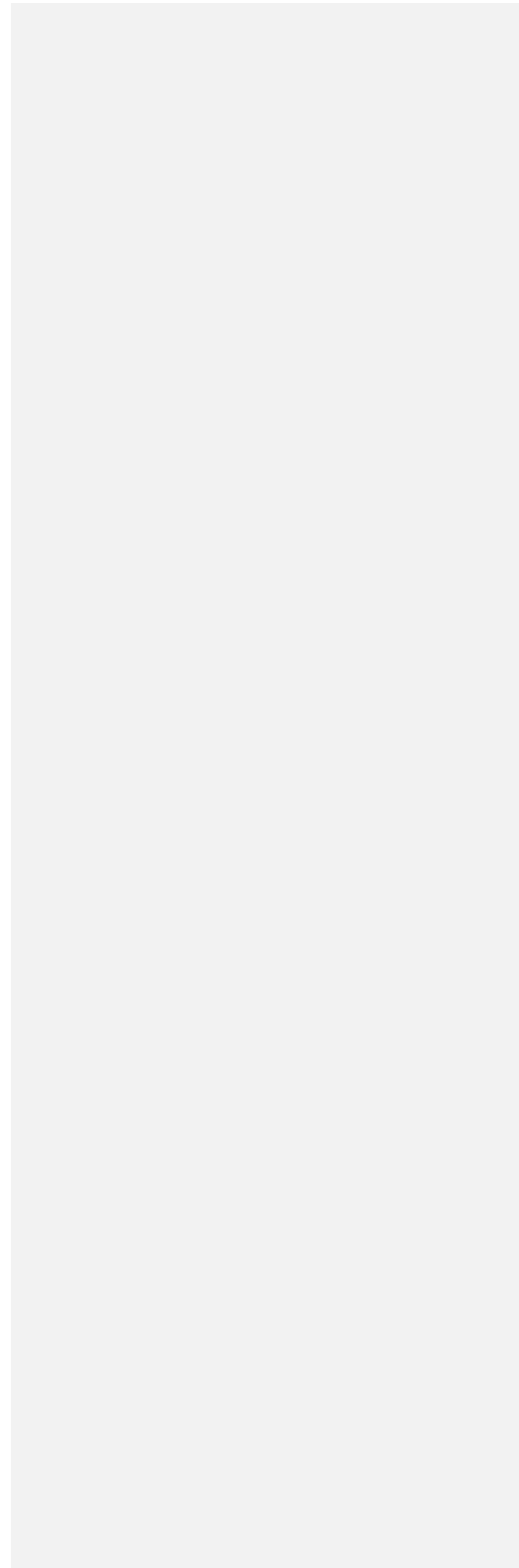
Commented [A44]: Same comment about multi-member bodies as above.

Commented [A45R44]: Language revised per City Council 2/24/25 vote

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The action of the city council in suspending or removing the city manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council.

DRAFT



ARTICLE 4: SCHOOL COMMITTEE

SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a school committee which shall consist of six members ~~who shall be nominated and elected by the municipal voters of the city at large, and the mayor, who shall serve as a member.~~

(b) Term of Office - The term of office for the elected school committee members shall be 2 years, beginning on the first Monday in January after the election, except when that first Monday falls on a legal holiday, then the term shall begin on the following day and until the successors have been qualified.

(c) Eligibility - Any registered municipal voter over the age of 18 shall be eligible to hold the office of school committee member. If a school committee member moves from the city during the member's term, that office shall immediately be deemed vacant and filled in the manner provided in section 4-6. ~~The school committee shall determine whether a member has moved from the city or is otherwise qualified to hold office.~~

Commented [A46]: Deleted per 12/9/24 vote, as Mayor shall continue to serve as member of the School Committee.

Commented [A47]: Based off of City Council's prior votes on 12/9/24, intent of City Council is to continue having the Mayor serve as chair of the School Committee. Confirm.

Commented [A48R47]: Revised to have School Committee vote to select chair from amongst members per City Council 2/24/25 vote. Mayor shall continue to serve as member of the School Committee per 12/9/24 vote.

Commented [A49]: Revised back per guidance of Secretary of State Office, Elections Division, 2/28/25.

SECTION 4-2: SCHOOL COMMITTEE CHAIR, VICE CHAIR.

(b) Chair and Vice Chair - ~~The Mayor shall be the chair of the School Committee.~~ As soon as practical after the school committee members-elect have been qualified following the regular city election, the school committee shall ~~organize by elect one amongst their members by roll call vote to ing one of the persons elected as a member of the school committee to serve as school committee chair and one member to serve as chair and vice-chair.~~

(a) Duties - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings, and shall decide all questions of order. The school committee chair shall appoint all members of all subcommittees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform the duties consistent with the office and as provided by this charter or by vote of the school committee. The school committee vice-chair shall preside in the absence of the school committee chair.

Commented [A50]: Based off of City Council's prior votes on 12/9/24, intent of City Council is to continue having the Mayor serve as chair of the School Committee. Confirm.

Commented [A51R50]: Revised to have School Committee vote to select chair from amongst members per City Council 2/24/25 vote.

SECTION 4-3: PROHIBITIONS

No member of the school committee shall hold any other compensated city position. No former member of the school committee shall hold any compensated appointed city office or city employment until 1 year following the date on which that member's service on the school committee terminated. This section shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated; provided, however, no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the school committee.

SECTION 4-4: COMPENSATION; EXPENSES

(a) Compensation - The city council may, by ordinance, establish an annual salary for the elected members of the school committee. No ordinance increasing or reducing the salary of elected members of the school committee shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing the salary of the elected members of the school committee shall be effective unless it has been adopted during the first 18 months of the term for which elected school committee members are elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next regular city election.

Commented [A52]: See comment above about setting salaries by ordinance.

Commented [A53R52]: Language kept per City Council 2/24/25 vote.

¹⁻³ The committee voted not to recommend the mayor be a member the school committee, so the council may want to consider increasing the school committee to seven elected members to maintain an odd number.

(b) Expenses - Subject to appropriation, the school committee members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. The actual and necessary expenses shall be defined in the rules and regulations of the school committee

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance, or otherwise and not inconsistent with the General Laws. The powers and duties of the school committee shall include:

(a) selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws;

(b) making all reasonable policies, rules, and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable;

(c) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building; and-

(d) Perform such other duties or functions authorized by the Massachusetts General Laws as amended or by any special act or special legislation.

Commented [A54]: Language added to protect additional powers School Committee may have under state law.

SECTION 4-6: FILLING OF VACANCIES

In all occurrences of a vacancy, the city clerk shall notify the school committee and the chairperson of the election commission of the vacancy within 7 days. Within 7 days after notification, the chairperson of the election commission or a designee shall certify, in writing, to the city clerk the name of the defeated candidate for the office of school committee with the next highest number of votes at the municipal election at which school committee 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.

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, then the seat remains vacant until the next regular municipal election.

Except as provided in this section, a vacancy in the School Committee shall be filled in the manner provided in Section 7-15.

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY ~~DEPARTMENTS~~ ~~AGENCIES~~

The organization of the city into operating ~~agencies~~ ~~departments~~ to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the city manager. No administrative order may originate with the city council.

