



SPECIAL COMMITTEE OF THE WHOLE

SPECIAL COMMITTEE OF THE WHOLE

~ AGENDA ~

Monday, December 9, 2024

1:00 PM

Sullivan Chamber

The Special Committee of the Whole will meet on December 9, 2024 at 1:00 PM to review and discuss the recommendations from The Charter Review Committee and any additional suggestions from the full City Council pertaining to the Cambridge City Charter

A communication was received from Councillor Toner, transmitting the meeting agenda and Charter Review recommendations for discussion.

A communication was received from Councillor Siddiqui and Councillor Toner, transmitting an update on the Special Committee on Charter Review.

A communication was received from Councillor Toner, transmitting questions regarding Charter Review recommendations and process.

A communication was received from Megan Bayer, Acting City Solicitor, transmitting a legal opinion in response to the Charter Review Committee's Final Report and the Process for Reviewing and Acting on those Recommendations.

A communication was received from Megan Bayer, Acting City Solicitor, transmitting a presentation relative to the City Council's Charter Review questions.

A communication was received from Councillor Toner, transmitting the Rules of the City Council.

Agenda for the Special Committee on Charter Review
Co-Chairs Councillors Siddiqui and Toner
December 9th
1:00PM to 3:00 PM

1. *Public Comment*
2. *Statements from the Co-Chairs*
3. *Review and vote on recommendations from Charter Review Committee*
4. *Next Steps*

2. Review and vote on recommendations from the Charter Review Committee

At this time, the only decision that has been made is that a two-thirds majority of the Council will be required to advance any recommendations to the Attorney General and/or Legislature, and residents on a future ballot. Today we will begin the process of making decisions about Charter Review Committee recommendations. We will discuss any recommendations that need further discussion, and any additional suggestions brought forward by City Council members at a future meeting in January.

Except for the form of government question, the Charter Review Committee divided the recommendations under the following categories: Expanding Enfranchisement and Equity, Participation in and Accessibility of Government for all Residents, Effectiveness of Government, Responsiveness, and Accountability.

We will go through each of the recommendations and decide by 2/3 votes whether to vote to Yes, No, or hold for further discussion.

A. City Manager or Strong Mayor form of Government (City Manager, Strong Mayor or hold for further discussion)

The committee did not reach the stated 2/3rds threshold for either option but provided their thoughts on the pros and cons of each.

The following recommendations were under Expanding Enfranchisement and Equity:

B. Maintain an at-large city council elected by proportional representation. (Yes, No or hold for further discussion)

A motion for the Committee to recommend Cambridge maintain a Proportional Representation system in Cambridge elections.

Yes – 13, No – 0, Absent – 2

C. Maintain an at-large city council of 9 members. (Yes, No or hold for further discussion)

A motion for the Committee to recommend Cambridge maintain an at-large city council of nine members.

Yes – 11, No – 1, Present - 1, Absent – 0

D. Enfranchise non-citizens in municipal elections. (Yes, No or hold for further discussion)

A motion to enshrine non-citizen eligibility to vote in municipal elections.

Yes – 13, No – 0, Absent – 2

A motion to allow non-citizens to run for municipal elections.

Yes – 11, No – 2, Absent – 2

E. Enfranchise 16- and 17-year-olds in municipal elections. (Yes, No or hold for further discussion)

A motion to enshrine 16- and 17-year-olds eligibility to vote in municipal elections.

Yes – 12, No – 1, Absent – 2

F. Move municipal elections to even years. (Yes, No or hold for further discussion)

A motion to hold municipal elections in even numbered years.

Yes – 13, No – 0, Absent – 2

G. Create more flexibility and modernize election voting and tabulation methods in charter language. (Yes, No or hold for further discussion)

A motion to recommend election procedure language be changed to authorize the City to use any tabulation method.

Yes – 13, No – 0, Absent – 2

A motion that the Committee recommend that the election procedure language be changed to authorize the City to use any voting method of Proportional Representation.

Yes – 13, No – 0, Absent – 2

A motion that the Committee recommend the remaining election procedures and relevant laws be compiled, updated, and drafted by the City, Election Commission, and Law Department consistent with all Charter Review Committee recommendations.

Yes – 13, No – 0, Absent – 2

The following recommendations were under Participation in and Accessibility of Government for all Residents:

H. Participation in and Accessibility of Government for all Residents by creating Resident Assemblies (Yes, No or hold for further discussion)

A motion that the Committee recommend establishing a Resident Assembly in the Charter

Yes – 12, No – 0, Absent – 3

I. Public tracking mechanisms of council policy orders. (Yes, No or hold for further discussion)

Recommend Public Tracking Mechanism of Council Policy Orders and other measures

Yes - 14, No - 0, Absent – 1

The following recommendations were under Effectiveness of Government:

J. Effectiveness of Government through Measurable Goalsetting (Yes, No or hold for further discussion)

A motion recommending the proposed language for City Council Goal-Setting.

Yes – 10, No – 0, Absent – 5

K. Maintain 2-year terms for city councillors. (Yes, No or hold for further discussion)

A motion that the Committee recommend maintaining 2-year terms for city council.

Yes - 12, No - 1, Absent - 2

The following recommendations were under Responsiveness, and Accountability:

L. Responsiveness and Accountability through delineating budget process and priority setting. (Yes, No or hold for further discussion)

A motion for the Committee to approve recommending the draft finance article text and reflected timeline for Mayor-CAFO-Council form of government.

Yes - 13, No - 0, Present - 0, Absent - 2

A motion for the Committee to approve recommending the draft finance article text and reflected timeline for Council-Manager form of government.

Yes - 12, No - 0, Present - 1, Absent – 2

A motion to recommend the proposed language for City Council Budget Priorities

Yes – 10, No – 0, Absent - 5

M. Give the City Council the power to add or increase line items in the budget. (Yes, No or hold for further discussion)

A motion that the Committee recommend that the City Council be allowed to amend the City budget (adding funds or line items, but not increasing the overall budget) prior to approval and be allowed to override the Mayor’s budgetary amendments or veto under the Mayor-CAFO-Council form of government.

Yes - 11, No - 0, Present - 2, Absent - 2

A motion to recommend that the City Council be allowed to amend the city budget (adding funds or line items but not increasing the overall budget) prior to approval, with consultation with city manager, under Council-Manager form of government

Yes - 10, No - 1, Present - 2, Absent - 2

N. Enshrine resident initiative provision. (Yes, No or hold for further discussion)

A motion that the Committee recommends a Resident Initiative Provision under both forms of government. The City Council shall collaborate with the Election Commission to determine the thresholds.

Yes - 11, No - 0, Present - 0, Absent - 4

O. Enshrine group petition provision. (Yes, No or hold for further discussion)

A motion that the Committee recommends adding a group petition provision to the Charter, the thresholds shall be relatively low. The City Council shall collaborate with the Election Commission to determine the thresholds

Yes - 11, No - 0, Present - 0, Absent - 4

P. Campaign finance study committee. (Yes, No or hold for further discussion)

A motion to recommend enshrining that the City Council or an appropriate body of the city have the ability to allow to make Campaign Finance reforms.

Yes – 10, No – 3, Absent – 2

A motion for the Committee to establish a Campaign Finance Study Committee in the Transition Provisions.

Yes – 13, No – 0, Absent – 2



City of Cambridge

COF 2024 #154
IN CITY COUNCIL
December 9, 2024

COUNCILLOR SIDDIQUI
COUNCILLOR TONER

Attached please find a communication from Councillor Siddiqui and Councillor Toner, transmitting an update on the Special Committee on Charter Review.



CAMBRIDGE CITY COUNCIL

December 5th, 2024

To Mayor Simmons and Members of the Cambridge City Council:

As Co-Chairs of the Special Committee on Charter Review, we have scheduled a meeting on December 9th, 2024, from 1 to 3pm for the full Council to discuss the status of Charter Review process and develop a timeline and plan for advancing recommendations to put forward on the November 4th, 2025 ballot.

In advance, we ask that you review the discussions and materials from the June 5th and June 25th, 2024 Government Operations, Rules, and Claims Committee meetings. Both meetings began with public comment and were followed by discussions on the Charter Review Committee recommendations, challenges of some of the recommendations, and strategies for moving the process forward.

- [June 5th Government Operations meeting \(VIDEO\)](#)
- [June 5th Meeting Agenda and Documents](#)
- [June 25th Government Operations Committee Meeting \(VIDEO\)](#)
- [June 25th Meeting Agenda and Documents](#)

At this time, the only decision that has been made is that a two-thirds majority of the Council will be required to advance any recommendations to the Attorney General and/or Legislature, and residents on a future ballot.

Our goal for the December 9th meeting is to review each of the recommendations from the Charter Review Committee. We will schedule a follow-up meeting in January 2025 for items that require more discussion, as well as any additional recommendations from the City Council.

Sincerely,

Paul Toner
Co-Chair, Special Committee on Charter Review

Sumbul Siddiqui
Co-Chair, Special Committee on Charter Review

Questions for City Clerk, Election Commission Executive Director, City Solicitor regarding Charter Review Recommendations and Process

Procedural Items to be discussed.

1. Meetings with solicitor/election commissioner/clerk/ other experts to review process and Council questions.
2. How many meetings, forums, public outreach, etc.?
3. Set up timeline for putting on ballot.
4. Establish guidelines for processing recommendations (i.e. Will we consider items not supported by a 2/3rds recommendation as required by the ordinance? Will we require a majority vote or 2/3rds vote of council to advance a recommendation?)

Legislative and Balloting Process

1. The City Council reviews and votes on recommendations.
2. The City Council approves a home rule petition to forward to legislature.
3. The Legislature reviews and approves or rejects home rule petition.
4. If approved by the Legislature, forwarded to the Governor
5. Signed by the Governor
6. Placed on ballot before the voters.

Questions/Issues to Review

1. Does everything need to go on the ballot? If it's just ministerial or modernizing and editing language, must it still go to ballot?
2. Will the Council only be reviewing recommendations that had at least a 2/3rds vote from Charter Review as per the Ordinance Committee?
3. If yes to #2, the first decision is whether or not to change from the City manager form of government to a strong Mayor form of government. Can we send both versions to the State House for approval to put before the voters? Would they consider both in tandem or are we essentially forced to make the decision as a council without putting it to the ballot?
4. Can the State House review and approve recommendations ***a la carte or must they vote the whole proposal up or down?***
5. Will the Council go forward with recommendations as a whole package or separate HR Petitions on different recommendations?
6. Should we be moving forward in phases? Move forward with legal. editorial, format changes first and then at a later date consider the more substantial recommendations?