The city manager may, subject only to express prohibitions in a general law or this charter, submit proposals to reorganize, consolidate or abolish a city ~~department~~ ~~agency~~, in whole or in part, or to establish a new city ~~agency~~ ~~department~~ as is deemed necessary, but no function assigned by this charter to a particular city ~~agency~~ ~~department~~ may be discontinued or assigned to any other city ~~agency~~ ~~department~~ unless specified by this charter. The city manager may prepare and submit to the city council, administrative orders that establish operating divisions for the orderly, efficient, or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the city manager which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.

Whenever the city manager proposes an administrative order, the city council shall hold one (1) or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following the publication. An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that 60-day period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLES

All appointments, hirings, and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position.

Commented [A55]: City administration is organized as departments, not agencies, per prior City charter and under Title 2 of the Municipal Code. Administrative organization revised to reflect departmental model for continuity.

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: CITY COUNCIL AND CITY MANAGER FINANCIAL UPDATE PROCESS ANNUAL BUDGET MEETING

~~The City Council and the City Manager will jointly determine each fiscal year a series of financial updates regarding the At least 60 days before the end of the or calendar year, the president/chair/mayor of the council shall call a meeting of the council prior to the commencement of the budget process, to review the financial condition of the city, revenue and expenditure forecasts, and other relevant financial information, in the form of meetings or other communications, prior to the submission of the City Manager's proposed budget, 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 [A56]: Language revised per 2/24/25 vote.

SECTION 6-3: BUDGETARY PRIORITIES

~~Prior to the end of the calendar year, the city council shall develop and publish budgetary priorities that take into consideration the council's goals/policy guidance and objectives, created pursuant to Section 2-11, 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 [A57]: Language revised per 2/24/25 vote.

SECTION 6-4: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

~~No later than the first Monday in May At least 60 days before the beginning of the fiscal year, the city manager shall submit to the city council a proposed operating budget for all city agencies/departments, 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 city manager shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies/departments. 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 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 city manager 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 city manager at least 30 days before the submission of the proposed operating budget to the city council. The city manager shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the city manager. The city manager and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.~~

SECTION 6-5: ACTION ON THE OPERATING BUDGET

(a) ~~Public Hearing~~—The city council shall publish a notice of the proposed operating budget as submitted by the mayor/city manager. 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.

(b) ~~Adoption of the Budget~~—No later than the end of the fiscal year the city council shall take definite action on the annual budget, by adopting, amending reducing or rejecting it, provided that the amended

version shall not be for a higher total budget than originally proposed, unless otherwise authorized by the General Laws. If the city council fails to act on an item in the proposed operating budget prior to the beginning of the fiscal year, 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.

(e) Availability of the Operating Budget — In addition to any other posting requirements under law, immediately promptly after the submission of the proposed budget to the city council, the city manager shall make post the entire budget document available through electronic means, which may include posting 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, the final adopted budget shall be posted available through electronic means, which may include posting on the city's website and shall remain there available electronically throughout the fiscal year for which it is in effect. The final budget document shall reflect any amendments made recommended by the city council, city manager and approved by the city manager council and shall indicate that it is the final budget of the city.

SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

(a) Submission — The city manager shall submit a capital improvement program to the city council at least 60 days no later than the first Monday in May before the start of each fiscal year. The capital improvement program shall include:

- (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; and
- (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 city manager 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 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.

(c) Adoption — At any time after the public hearing but before the end of the current fiscal year, the city council shall by resolution take action to 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 6-7: 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 city manager 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 city manager, 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.

Commented [A58]: Language removed per City Council 12/9/24 vote rejecting codifying budget process and priority setting as areas already under council's own legislative and rule making authority.

Dates and timelines proposed under these sections are also not feasible due to the City Council's and School Committee's meeting schedules, so City would automatically be in violation of the charter in such an event.

Commented [A59]: City Council deleted. This could require the City Council to annually conduct an independent audit, superseding the authority of the City Auditor the council themselves appointed.. This also conflicts with Chapter 2.32 of the Municipal Code, which already requires annual audits.

ARTICLE 7: ELECTIONS

SECTION 7-1: CITY ELECTION

The regular municipal election shall take place on the Tuesday next following the first Monday of November in every even~~odd~~-numbered year.

Commented [A60]: Even year municipal elections removed per City Council 12/9/24 vote.

SECTION 7-2: ELIGIBILITY OF VOTERS

Every citizen~~and noncitizen~~ who (i) is at least ~~16-18~~ years old, (ii) is not temporarily or permanently disqualified by law because of corrupt practices in respect to elections, and (iii) is a resident of Cambridge registered to vote in the City, may vote in a regular municipal election. ~~at the time at the time they register and (iv) has otherwise complied with the requirements of Massachusetts General Laws MGL c. Chapter 51 may have their name entered on the list of voters in Cambridge and may vote therein in any municipal election.~~

Commented [A61]: 16 year old and non-citizen voting provisions removed per City Council 12/9/24 vote. Section revised to reflect state law requirements.

SECTION 7-3: PROPORTIONAL REPRESENTATION.

All members of the city council and the school committee shall be elected at large by single transferable vote form of ranked choice voting, hereafter referred to as proportional representation, during each regular municipal election.

Commented [A62]: Moved to combine 7-3 with 7-7(d) and (e) per Elections Division recommendation on 2/28/25.

SECTION 7-43: CITY OFFICES

All elective city offices are nonpartisan. No reference to any political party affiliation will be included in any declaration of candidacy, nominating petition, notice, voters' pamphlet, ballot, or other elections publication concerning a city candidate.

SECTION 7-45: DIRECTOR OF ELECTIONS

The Director of Elections shall be the Chief Election Official for the City of Cambridge. The Director of Elections shall be the head of the Elections ~~Department~~Commission, appointed by the City Manager. The Director of Elections shall supervise voter registration, oversee polling places, the hiring and supervision of election officers, and the general conduct of all elections. The Director of Elections shall direct the ~~department~~Elections Department in the preparation of ballots, polling places, voting equipment, voting lists, the administration of campaign finance laws, the certification of nomination papers and ~~initiative~~petitions, the conducting of the annual city census, and the preparation of the street list of residents. ~~The Director of Elections shall serve as an ex officio member of the Board of Election Commissioners. The Director of Elections shall not have voting power or shall be included in the count when determining quorum, unless in instances where there is a tie vote of the Board of Election Commissioners. The Director of Elections need not be a registered voter of the city, a resident of the city, or a registered member of any political party.~~ The Director of Elections shall advise and assist the Board of Election Commissioners in carrying out its duties.

SECTION 7-56: ELECTION CALENDAR

The Board of Election Commissioners and Director of Elections shall prepare and issue a calendar of dates, times, and deadlines for the conducting of regular municipal elections. Unless specified in this charter, all election related dates, times, and deadlines shall be consistent with state law. ~~The dates, times, and deadlines in this calendar shall include, but not be limited to, the last day to submit nomination papers for municipal elected office, the last day to register to vote for municipal elections, the last day and time to submit applications for absentee ballots and early voting ballots by mail, the last day and time to request in person for absentee ballots or early voting mail in ballots, the dates for in person early voting, and Election Day.~~

SECTION 7-674: PROPORTIONAL REPRESENTATION/RANKED CHOICE VOTING METHOD

(a) All members of the city council and the school committee shall be elected at large by single transferable vote form of ranked choice voting, hereafter referred to as proportional representation, during each regular municipal election.