7. Should we be adding language to acknowledge other prior changes in city government (Traffic Board, Licensing Commission, Cambridge Health alliance, Cambridge Housing Authority, etc.) even if just by reference?
8. What is the legislative history of requests to allow voting for 16- and 17-year-olds in municipalities at the State House? What are the pros and cons of including?
9. What is the history of requests to allow voting for non US citizen residents to vote in municipalities at the State House? What are the pros and cons of including?
10. What is the history of requests to move municipal elections to even years at the State House/Secretary of State's Office?
11. How difficult would it be for the election commission to change council elections to align with state and national elections? What are the pros and cons of including?
12. Could we put language in the charter that would go into effect upon action of the state house for items that require passage of state legislation? (ex: "The City of Cambridge shall allow voting by 16 and 17 year-olds. This shall go into effect upon passage of enabling legislation by the Massachusetts state legislature.")
13. Would PR still 'work' if we moved council elections to align with state and national elections? OR do we have to move to a popular vote approach?
14. What does it mean to change the tabulation method and what would we change it to? How is it decided what tabulation method to use?
15. Can the solicitor identify areas of conflict between the existing charter, state requirements and the city council rules, if any. Public comment comes to mind?
16. If we move to a resident assembly how are the persons selected? Elected? Who does this? Elected? Appointed by City Manager?
17. Once we complete our process and send Home Rule Petition, how long will it take for the state to approve or not approve?
18. Do charter questions have to be put on the ballot in a municipal election year or could they be put on the ballot during a special election or during an even numbered year?
19. When would we need to send proposed questions to the State Legislature for review to have them on the November 2025 ballot?

Megan B. Bayer
Acting City Solicitor

Elliott J. Veloso
First Assistant City Solicitor



Assistant City Solicitors
Paul S. Kawai
Sean M. McKendry
Diane O. Pires
Kate M. Kleimola
Sydney M. Wright
Evan C. Bjorklund
Franziskus Lepionka
Andrea Carrillo-Rhoads

Public Records Access Officer
Seah Levy

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

June 5, 2024

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Response to City Council Questions Regarding the Charter Review Committee's Final Report and the Process for Reviewing and Acting on those Recommendations.

Dear Mr. Huang,

On February 12, 2024, the Council passed Awaiting Report No. 24-7, which requested a review of the Charter Review Committee's Final Report, Given how broad that request was, on March 3, 2024 the Law Department requested further guidance from the Council regarding what questions the Council would like answered. The Chair of the Government Operations, Rules and Claims Committee collected questions from Councilors and provided the questions to staff. The following is in response to the questions related to the Charter Review Committee's Final Report and questions associated with the process for reviewing and acting on those recommendations.¹ A copy of the questions is attached. Additionally, the Election Commission has guidance to offer the Council on a number of these questions, and will do so at the Government Operations, Rules and Claims Committee meeting.

I. Procedural Items to be Discussed

The first section of the questions lists procedural items to be discussed. This section primarily consists of questions about the process for the Council to decide, rather than requests for guidance from the Law Department. We do offer the following guidance in response to Question 4:

¹ Several questions that were either substantially similar or asked about the same issues were omitted for ease of reference and brevity.

4. Establish guidelines for processing recommendations (i.e. Will we consider items not supported by a 2/3rds recommendation as required by the ordinance? Will we require a majority vote or 2/3rds vote of council to advance a recommendation?)

Response: Under Section 2.02.100(B)(v) of the Cambridge Municipal Code, the Charter Review Committee's written report "...shall include any charter changes the special committee recommends as necessary or desirable by a two-thirds vote of the special committee, and shall include the reasons for the recommended changes to be made and the anticipated effects of the changes as set forth in subsection iv above." As such, the plain language of the ordinance establishes that only recommendations for charter changes that the Charter Review Committee approved by a 2/3 vote are to be presented to the City Council for consideration. By extension, what currently is present in the City's existing charter carries forward by default.

There is no requirement in Section 2.02.100 that the City Council requires a 2/3 vote to approve special legislation for charter changes to go to the state legislature. As such, approval of such special legislation would follow the standard voting requirements for special legislation, which would be a simple majority vote of the City Council. However, nothing precludes the City Council under its own initiative first voting to set a rule or procedure to require a 2/3 vote for approval of charter change home rule petition if it so desired. Also, initiating a ballot question to change the charter pursuant to G.L. c.43B, §10, as described below, requires a 2/3 vote of the Council.

II. Legislative and Balloting Process

1. The City Council reviews and votes on recommendations.
2. The City Council approves a home rule petition to forward to legislature.
3. The Legislature reviews and approves or rejects home rule petition.
4. If approved by the Legislature, forwarded to the Governor
5. Signed by the Governor
6. Placed on ballot before the voters.

Response: There are two pathways for the City Council to initiate charter changes after considering the Charter Review Committee's recommendations.

- A. Under G.L. c. 43B, § 10(a), the Council can vote by 2/3 vote to amend an existing charter, so long as the amendments do not relate to "composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager" and as long as the amendments are consistent with state law. ("Council Vote/AG Review") After the City Council votes on the proposed amendments by 2/3 vote, the amendments are then reviewed by the Attorney General's Office to ensure their consistency with state law. If the Attorney General reports that the proposed amendment conflicts with the state constitution or state law, the order proposing such amendment shall not take effect and shall be sent back to the Council. The Council can then make the changes required by the Attorney General and vote again, and the second vote also requires a 2/3 vote. The amendment is finalized four weeks after the final vote of the Council, and the amendment must be submitted to the voters at the

first regular municipal election occurring no sooner than two months after the proposed amendment becomes final.

- B. The City Council could file a home rule petition for special legislation. This pathway is required if the amendments change the “composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager” or if the proposed amendments conflict with state law. For example, an amendment to allow 16- and 17-year-old voting and non-citizen voting would be in conflict with state law. A home rule petition for special legislation requires a majority vote of the City Council (unless the City Council decides to require a higher vote threshold for charter changes – see above). The special legislation would then be sent to the state legislature for its consideration. If the state legislature votes to approve, it is then sent to the Governor for her approval and signature.

If special legislation is pursued, there is no legal requirement that the changes made would need to go before the voters. However, the State Legislature has expressed preference that substantive changes to a charter, such as those relating to the authority of a branch of government or a term of office, would require voter ratification. The Council could include in home rule petition that certain amendments would require approval of the voters, or the Legislature may on its own initiative add a requirement that certain amendments receive voter approval. The City Council would have the ability to specify in the home rule petition if the special act would be before the voters at a special election or the next regular municipal election.

III. “Questions/Issues to Review”

1. Does everything need to go on the ballot? If it’s just ministerial or modernizing and editing language, must it still go to ballot?

Response: Under Council Vote/AG Review, the proposed amendments have to go the voters after the Attorney General finds that there is no conflict with state law or the Massachusetts Constitution.

With special legislation, there is no legal requirement that the changes need voter ratification. However, the State Legislature has made clear that with the special legislation process, any substantive changes to a charter, such as form of government, terms of office, or establishing new bodies, would require voter ratification. More ministerial or minor changes, such as modernizing and applying gender neutral language or reorganization, could go into effect without voter ratification.

2. Will the Council only be reviewing recommendations that had at least a 2/3rds vote from Charter Review as per the Ordinance Committee?

Response: See Section I. - Procedural Items to be Discussed.

3. If yes to #2, the first decision is whether or not to change from the City manager form of government to a strong Mayor form of government. Can we send both versions to the State House for approval to put before the voters? Would they consider both in tandem or are we essentially forced to make the decision as a council without putting it to the ballot?

Response: If the City Council wishes to consider changes to the charter that did not receive a 2/3 vote recommendation from the Charter Review Committee, it would be through its own authority to initiate charter changes. It should be noted, however, that placing dueling ballot questions on form of government on the ballot may be a difficult proposition for the state legislature to approve, given the potential inaccurate results that could be generated in an election. For example, local voters could potentially vote “yes” or “no” on both ballot questions, or only vote for one question and leave the other blank. As a result, the ultimate results could be skewed in a manner that does not provide an accurate reflection of community sentiment. Additionally, it is unclear if the State Legislature would approve two dueling charters.

4. Can the State House review and approve recommendations *a la carte* or must they vote the whole proposal up or down?

Response: The State Legislature will take up any home rule petition passed by a municipality for deliberation. In considering such special legislation, the state legislature will take up the bill as a whole, and will likely only make “such incidental changes necessary to effectuate passage” if so authorized by the municipality in the home rule petition language. That said, for cities, the State Legislature will likely only consider minor edits, such as to correct typos or grammar, to be permissible “incidental changes.” Substantive changes, such as striking out operative language or removing provisions, will likely not be considered. In instances where the State Legislature does not approve of a provision in special legislation, it will be rejected or sent back to the City for reconsideration.

5. Will the Council go forward with recommendations as a whole package or separate HR Petitions on different recommendations?

Response: Nothing precludes the City Council from forwarding charter review changes to the state legislature in one home rule petition or separate home rule petitions. The state legislature considers each piece of special legislation separately and only on its singular merits. It is up to the City Council regarding the number of home rule petitions it wishes to submit to the state legislature for consideration.

6. Should we be moving forward in phases? Move forward with legal, editorial, format changes first and then at a later date consider the more substantial recommendations?

Response: Nothing precludes the City Council from voting to approve home rule petitions “in phases,” with certain changes submitted first for consideration by the state legislature. Again, the state legislature considers each piece of special legislation separately and only on its singular merits. It is up to the City Council regarding whether it wishes to submit home rule petitions for special legislation in phases to the state legislature for consideration.

7. Should we be adding language to acknowledge other prior changes in city government (Traffic Board, Licensing Commission, Cambridge Health Alliance, Cambridge Housing Authority, etc.) even if just by reference?