Commented [A63]: Moved to combine 7-3 with 7-7(d) and (e) per Elections Division recommendation on 2/28/25.

Definitions

~~“Active ballot” means any ballot that is not exhausted.~~

~~“Continuing candidate” means a candidate who has not been defeated or elected.~~

~~“Exhausted ballot” means any ballot taken for transfer which does not clearly indicate any candidate as next choice among the continuing candidates.~~

~~“Highest ranked continuing candidate” means the continuing candidate with the highest ranking on a voter’s ballot. Ranking number one is the highest ranking, ranking number two is the next highest ranking, and so on.~~

~~“Last place candidate” means the candidate with the lowest vote total in a round of the ranked choice tabulation.~~

~~“Quota” means the number of votes sufficient for a candidate to be elected. The quota equals the total number of valid ballots in the first round of tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions.~~

$$\text{Quota} = \frac{\text{Total Valid Ballots}}{\text{Seats to be Elected} + 1} + 1 \text{ (disregard fractions)}$$

~~“Skipped ranking” means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.~~

~~“Surplus” refers to any ballots a candidate receives in excess of quota.~~

~~“Surplus fraction” is a number equal to the difference between an elected candidate’s vote total and the quota, divided by the candidate’s vote total.~~

$$\text{Surplus Fraction} = \frac{\text{Candidate's Vote Total} - \text{Quota}}{\text{Candidate's Vote Total}}$$

~~“Transfer value” means the proportion of a vote that a ballot will count to its highest ranked continuing candidate. Each ballot begins with a transfer value of one. If a ballot counts to the election of a candidate under section c.2.ii, it receives a lower transfer value.~~

General Provisions

- ~~1. Ranking Choices. Except as otherwise provided in this Section, voters may rank in the order of their preference up to fifteen (15) all candidates listed on the ballot for the city council and the school committee. If there are fewer than fifteen (15) candidates for a given race, the available rankings shall be for the total number of candidates. For example, if~~

~~there are ten (10) school committee candidates, there shall be ten (10) total available rankings for that race. Voters may rank fewer candidates if they prefer. Ranking a candidate number one shall be the highest ranking, ranking a candidate number two shall be the next highest ranking, and so on. The Board of Election Commissioners shall have the power to reduce the number of rankings on the ballot if necessary to accommodate the voting equipment in use.~~

~~Write ins. Voters may rank write in candidates. Voters are given as many write in lines as there are seats to fill in the contest. For example, in a contest to fill nine city council seats, voters will be provided nine write in candidate lines. Write in candidates are required to receive at least fifty (50) number one votes, the number of signatures required for nomination pursuant to Sections 7-8 and 7-9, to become official candidates.~~

~~Skipped Rankings. In the event of a skipped ranking, the voter's vote is transferred to the next highest ranked active/continuing candidate on the voter's ballot after the skipped ranking, if any. The Board of Election Commissioners shall have the power to treat skipped rankings differently when there are two or more to accommodate the voting equipment in use.~~

~~Duplicate Rank Overvote. A duplicate rank overvote is where a voter ranks more than one candidate at the same ranking. In the event of a duplicate rank overvote, the voter's vote is transferred to the next highest ranked continuing candidate on the voter's ballot, if any.~~

~~Multi Voted Candidate Overvote. A multi voted candidate overvote is where a voter gives more than one ranking to the same candidate. In the event of a multi voted candidate overvote, the candidate shall receive the highest ranking and the lower ranking will be disregarded.~~

~~Invalid ballots. Ballots that are completely blank or have no discernible voter intent do not count towards the total number of ballots for calculating quota.~~

~~Elimination Ties. If two or more candidates are tied with the fewest votes in a round, and tabulation cannot continue until the candidate with the fewest voters is defeated, then the candidate who was credited with the fewest ballots in the previous round shall be declared defeated. If two or more of the tied candidates were tied in the previous round, the second tie shall be determined by looking to the round immediately prior. This principle shall be applied successively as many times as necessary. Any tie not otherwise provided for shall be decided by lot by the Board of Election Commissioners or officers responsible for tabulating the contest. The result of the tie resolution must be recorded and reused in the event of a recount.~~

~~Single Transferable Vote Form of Ranked Choice Voting~~

~~Application. The single transferable vote form of ranked choice voting is used in any contest to elect members of the city council and school committee.~~

~~Tabulation. Each round begins by counting the number of votes for each continuing candidate. Each active ballot counts, at its current transfer value, for the highest ranked continuing candidate. Tabulation for each contest proceeds in rounds as follows:~~

~~If the number of elected candidates is equal to the number of seats to be filled in a contest, tabulation for that contest is complete. Alternatively, if the number of elected candidates plus the number of continuing candidates is less than or equal to the number of seats to be filled, then all continuing candidates are declared elected and tabulation is complete. Otherwise, the tabulation proceeds pursuant to Subsection ii.~~

~~If any continuing candidate has a number of votes greater than or equal to the contest's quota, that candidate is declared elected.~~

~~Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate.~~

~~After determining the active ballots' new transfer value in accordance with Subsection (A) above, the active ballots cast for any candidate elected under this Subsection ii. are then transferred at their current transfer value to those ballots' next highest ranked continuing candidate, if any. If two or more candidates are elected in the same round, their surpluses shall be distributed in rounds in which the largest surplus is disturbed first, with any ties resolved by lot.~~

~~For the purpose of tabulating future rounds, a candidate elected under this Subsection shall be considered to have a number of votes equal to the quota in all future rounds.~~

~~If a candidate is elected under this Subsection ii., a new round begins pursuant to Subsection i. If no candidate is elected under this Subsection ii., the tabulation proceeds pursuant to Subsection iii.~~

~~If no candidate is elected pursuant to Subsection ii, any candidate that has received fewer than the number of signatures required for nomination (50) shall be declared defeated and transferred in one round. If there are no candidates with fewer than 50 voters, the last place candidate is defeated. Votes for the defeated candidate(s) are transferred at their current transfer value to each ballot's next highest ranked active/continuing candidate and a new round begins pursuant to Subsection i.~~

(b) The Board of Election Commissioners shall promulgate regulations for the City to adopt a different proportional representation method of electing candidates and transferring votes, and they may be amended provided that any such regulation shall not apply to the next municipal election unless it is voted and approved by the commission no later than six (6) months prior to the date of said election. Any regulations adopted after six (6) months prior to the date of a municipal election shall not take effect until the next subsequent municipal election.

(c) The Board of Election Commissioners shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that proportional representation ranked choice voting shall still be used, and the smallest number of changes are made to achieve such purpose.