Response: Any prior special legislation passed by the State Legislature will remain in effect unless superseded or voided by subsequent special legislation. However, any home rule petition regarding charter changes should make clear that the special legislation does not invalidate or supersede prior special legislation governing the City's government system, bodies, or procedures, unless it is the will of the City Council to so invalidate or supersede those prior special acts. The home rule petition could state that the special legislation will not supersede any prior enacted special legislation concerning the City. The home rule petition could also reference prior enacted special acts or address the content of prior enacted special acts, if the Council so chooses.

8. What is the legislative history of requests to allow voting for 16- and 17-year-olds in municipalities at the State House? What are the pros and cons of including?

Response: The City filed separate home rule petitions in 2002 and 2006 to lower the voting age to 17-year-olds. In 2020, the City Council voted 7-2 in favor of forwarding a home rule petition to allow citizens aged 16 and older to vote in local elections and for local ballot measures. In Massachusetts, other municipalities and local organizations have also attempted to pass home rule petitions to allow lower the voting age to 16- and 17-year-olds in local elections. For example, in November 2022, the Boston City Council approved a home rule petition to lower the voting age to allow 16- and 17-year-olds to vote in municipal elections. See also H.3742 of 2023 (Act Granting Somerville Authority to provide voting rights to 16- and 17-year-olds in local elections). At a state level, the EMPOWER Act of 2019 (H 720 and S 389) would have allowed all cities and towns in the state to change the minimum voting age to 16 without seeking a home rule petition.

However, every attempt to pass either state legislation or special legislation to allow 16- and 17-year-old voting has been either rejected by the state legislature, "tabled," or not advanced past the committee stage. The Massachusetts Secretary of State's Office Election Division has stated that it opposes any effort to legalize 16- and 17-year-old voting in municipal elections. The Election Division has also stated that it would not permit any state resources or the state voter registration system to be used for 16- and 17-year-old voting.

If there is desire for 16- and 17-year-old voting to be included as a charter change, the following are some of the issues the City Council would need to consider in any proposed special legislation:

- How will 16- and 17-year-olds be registered? – Massachusetts voting registration forms and the state's voters registration system can only be used to pre-register 16- and 17-year-olds to vote when they turn 18. These forms, state databases, and official state-maintained voter rolls will not be available to register 16- and 17-year-olds to vote.
- How will voting lists be maintained? – As state voter lists cannot be used, the City would have to maintain its own voter registration lists for 16 and 17 year old voters. How will

the City ensure voter eligibility? How will the City maintain and curate voter rolls if 16 and 17 year olds are no longer residents.

- Administrative issues – Will the City maintain separate voting lists, registration forms, and software programs? All voter registration is done through state authorized forms and systems, and does not recognize any unauthorized form of voter registration.
- State and Federal Implications – Could voting in municipal elections endanger a 16- or 17-year-old non-citizen’s efforts to become a U.S. citizen, or cause confusion, because citizenship applications ask about whether the applicant has voted?²
- How will records be maintained and secured? Voter registration requires certain vital information, such as birthdates and addresses. Without access to the state voter registry database, how will this information be secured. Note that any records the City creates would be public records subject to the Massachusetts Public Records Law.

9. What is the history of requests to allow voting for non-US citizen residents to vote in municipalities at the State House? What are the pros and cons of including?

Response: In Massachusetts, several municipalities, such as Cambridge, Boston, Brookline, Amherst and Newton, have submitted proposed home rule petitions to the Legislature seeking to allow non-citizens to vote in local elections. Statewide bills have also been presented in the State Legislature on this issue. For example, Representative Alice Wolf in 2004 introduced legislation which would grant each municipality in Massachusetts the ability to allow immigrants to vote in local elections without needing approval from the Legislature. This bill was sent to the Joint Committee on Election Laws and was tabled. Currently, there is one bill in the Massachusetts State Legislature that would extend voting rights in municipal elections to noncitizen voters (Bill H.671, 193rd Session, Representative Mike Connolly). Based on the State Legislature’s previous inaction on these types of bills, it is likely that any proposed charter changes containing such a provision would be rejected by the state legislature. It is also likely that the Secretary of State’s Election Division would oppose any effort to add non-citizen voters to state voting rolls.

At the time the City submitted its prior proposed home rule legislation, Legislators expressed concerns ranging from maintaining “uniform laws regarding voting eligibility” to the need for inclusion of specific parameters in the legislation. If there is desire for non-citizen voting in local elections to be included as a charter change, the following are some of the issues the City Council would need to consider in any proposed special legislation:

- Defining the non-citizen voting population – How will “non-citizen” be defined; for example, will it include undocumented immigrants and immigrants with legal status?
- What term would be used to refer to non-citizen voters? – The term “voters” is defined in state and federal law as citizens only.
- Eligibility requirements to register to vote – The Secretary of State’s Office will not permit non-citizens to register as voters on official state-maintained voter rolls. As such, how will non-citizen voters register? How will the City check eligibility?

² Tacoma Park, Maryland, which allows non-citizen voting in local elections, issues letters to non-citizens applying for U.S. citizenship to be submitted with their applications indicating that non-citizen voting is allowed in Tacoma Park and that they are registered to vote in only those elections. It is unclear if such documentation is considered sufficient by USCIS or if such documentation would be considered in the future.

- Non-citizen status requirements (length of residency, citizenship status) – Some non-citizen voting proposals require three years as a legal resident, which is two years before naturalization. Others suggest a period of only one year or less, allowing a non-citizen just entering the U.S to vote.
- Will non-citizen voters be allowed to run and serve in public office?
- Administrative issues – Will the City maintain separate voting lists, registration forms, and software programs? All voter registration is done through state authorized forms and systems, and does not recognize any unauthorized form of voter registration.
- State and Federal Implications – Will the City be required to communicate with the United States Citizenship and Immigration Services (USCIS)? Could voting in municipal elections endanger a non-citizen’s efforts to become a U.S. citizen or cause confusion? The requirements of the Voting Rights Act would need to be reviewed carefully before registering individuals because there would be serious penalties for registering or voting in an election where a voter does not meet citizenship requirements.
- How will records be maintained and secured? Voter registration requires certain vital information, such as birthdates and addresses. Without access to the state voter registry database, how will this information be secured. Note that any records the City creates would be public records subject to the Massachusetts Public Records Law.

10. What is the history of requests to move municipal elections to even years at the State House/Secretary of State’s Office?

Response: Research has found no bill or special legislation currently before the state legislature which proposes the moving of local elections from odd years to even years, to coincide with state and federal elections.

11. How difficult would it be for the election commission to change council elections to align with state and national elections? What are the pros and cons of including?

Response: Theoretically, Proportional Representation Voting (“PR”) could still be possible if municipal elections were moved to align with state and national elections. However, there are serious ramifications, burdens, and considerations that would need to be taken into account. If there is desire for even year municipal elections to be included as a charter change, the following are some of the issues the City Council would need to consider in any proposed special legislation:

- Different voting methods. – Municipal elections and state/federal elections are conducted in fundamentally different ways: municipal PR voting vs. state/federal “one person, one vote” voting. This has profound ramifications on all aspects of the administration and conducting of elections.
 - How are the ballots counted? – Ballots for the municipal election cannot be tabulated in the same way as state/federal ballots. As such, in a combined election, municipal ballots cannot be processed and secured in the same voting machine as state/federal ballots because of the different tabulation ballots.

- How do you secure ballots? – State and federal laws require that state/federal election ballots must be secured during elections at all times. State/federal ballots cannot be “intermingled” with local ballots.
- How do you maintain voting lists and check-in voters? – Some voters may only opt to vote in a federal or state election, while other voters may only wish to vote in a local one. The City will need to maintain two voter check-in lists for each election to ensure voters only vote once and to maintain accurate counts.
- Equipment and personnel needs. – Because ballots cannot be processed in the same machine and two separate voting lists need to be maintained, equipment, personnel, and space needs will need to be “doubled” in order to conduct the elections simultaneously. This requires twice the voting machines for each precinct, double the staffing at each location, and double the supplies needed.
- Costs. – For state/federal elections, Massachusetts covers the costs of printing ballots, educational materials, early voting, postage for absentee ballots, and other procedural costs. The state will not cover the costs for local elections. As such, the City would have to cover all costs for local elections.
- Early voting and vote by mail. – Absentee and early voting ballots for state/federal elections need to be separately processed and stored from municipal election ballots. This causes issues if voters intermingle their state/federal and local ballots together when mailing their ballots back, or during in-person early voting.
 - For example, a voter intermingling their state and local ballots in the same return envelope and sealing them together would result in both ballots being invalidated due to state requirements that only the state ballot is to be sealed in the voter affirmation envelope.
 - In another example, the law is different regarding the time and date absentee and mail in ballots can be received. For biennial state elections, municipalities are allowed to count ballots that are postmarked on election day and arrive in the office by Friday after the election by 5:00 PM. However, this does not apply to municipal elections, as under the law municipal ballots can only be accepted if received prior to the close of polls (8:00 PM on Election Day). This could result in local ballots being invalidated while state ballots being accepted if postmarked and mailed at the same time. Overseas ballots and military ballots (UOCAVA) also have different requirements for state versus local elections.
- Tabulating election results. – Tabulating the results of state/federal and municipal elections would take longer, as you would need to conduct two separate tabulations of two different electoral systems (PR vs. “one person, one vote”), while ensuring that ballots are secure and meeting the tabulation deadlines set by state and federal law. As state and federal election results must be finalized and submitted within strict statutory timeframes, the results of the municipal election would have to be delayed, potentially for weeks, while the results of the state/federal elections are confirmed and submitted to the Secretary of State’s Election Division.
- Recounts – Recounts or state audits for state/federal elections would result in further tabulation delays for municipal elections.

12. Could we put language in the charter that would go into effect upon action of the state house for items that require passage of state legislation? (ex: “The City of Cambridge shall allow voting by 16- and 17-year-olds. This shall go into effect upon passage of enabling legislation by the Massachusetts state legislature.”)

Response: There is nothing that necessarily precludes the City Council from putting language in the charter that would go into effect upon action of the state house for items that require passage of state legislation. However, contingent provisions such as these are generally disapproved, as it is difficult to determine when and if the required subsequent action will occur. As there is no guarantee that the subsequent action taken by the state legislature would conform with the requirements of the contingent provision in the charter, uncertainty or legal disputes could arise.³ As such, including such contingent provisions carries the risk of possible rejection by the State Legislature.