SECTIONS 7-87 QUALIFICATIONS OF CANDIDATES; NOMINATION PAPERS

(a) Any registered voter of the city who is eligible for election to any elective municipal body shall be ~~entitled to have their name printed as a candidate on the official ballot to be used at the regular municipal election; provided, that prior to the deadline for submission set pursuant to Section 7-7(b)6, there shall be filed with the Election Commission~~Board of Election Commissioners nomination paper(s) of their candidacy, on a form ~~prepared and approved by the Board of Election Commissioners, with a statement of candidate section signed by the candidate and notarized by the candidate, and on such nomination paper(s) at least not less than fifty nor more than one hundred registered voters of the city, whose signatures shall have been certified as required by law. Said statement and petition shall be in a form provided by the Board of Election Commissioners. No person shall be entitled to have their name printed as a candidate on such ballot except as set forth under Section 7-8.~~

(b) ~~Nomination papers shall be available from the Election Commission Board of Election Commissioners at least eighteen (18) weeks prior to the date of the Election, on a date and time set by the Board of Election Commissioners and the Director of Elections pursuant to Section 7-56. Nomination papers at least 126 days before the Election and must be filed with the Election Commission Board of Election Commissioners on or before fourteen (14) weeks prior to the date of the Election at 5:00 PM. , on a date and time set by the Board of Election Commissioners. 98 days before the Election at 5:00 PM.~~

SECTIONS 7-89 INVALID NOMINATION PAPERS

~~Use of any other nomination papers other than those forms prepared and approved provided by the Board of Election Commissioners under Section 7-78 shall be invalid. Any nomination papers filed under Section 7-8 bearing more than the maximum number of signatures permitted thereby shall be invalid. Each nomination paper's statement of candidate /petition of voters section must be signed by the candidate and notarized by the candidate before prior to registered voters are permitted to sign nomination papers, writing their signatures on them. No voter may sign the nomination papers of more than one candidate for election as a member of any elective body; and if a voter signs nomination papers of more than one such candidate their signature shall be invalid on all such papers except the one first acted upon by the Board of Election Commissioners. Nomination papers that are not timely filed by the deadline set by Section 7-7(b) the Board of Election Commissioners shall be invalid. Nomination papers that were not properly signed by the candidate and notarized by the candidate prior to the collection of registered voter signatures shall be invalid. Nomination papers that otherwise do not follow or conform with state laws and regulations or Board of Election Commissioners rules, regulations, or policies directions shall be invalid.~~

SECTIONS 7-940 SUBMISSION OF BALLOTS QUESTION PETITIONS

~~Notwithstanding state law or the provisions of this charter, the deadline for the submission of ballot questions to be on the ballot for regular municipal elections shall be fourteen (14) weeks prior to the date of the Election, on a date and time set by the Board of Election Commissioners and the Director of Elections.~~

SECTIONS 7-1040 BALLOTS; FORM AND CONTENTS

~~There shall be a separate form of ballot for each body to be elected, and each such separate form of ballot shall be of a different and clearly distinguishable color from that of any other form of ballot prepared and furnished at the public expense for use at the same election. The ballot shall contain instructions to voters regarding how to mark their choices.~~

~~(Revision of language in the repealed MGL Chapter 54A, which is followed by the City of Cambridge with respect to proportional representation voting procedures.)~~

Any method of counting the voters' first choices and treating any such choices in excess of the quota may be substituted for the method of counting such choices set forth in this article if the election commission determines that such substitution is advisable, provided that they issue regulations embodying the method so substituted and provided, further, that such regulations shall not be effective with respect to any election unless at least thirty days prior thereto copies of such regulations are available for delivery to such of the voters as may request them.

SECTIONS 7-51124 ARRANGEMENT OF NAMES; NUMBER OF BALLOTS and following

~~[The remaining procedural sections of the charter that have been adopted by Cambridge require updating by the Elections Commission and the Law Department in line with current best practices, modern language, the use of modern voting equipment, and current legal requirements.]~~ Ballots used in elections to such a body or office by proportional representation shall be printed in as many lots as there are candidates for election thereto. In the first lot the names of the candidates shall appear in the alphabetical order of their surnames. In the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last. In each succeeding lot the order shall be the same as that of the lot preceding, except that the first name in that preceding lot shall be placed last. Sets of ballots to be used at the several polling places shall be made up by combining ballots from the different lots in regular rotation, so that no two successive voters shall receive ballots from the same lot, and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used.

SECTIONS 7-12 CENTRAL COUNTING PLACE OF BALLOTS; DIRECTOR OF THE COUNT

~~Immediately preceding an election by the method of proportional representation or preferential voting, the Board of Election Commissioners shall designate a central counting place where ballots used under such method shall be brought together and tabulated publicly. The Director of Elections of the Board of Election Commissioners, or their designee, shall act as director of the count. The Director of Elections shall employ a sufficient staff of assistants, and make suitable arrangements for the counting of the such ballots. Before performing their official duties, the a director of the count designated by the Director of Elections and all each of his their assistants shall be sworn before the City Solicitor, the City Clerk, the Director of Elections, or any officer qualified to administer oaths, which shall be recorded. or, in the case of any such assistant, before the director; and a record thereof shall be made. During the absence or disability of the director of the count, an assistant may be designated to perform the duties of the director.~~

SECTIONS 7-13 USE OF BALLOT BOXES; PROCEDURE

The Board of Election Commissioners shall provide each precinct with separate ballot boxes for ballots counted by machine and auxiliary ballots. Auxiliary ballots include any ballots cast by a voter with overvotes that are not corrected by the voter at the polls, or any other ballots that are ejected from the machine or otherwise unable to be counted by machine at the polling place. As soon as the polls have closed and all closing procedures at the polling place have been followed, the ballots that have been counted by machine may be removed from the ballot box and sealed in a ballot carrier to be transferred to the central counting place. The auxiliary ballot box must be sealed without removing any ballots and transported to the central counting place by a police officer, together with other election materials as required by state law. Proper receipts shall be required in connection with the transmission of ballot boxes, ballots, records and copies of records. The Board of Election Commissioners shall develop procedures to tally auxiliary and write-in ballots according to voter intent and add the ballots to the official results, in accordance with the requirements of any voting technology in use.

~~The Board of Election Commissioners shall provide ballot boxes for each polling place in the city before the election at which they will be used. As soon as the polls have closed and all closing procedures at the polling place have been followed, the ballot boxes shall be sealed, secured, and the ballots transported and delivered to the central counting place by a police officer, together with the voting lists, a record of the~~

ballot box register and of the number of ballots given out, and the ballots spoiled and returned and the ballots not given out, all of which shall be enclosed in an envelope or envelopes sealed and identified. Proper receipts shall be required in connection with the transmission of ballot boxes, ballots, records and copies of records. Ballots with write ins and ballots that were unable to be counted by tabulators at the polling place or during the processing of early voting ballots shall be reviewed at the central counting place.

SECTIONS 7-14 RECOUNT OF BALLOTS

Recounts of the ballots cast for city council or school committee shall take place in the manner provided in MGL c. 54, §§ 134 through 137, except that any petition shall be submitted on or before five o'clock in the afternoon of the third day following the public announcement by the director of the count of the result of the vote for such body or office and shall be on a form approved and furnished by the Board of Election Commissioners and be signed by fifty or more voters of the City. If a partial or complete recount of the ballots cast in such an election shall in fact take place, it shall be conducted according to the rules prescribed for the original count as nearly as is practicable.