13. Would PR still ‘work’ if we moved council elections to align with state and national elections? OR do we have to move to a popular vote approach?

Response: As noted in the response to Question No. 11, PR could still be possible if municipal elections were moved to align with state and national elections. As noted, however, there are serious ramifications, burdens, and considerations that the City Council would need to take into account if it is interested in pursuing such a course. Please see the response to Question No. 11 for a list of some of the issues faced.

14. What does it mean to change the tabulation method and what would we change it to? How is it decided what tabulation method to use?

Response: Currently, the City’s PR system is conducted via the “Cincinnati Method” as authorized through Chapter 341 of the Acts of 1938. This Special Act allowed certain cities or towns to vote by proportional representation for municipal elections. Cambridge’s choice of the “Cincinnati Method” is named after the place in the United States that was using this method in 1938. The Cincinnati Method is not the only method to transfer surplus ballots, and there are more modern methods that could be employed to tabulate PR votes. Cambridge, however, must currently abide by Chapter 341 of the Acts of 1938, which restricts our methods for redistributing surplus ballots to systems that were in use somewhere in the United States at that time. As a result, the only way to change Cambridge’s PR system to use another or more modern tabulation system would be through new special legislation authorizing Cambridge to do so. That could include changing the method through a provision in the charter.

15. Can the solicitor identify areas of conflict between the existing charter, state requirements and the city council rules, if any. Public comment comes to mind?

³ To use the example proffered, let’s say hypothetically the City puts in its charter a provision that allows for voting by 16- and 17-year-olds to go into effect upon passage of “enabling legislation” by Massachusetts. Then let’s say the state legislature passes such legislation, but that it only allows those aged 17 to vote, and only in state elections. By the hypothetical language in the charter, would this legislation constitute the condition that triggers that provision in the charter? An argument can be made that the provision has not triggered because the state legislature only approved of 17-year-olds to vote and not also 16-year-olds as stated in the plain language. Others could disagree. Interpreting ambiguities in such contingent provisions and triggering conditions runs the risk of devolving into a legal quagmire.

Response: At this stage, there is no real way to comprehensively identify all potential areas of conflict between the existing charter, state law, City Council rules, and what has been proposed by the Charter Review Committee. As such, it is recommended that the City Council identify what areas it intends to pursue for changes to the charter, which could potentially narrow the areas of review.

16. If we move to a resident assembly how are the persons selected? Elected? Who does this? Elected? Appointed by City Manager?

Response: Under the Charter Review Committee's proposal for resident assemblies (Section 8.4 in Final Report), the resident assembly would be convened at least once each City Council term. 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." The process for selecting the membership "must include a random lottery," where members are selected from the City's "citizen and non-citizen residents over the age of 16" population at random. Membership is voluntary and members can resign at any time. The resident assembly must consist of no fewer than 30 people at any given time, and receive all "financial resources, staff support, translation services, and space for deliberations" from the City, including stipends. During their deliberations, the committee emphasized that the random lottery draw of participants must also be weighted to ensure that the assembly reflects the City's ethnic, socioeconomic, and cultural diversity.

The committee's proposal did not address the mechanics of the random draw/selection process or membership. If the City Council desires to consider establishing a resident assembly, the following are some of the issues the City Council would need to consider in any proposed special legislation:

- Random Lottery – The committee envisioned that members would be selected via a random lottery conducted by the City, "like jury duty." As such, members are not "elected" but "appointed." Establishing such a system raises several issues:
 - How does such a process square with the City's government structure? City Manager has appointment authority for boards and commissions, subject to CC approval under current charter. Is that authority abrogated with random selection?
 - How does the City create a potential member list? The City cannot use a list of its registered voters, as the assembly's membership must include citizen and non-citizen residents over 16 years of age. Voting lists only reflect registered voters 18 years and older. The City would likely need to create its own list, which would require gathering an large amount of personal data in order to count every resident in the City, their names, addresses, their contact information in order to notify them, and their demographic data. Such a list would also need to be annually curated to delete people who leave the City, people who move in, and people who do not wish to participate. The list would also need to either exclude or protect the identities of people protected under state law to prevent inadvertent disclosure. (e.g. domestic and sexual violence victims, law enforcement and emergency responders' addresses, student records, etc.) To ensure the diversity criteria of the

assembly are met, the list will also need to acquire and maintain the race, gender, income, sexual orientation, housing status (homeowner/tenant/homeless), age, and citizenship status of potential members.⁴

- Minors/Parental Consent. - With minors under the age of 18 potentially participating, will parental permission be required?
- Participant notification - For jury duty, the state issues a written mailer to potential jurors. Would the City have to adopt a similar system?
- “Weighing” membership – Once participants are randomly selected, how do you then “weigh” the resident assembly’s composition to reflect the City’s ethnic, socioeconomic, and cultural diversity as required? With jury duty, everyone who is called arrives at the courthouse and, if called, goes through the *voir dire* process, where their participation on a jury may be subject to legal challenge. That process is governed by state law and legal procedure to ensure that jurors are not struck due to impermissible reasons, like racial or gender animus. In contrast, people randomly selected for the resident assembly may potentially be rejected if their participation skews the assembly away from what is deemed its “ideal” composition.
 - What standards will be applied to ensure the assembly’s composition accurately reflects the community’s diversity?
 - What criteria should the City employ?
 - What happens if someone not selected because they do not fit into this desired composition scheme challenges their denial to participate?
 - What happens if a member leaves? How is a new member selected? What criteria is employed to ensure new member is randomly selected but also is “weighed” to meet the assembly’s composition requirements?