SECTIONS 7-15 VACANCY

When a vacancy occurs in the city council or school committee, such vacancy shall be filled for the remainder of the unexpired term by a public recount of the ballots credited at the end of the original count to the candidate elected thereby whose place has become vacant. Except for the following special rules, the provisions governing the original count shall be in effect:

- (a) All choices marked for candidates who have already been elected or who have become ineligible shall be disregarded.
- (b) The ballots shall be sorted each to the earliest choice marked on it for any of the eligible candidates.
- (c) If any candidate received more than half of the ballots which show any preference among the eligible candidates, they shall be declared elected to the vacant seat~~place~~.
- (d) If no candidate receives more than half of such ballots, the candidates lowest on the poll shall be declared defeated one after another. After each candidate is defeated, their ballots shall be transferred among the continuing candidates.
- (e) The process shall continue until one candidate is credited with more ballots than all the other undefeated candidates together, when they shall be declared elected to the vacant seat~~place~~.
- (f) If the candidate is eligible and willing to serve, the city clerk shall administer the oath of office to the person within fifteen (15) days after certification and the person shall serve.
- (g) If the candidate who is eligible declines the office, is not eligible and willing to serve, is no longer eligible for office, or fails to take the oath of office within the time period set forth in this section, then the vacancy recount process under this section shall continue until the next candidate who is eligible and willing to serve is declared elected to the vacant seat~~place~~.
- (h) In the event where no regularly nominated candidate remains who is eligible and/or willing to serve, the vacancy shall be filled for the unexpired term by a majority vote of the remaining members of the body with a vacancy. If the remaining members fail to fill such a vacancy within thirty days after, the vacancy shall be filled by the appointment by the Mayor~~City Council~~ of any qualified voter of the city, after an advertising period for interested candidates~~by the City Council~~.

SECTIONS 7-16 PRESERVATION OF BALLOTS

The ballots cast for the city's municipal elections shall be preserved by the Board of Election Commissioners until the term of office of the members of the body or of the officer elected thereby has expired, and shall be available for examination during regular city business hours, under supervision by the Director of Elections, on written application signed by not less than one hundred registered voters of the city. Such application shall name not more than three (3) representatives of the applicants to make such examination.

SECTIONS 7-17 PUBLICATION OF STATEMENTS REGARDING BALLOTS CAST

Within thirty days after a municipal election, the ~~Board of Election Commissioners~~ Election Commission shall have available upon request election data, electronic records, or other public records related to the municipal election, including but not limited to the number of first-choice ballots cast for each candidate at each precinct, and such other information in regard to the ballots as the Election Commission may deem of interest, regarding the results of the election. Ballot data showing the ranking on each ballot in each precinct shall be available provided that sharing the data does not violate voter privacy.

SECTIONS 7-18 APPLICABILITY OF GENERAL LAWS RELATING TO ELECTIONS

All municipal elections by ~~proportional representation~~ held by the City shall be subject to all general laws relating to elections and corrupt practices, including but not limited to MGL c. 54A, so far as applicable and not inconsistent with this charter.

SECTIONS 7-19 APPLICABILITY OF SPECIAL ACTS

All special acts relating to elections, ~~home rule petitions, ordinances, rules, regulations and votes of the Board of Election Commissioners~~, which are in force at the time this charter is adopted and are not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

ARTICLE 8: PUBLIC ENGAGEMENT, PARTICIPATION, AND COMMUNICATION

[Sections 8-1 to 8-3 are adapted from the National Civic League's 2021 Model City Charter, 9th Edition.]

SECTION 8-1 PUBLIC ENGAGEMENT AS AN ESSENTIAL PART OF CIVIC INFRASTRUCTURE

The city shall treat public engagement as an integral part of effective and trusted governance, not just as an occasional process or activity. The city shall treat engagement as a “multi-channel” endeavor that includes face-to-face meetings, virtual interactions, and other online communications. The departments of city government shall encourage collaboration in public engagement efforts with other government jurisdictions and authorities, anchor institutions, community-based organizations, civic groups, and individual residents.

Commented [A64]: Language kept per 2/24/25 vote.

SECTION 8-2 INSTITUTIONAL STRUCTURES TO SUPPORT AND COORDINATE ENGAGEMENT

The city shall establish new institutional structures or adapt existing structures to oversee, support, coordinate, track, and measure engagement on an ongoing basis. These structures may include, but are not limited to:

- (a) Council committees that include residents and other stakeholders
- (b) Departments or administrative positions
- (c) Public engagement commissions
- (d) Community advisory boards, including boards designated to address the concerns of specific populations
- (e) Youth commissions
- (f) Participatory budgeting processes and commissions

Commented [A65]: Deleted per 2/24/25 vote.

SECTION 8-3 PRINCIPLES OF PUBLIC ENGAGEMENT

To ensure public engagement centers on the needs and goals of community members, the city shall uphold the following principles, using them as the basis of public engagement protocols and in the establishment of public engagement structures:

(a) Equity in engagement. Principles of justice, equity, diversity, and inclusion should guide the design and execution of public engagement activities. When engaging community members, city officials should identify and proactively reach out to the community in its full diversity. To ensure that public engagement activities are not attended only by people already active in local government and politics, city officials should regularly recruit residents through face-to-face or personal written invitations, social media requests, and randomized selection methods. Materials should be written in plain, comprehensible English, and should also be translated into the other predominant languages that residents speak and read.

Traditionally excluded and marginalized individuals and communities should be included in ways they themselves identify as authentic and meaningful. City officials should co-design engagement processes with community members to meet the needs of the communities served. Processes should respect a range of values, interests, perspectives, experiences, cultures, and knowledge of those involved.

The city should expect local the organizations and networks it works with to engage their members in equitable and deliberative ways, so that the input received is representative of their constituents. The city should use an equity lens to evaluate data on impacts of engagement, including costs, benefits, and responsibilities.

(b) Accountability in engagement. There should be meaningful opportunities for community members to bring issues, concerns, and priorities to city officials to influence city policy, ordinances, and actions. Public engagement activities should be designed to appropriately fit the legal authority, scope, character, and potential impact of a policy, program, or project. There should

be clarity about process sponsorship, purpose, design, and how the results will be used. The purpose and potential influence of each public engagement process should be known by all participants in advance but should be flexible enough to adapt to changing conditions during implementation.

(e) ~~Transparency in engagement.~~ Communications about public issues and public engagement opportunities should ensure community members can engage effectively. Communications should be made in the predominant languages that residents understand. Participants should have the opportunity to bring and share their own experiences as well as information they have gathered about the issues at hand. Full and complete results should be shared in a manner accessible to the public, and explanations of how the results will be used or how they will influence decisions should be provided to process participants and the broader public.

(d) ~~Accessibility in engagement.~~ Public engagement activities should be broadly accessible in terms of schedule, location, facilities, and information and communication technologies. Schedules should accommodate a variety of participants. Locations should be nearby and reachable via affordable transit, and some engagement activities should be conducted in places where community members already gather regularly. Facilities should be welcoming public spaces and not present physical or cultural barriers to participation. Online engagement opportunities should use technologies that are freely available to residents and attend to barriers people may face, such as: no access to broadband, limited proficiency with technology, and challenges related to deaf-blind accessibility.

(e) ~~Collaboration in engagement.~~ Public engagement efforts should build on and help develop long-term, collaborative working relationships and mutual learning opportunities with residents of all ages, civic groups, organizational partners, and other governments. This may include project-specific or ongoing community engagement initiatives.

(f) ~~Evaluation of engagement activities.~~ Each public engagement activity and the state of engagement overall should be evaluated through participant feedback, analysis, and learning that is shared publicly and broadly. The ideas, preferences, and/or recommendations contributed by participants should be fully documented and be made available to participants and the broader public. Lessons learned should be applied to future public engagement activities and contribute to the city's overall engagement plan.

Commented [A66]: Deleted per 2/24/25 vote.

SECTION 8.4: RESIDENT ASSEMBLY

(a) ~~Purpose:~~ In order to expand access to city government generally and include voices not typically heard in decision making, the city council has the authority to establish and maintain one or more Resident Assemblies.

(b) ~~Powers:~~ Notwithstanding any other section of this charter, the city council may, by ordinance, delegate to the Resident Assembly:

- (i) ~~The power to issue recommendations on questions posed by the city council and to specify deadlines by which the city council or city manager must publicly respond to the recommendations by hearing or other means.~~
- (ii) ~~The power to determine whether a resident initiative petition commenced under Section 8 should be submitted to the city council or voters as provided in Section 8 notwithstanding the petition's failure to meet that Section's procedural requirements.~~
- (iii) ~~The power to issue endorsements or counter endorsements referencing majority and/or minority opinions of the assembly, for initiatives submitted to the city council or voters, including initiatives that satisfy Section 8's procedural requirements.~~
- (iv) ~~The power, on its own initiative, to make recommendations or propose draft legislation for review by the city council or voters.~~

(c) ~~Mandatory Specifications:~~

- (i) ~~The city council shall convene at least one Resident Assembly each council term.~~
- (ii) ~~Any Resident Assembly created pursuant to this section must have the following characteristics:~~

- a) ~~The assembly shall be created via a sortition process to be provided by ordinance and shall be open to all citizen and non-citizen residents over the age of 16.~~
- b) ~~The procedures for selecting membership must include a random lottery such that the Resident Assembly is representative of the city's population.~~
- e) ~~Membership on the Resident Assembly must be voluntary, and members must be permitted to resign for any reason.~~
- d) ~~No fewer than 30 people may serve on the Resident Assembly at any given time.~~
- e) ~~The Resident Assembly must receive sufficient resources to exercise its powers effectively, including financial resources, staff support, translation services and space for deliberation.~~
- f) ~~The city shall take steps to remove barriers to participation. To ensure that participation is not a financial burden, assembly members must be offered a stipend that is sufficient to compensate members for their time and for reasonable costs incurred by participation, including transportation to the meeting, dependent care, or similar expenses. The city shall provide interpretation and translation support and accessibility technology.~~
- g) ~~The city shall provide resources for staff support to the resident assembly.~~

(d) Discretionary Specifications: Subject to the other provisions of this section, the city council has discretion to define, by ordinance, other powers and specifications of a Resident Assembly, including:

- (i) ~~The time and place of the Resident Assembly's deliberation.~~
- (ii) ~~Issues or questions upon which the Resident Assembly must deliberate.~~
- (iii) ~~The procedures by which the Resident Assembly deliberates.~~
- (iv) ~~The length of term for members of the Resident Assembly.~~
- (v) ~~The method by which members of the Resident Assembly may be replaced.~~

Commented [A67]: Delete per 12/9/24 vote

SECTION 8-25 FREE PETITION TO COUNCIL

~~The city council shall hold a public hearing and act with respect to every citizen petition which is addressed to it. Petitions shall be submitted on a form prepared by the Board of Election Commissioners, which petition shall not be required to take any particular form, and which is signed by seven hundred fifty (750) [placeholder] voters, or more, and which seeks the passage of a measure concerning matters other than action under section 8-7. The hearing shall be held by the city council, and the action by the city council shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The City Clerk/clerk of the council shall provide notice of the hearing by mail and, if practicable, by phone or email, to the ten persons whose names appear first on the petition at least forty eight (48) hours before the hearing. Notice, by publication, of all such hearings shall be at public expense. No hearing shall be heard upon any one (1) subject more than once in any given twelve (12) month period, as determined by the Mayor.~~

Commented [A68]: Delete per 12/9/24 vote

SECTION 8-36 RESIDENT INITIATIVE MEASURES

- (a) Commencement: Initiative procedures shall be started by the filing with the Election Commission Board of Election Commissioners clerk of the council of a proposed initiative petition on a form prepared by the city. The petition shall be addressed to the city council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be physically signed by at least a number of voters which is equal to 5% percent of the total number of registered ~~voters~~ as of the date of the most recent city election as certified by the election commission. The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential addresses stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. Voters will be required to provide the number and street of their residence along

Commented [A69]: Note that the Charter Review Committee did not add a referendum process such as in MGL c. 43, sec. 42. Query if City Council wishes to add such a process.

with their signature on the form. Signatures to an initiative petition need not all be on one (1) paper, but all papers pertaining to any one (1) measure shall be fastened together and shall be filed as a single instrument, containing on the petition the number and street of the residence of each signer accompanied by the endorsement of the name and residence address of the person designated as filing the petition. ~~The Election Commission Board of Election Commissioners shall have fourteen days (14) from the last day of submission to certify the voter signatures. If the number of certified voter signatures on the petition equals 5% percent of the total number of registered voters as of the date of the most recent city election, the board of registrars.~~ Election Commission board shall attach to the petition a certificate showing the results of the Election Commission's Board of Election Commissioner's board of registrars' examination and shall send return the petition to the City Clerk/clerk of the council. A copy of the ~~Board of Election Commissioner's board of registrars' certificate~~ shall also be mailed to the petitioners committee.

- (b) Referral to solicitor: Immediately following certification of ~~the—~~ signatures by the Election Commission Board of Election Commissioners and receipt of the petition with the ~~board's certificate~~, the City Clerk/clerk of the council shall deliver a copy of the petition to the city solicitor. Within twenty-one (21) days after receipt of a copy of the petition, the city solicitor shall advise the city council in writing whether the measure as proposed may lawfully utilize the initiative process and whether, in its present form, it may be lawfully adopted by the council. If the opinion of the city solicitor is that the measure is not in proper form ~~or may not be lawfully adopted by the city council~~, the reply shall state the reasons for this opinion in full, and a copy of the opinion of the city solicitor shall be mailed to the petitioners committee.
- (c) Action on Petitions: If the opinion of the city solicitor is that the petition is in a proper form ~~and may be lawfully adopted by the city council~~, within sixty (60) days, the city ~~solicitor council~~ shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered to be a rejection of the initiative measure. If the council fails to act with respect to any initiative measure that is presented to it within sixty (60) days after the date it has been notified by the city solicitor that it is in proper form ~~and may be lawfully adopted by the city council~~, the initiative measure shall be considered to have been approved on the sixty-first (61)st day. If an initiative measure is rejected, the City Clerk/clerk of the council shall promptly give notice to the petitioners committee, by certified mail.
- (d) Supplementary Petitions: Thirty ~~days (30) days~~ after the date an initiative petition has been rejected by the council, a supplemental initiative petition may be filed with the Election Commission/clerk of the council, but only by persons constituting the original petitioners committee. ~~The Election Commission shall have fourteen days (14) from the last day of submission to certify the voter signatures.~~ The supplemental initiative petition shall be physically signed by a number of additional voters which is equal to 15—% percent of the total number of registered voters as of the date of the most recent city election. If the number of signatures to the supplemental petition is found to be sufficient by the Election Commission, ~~it shall be placed on the next municipal election held not less than 90 days from the date of certification.~~ board of registrars, the council shall call a special election to be held on a date fixed by it, not less than 35 nor more than 90 days after the date the council votes to call for the special election, and shall submit the proposed measure, without alteration, to the voters for determination. But if any other city election is to be held within one hundred twenty (120) days after the date of the certification, the council may omit the calling of the special election and cause the question to appear on the election ballot at the next city election for determination by the voters.
- (e) Publication: The full text of any initiative measure which is submitted to the voters shall be published not less than seven (7) nor more than twenty one (21) days preceding the date of the

election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk and shall be published on the city bulletin board.

~~(f)~~(e) Form of Question: The ballots used when voting on a measure proposed by the voters under this Section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by an initiative petition as described in the city charter, take effect? (Here, insert a fair, concise summary prepared by the City Solicitor.)
YES _____ NO _____

~~(g)~~(f) Required Voter Participation: For any measure to be effective under initiative petition, at least ~~33%~~ percent of the registered voters as of the date of the most recent city election shall vote at the election upon which an initiative is submitted to the voters.

~~(h)~~(g) Time of Taking Effect: If a majority of the votes cast on the question, or other affirmative percent as required by general laws or this Charter, is in the affirmative and if the ~~33%~~ percent voter participation requirement is met, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 8-47 INELIGIBLE MEASURES

None of the following shall be subject to the ~~free petition or~~ initiative procedures outlined in Section 8-5 and Section 8-6:

- (a) Proceedings relating to the internal organization or operation of any elected body
- (b) An emergency measure adopted in conformity with the Charter
- (c) The City budget as a whole
- (d) Votes for the temporary borrowing of money in anticipation of revenue
- (e) An appropriation of any sum of money, for any purpose, amounting to less than 1 percent of the total annual budget of the City
- (f) Any appropriation for the payment of the City's debt or debt service
- (g) An appropriation of funds to implement a contract or collective bargaining agreement
- (h) Proceedings relating to election, appointment, removal, discharge, employment, promotion, transfer, or demotion of employees or appointed or elected officials or members of multiple-member bodies or any other personnel action
- (i) Any proceedings providing for the submission or referral of a matter to the voters at an election
- (k) Memorial resolutions
- (l) Any zoning petition that is subject to the city's zoning petition process

SECTION 8-58 SUBMISSION OF OTHER MATTERS TO VOTERS

The council may of its own motion, submit to the voters for adoption or rejection at any regular municipal election any measure with the same force and effect as is hereby provided for submission by petitions of voters. Such measures must originate within the council and pertain to affairs under said bodies' jurisdiction. Pursuant to the provisions of Massachusetts General Laws Chapter 53, Section 18A, non-binding public opinion advisory questions may be placed on the ballot at a regular municipal election.

SECTION 8-69: CONFLICTING PROVISIONS

If two (2) or more measures passed at the same election contain conflicting provisions, only the one (1) receiving the greatest number of affirmative votes shall take effect.

Commented [A70]: Publication of guides for ballot questions is already governed by Special Act. Language deleted as Special Act controls.

Commented [A71]: Thresholds were left blank by Charter Review Committee. Under state law for initiative petitions, state law requires that 1/3 of registered voters must vote in affirmative and majority of the ballots cast must be affirmative for any measure to pass. Thresholds set to 1/2 to be consistent with state law.

Commented [A72]: Delete per 12/9/24 vote

Commented [A73R72]: Language revised to allow for resident initiative measures per 2/24/25 vote.

Note that the Charter Review Committee's language left the threshold of required voter signatures blank. Current state law sets threshold for 8% to force ballot question on next municipal election and 15% to force special election within 30 days, but that does not reflect Charter Review Committee's language, the process proposed by the Collins Center, the procedures presented here, and realities of scheduling and holding special elections. Suggested thresholds are 5% of registered voters to petition to City Council, and an additional 15% to force a ballot question, for a total of 20% of registered voters. Recommendation that signature thresholds should be significant to reflect seriousness of process, to discourage frivolous petitions, and to better reflect the will of the City's registered voters as a whole.

Language has been revised to reflect actual City departments and operations. E.g. Election Commission, City Clerk, etc.

Note that state law resident initiative petitions could also be filed with the School Committee. The Charter Review Committee's proposed language only applies to City Council.

ARTICLE 9: GENERAL PROVISIONS

SECTION 9-1. CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by statutes enacted in accordance with the state constitution.

SECTION 9-2. SEVERABILITY

This charter is severable. If any provision of this charter is held invalid, the other provisions shall not be affected by this holding. If the application of this charter to any person or circumstance is held invalid, the application of the charter to other persons and circumstances shall not be affected.

SECTION 9-3. SPECIFIC PROVISION TO PREVAIL

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

SECTION 9-4. RULES AND REGULATIONS

A copy of all ~~any~~ rules and regulations adopted by a city ~~department if required by any state or federal law or regulation agency~~ shall be placed on file in the office of the city clerk not later than the effective date of the rule or regulation and shall be available for review by any person who requests such information at any reasonable time. A copy of all ordinances passed and ordained by the City Council shall be placed on file in the office of the city clerk and shall be available for review by any person in a form accessible to the public. Unless an emergency exists as determined by the city manager, no rule or regulation adopted by a city ~~department/agency~~ shall become effective until at least five (5) days following the date it is filed.

Commented [A74]: Language revised per 2/24/25 vote to also cover ordinances. Language added to allow for physical and electronic forms through "in a form accessible to the public."

SECTION 9-5. PERIODIC REVIEW OF CHARTER

Not later than July 1, in each year ending in a 2, the City Council shall provide for a review to be made of the city charter by a special committee to be established by ordinance. All members of the special committee shall be voters of the city not holding elective office. The special committee shall file a report with the City Council within 1 year of its appointment recommending any changes to the city charter which it deems necessary or desirable, unless an extension is authorized by vote of the City Council. Action on any proposed charter changes shall be as authorized by the Massachusetts constitution or general laws.

SECTION 9-6. PERIODIC REVIEW OF ORDINANCES

~~Not later than July 1, in each year ending in a 5 or in a zero, the city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ordinance. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.~~

Commented [A75]: Deleted per 2/24/25 vote.

SECTION 9-7. UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

(a) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, prescribe. Special meetings of any multiple-member body shall be held on the call of the chairman or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.

(b) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business within the bounds of any applicable ordinance that created it. Each multiple-

member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record and certified copies shall be placed on file in the office of the city clerk within 15 days of approval.

(c) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.

(d) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on a matter representing an exercise of the powers of the multiple-member body. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.

(e) Residency - Unless otherwise allowed by law, regulation, ordinance or by this charter, all members of multiple-member bodies shall be residents of the city at all times during that member's term of office. If a member of a multiple-member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled under section 3-3.

SECTION 9-8. NUMBER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.

SECTION 9-9. REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-10. COMPUTATION OF TIME

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is 7 days or more, Saturdays, Sundays and legal holidays shall be included.

SECTION 9-11. OATHS OR AFFIRMATIONS FOR THE OFFICE OF CITY COUNCIL AND SCHOOL COMMITTEE

~~A the~~The city council members-elect and the school committee members-elect shall, on the first Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first Monday in January of any even-numbered year falls on a legal holiday, the oaths or affirmations shall be taken on the following day.

Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of any member-elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record, or a justice of the peace.

SECTION 9-12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body,

Commented [A76]: Ensures that inauguration would no longer be held on New Year's Day or a legal holiday in the future.

before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

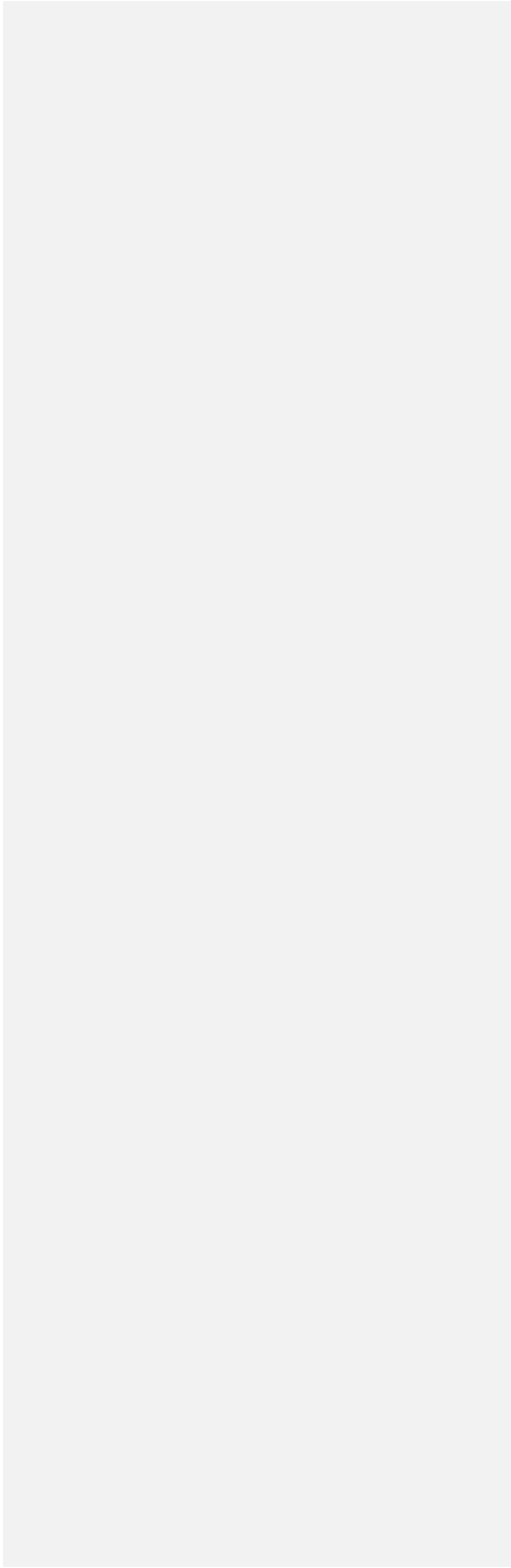
SECTION 9-13. LIMITATION ON OFFICE HOLDING

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than one (1) city office or position of employment. This section may be waived by the city manager upon the appointment of a person to an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the city clerk and city council. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position

SECTION 9-14. ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the city manager to see that the charter is faithfully followed and complied with by all city ~~agencies~~departments and city employees. Whenever it appears to the city manager that a city ~~agency~~department or city employee is failing to follow this charter, the city manager shall, in writing, cause notice to be given to that ~~agency~~department or employee directing compliance with the charter. If it shall appear to the city council that the city manager personally is not following the charter, it shall, by resolution, direct the attention of the city manager to those areas in which it believes there is a failure to comply with the charter. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

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ARTICLE 10: TRANSITION PROVISIONS

SECTION 10-1 CONTINUATION OF EXISTING LAWS

All ordinances, resolutions, rules, regulations and votes of the city council, which are in force at the time this charter is adopted and are not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed. Where provisions of this charter, as amended, conflict with city ordinances, rules, regulations, orders, special acts and acceptances of laws of the commonwealth, the provisions of this charter shall govern. All provisions of city ordinances, rules, regulations, orders and administrative actions not superseded by this charter shall remain in force.

SECTION 10-2 EXISTING OFFICIALS AND EMPLOYEES

Any person holding a city office or employment under the city shall retain such office or employment and shall continue to perform the duties of the office until provision shall have been made in accordance with this charter for the performance of the said duties by another person or ~~agency~~ department. No person in the permanent full-time service or employment of the city shall forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical.

SECTION 10-3 CONTINUATION OF GOVERNMENT

All city officers, boards, commissions or ~~agencies~~ departments shall continue to perform their duties until reappointed or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another city office, board, commission or agency.

SECTION 10-4 CONTINUATION OF OBLIGATIONS

All official bonds, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter and all taxes, special assessments, fines, penalties, and forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this charter. No legal act done by or in favor of the city shall be rendered invalid by the adoption of this charter.

SECTION 10-5 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any office, board, commission, committee or ~~agency~~ department or part thereof, the powers and duties of which are assigned in whole or in part to another city office, board, commission or ~~agency~~ department, shall be transferred forthwith to such office, board, commission or ~~agency~~ department.

~~SECTION 10-6 POLICY ORDER TRACKING~~

~~Within 18 months of the effective date of this charter, the City Manager will complete a study of the use of technology to categorize and track policy orders for the purpose of providing information to the public about the status of policy order votes and implementation of these policy orders by the executive branch pursuant to Section 3-9. The information shall be made available on the town website as soon as practicable.~~

Commented [A77]: Deleted per 12/9/24 vote

~~SECTION 10-7 CAMPAIGN FINANCE~~

~~Within 6 months of the adoption of this charter, the city council shall create a Campaign Finance Committee to study public financing mechanisms and prepare recommendations with the goal of making running for office in Cambridge more accessible. The study committee shall consider a full range of options, including but not limited to voucher programs, campaign spending, and contribution limits. The committee shall provide an analysis of the potential benefits and barriers of each option. No action is necessary if the city council has already taken action consistent with this provision.~~

~~The committee shall issue recommendations to the city council and the next charter review committee within 12 months of creation. The city council shall take action on the recommendations and/or refer recommendations to next charter review committee within 90 days of receipt.~~

Commented [A78]: Deleted per 12/9/24 vote

~~SECTION 10-8 RESIDENT ASSEMBLY~~

~~The establishment of a resident assembly is intended to create an inclusive and representative group of voices that are not traditionally heard in city government. The resident assembly shall be selected by sortition from the general population, with effort made to reach residents of all backgrounds and experiences. Within 12 months of the effective date of this charter, the city council, in consultation with the city manager, city clerk, and relevant experts in the field, will complete a study on the best method for implementing the resident assembly as provided in Section 8. Within 18 months of the effective date of this charter, the city council shall enact ordinances establishing the resident assembly and commence the process of selecting members.~~

Commented [A79]: Deleted per 12/9/24 vote

~~SECTION 10-10 AND BEYOND: RESERVED FOR TECHNICAL TRANSITION SECTIONS~~

~~[reserved for technical sections]~~

DRAFT