17. Once we complete our process and send Home Rule Petition, how long will it take for the state to approve or not approve?

Response: There is no clear or definitive timeline or schedule relative to state legislature approval. Based on prior experience, the state legislature can approve of special legislation during either of the two legislative sessions, the fall/winter session and the spring session prior to summer recess. Special legislation is typically approved all at once during the final days of the spring session, with all the approved home rule petitions and special legislation being voted *en masse*. It is recommended that the City’s state delegation be contacted to inquire about current scheduling of legislative matters and recommendations for timing of submissions.

18. Do charter questions have to be put on the ballot in a municipal election year or could they be put on the ballot during a special election or during an even numbered year?

Response: With special legislation, scheduling the election for the ballot questions ultimately depends on what is authorized or provided for in the special legislation as passed by the state legislature and approved by the governor. As such, the election on potential amendments to the City's charter could theoretically be conducted during the regular municipal election or during a special election, authorized under the special legislation. Ultimately, the City Council's Home

⁴ Such a list could also be subject to the Public Records Law or potential requests/subpoenas by federal law enforcement agencies (e.g. Customs and Immigration enforcement).

Rule Petition would have to specify what election it wishes the ballot question(s) to be in, whether municipal election, state election, primaries, or special election. It is then up to the state legislature and governor to approve or deny the request.

Note that the Secretary of State's Election Division has indicated that it would not object if special legislation authorized the City to hold a local special election simultaneously on the same day as a state/federal election. However, the Election Division has also stated that it would oppose any effort to place City ballot questions, or any other kind of local question, on any state ballot, making clear that the City would have to have a separate local ballot and separate voting machines to process it so it does not intermingle with the state ballots. Additionally, the state legislature may object to a local election detracting from the state/federal election in the state's fourth largest municipality.

See prior responses for issues raised by conducting a municipal election on the same day as a state/federal election.

19. When would we need to send proposed questions to the State Legislature for review to have them on the November 2025 ballot?

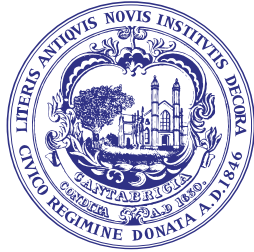
Response: To reiterate, there is no definitive timeline or schedule relative to state legislature approval of home rule petitions. Based on prior experience, the state legislature can approve of special legislation during either of the two legislative sessions, the fall/winter session and the spring session prior to summer recess. Special legislation is typically approved all at once during the final days of the spring session, with all the approved home rule petitions and special legislation being voted *en masse*.

We recommended that the City's state delegation be contacted to inquire about current scheduling of legislative matters and recommendations for timing of submissions. We are happy to do so if the Council wishes.

Very Truly Yours,



Megan B. Bayer
Acting City Solicitor



CITY OF CAMBRIDGE

LAW DEPARTMENT AND ELECTION COMMISSION'S RESPONSES TO CITY COUNCIL'S CHARTER REVIEW QUESTIONS

GOVERNMENT OPERATIONS, RULES, AND CLAIMS COMMITTEE
JUNE 5, 2024

OVERVIEW

- The following presentation from the Law Department and Elections Commission is in response to procedural and technical questions from the City Council related to potential changes to the City of Cambridge's Charter.
- Charter Review Committee Final Report
 - Submitted to the Council on January 31, 2024.
 - Contains recommendations regarding changes to the City's Charter.
- The following is provided to offer guidance and assistance to the City Council in navigating potential legal issues associated with the process, as well as insight regarding election administration and implications regarding proposals from the committee.

OVERVIEW (CONT.)

- Election Commission is providing insight based on professional knowledge and experience regarding election administration.
- Law Department is providing guidance on legal questions and process questions.
- There is some overlap regarding department involvement.
- For this presentation, certain questions have been condensed or addressed together in the interest of brevity. Please consult the Law Department's June 5, 2024 memorandum for further guidance.

PROCEDURAL CONSIDERATIONS

- Charter Review Committee Final Report included –
 - Proposed modern charter language.
 - Recommendations for a new charter.
 - Recommendations rec'd 2/3 vote by Committee.
 - Grouped into categories based on the values developed by the Committee.
 - Elected Mayor/CFAO Council Statement.
 - Not a recommendation that rec'd 2/3 vote by Committee.
 - Includes related votes.
 - Council Manager Statement.
 - Current form of gov't is the default if no recommendation to change it.

PROCEDURAL CONSIDERATIONS (CONT.)

- Question: should the Council only consider recommendations that rec'd 2/3 vote?
 - Under Section 2.02.100(B)(v) of the Cambridge Municipal Code, the Charter Review Committee's written report "...shall include any charter changes the special committee recommends as necessary or desirable by a two-thirds vote of the special committee, and shall include the reasons for the recommended changes to be made and the anticipated effects of the changes as set forth in subsection iv above..."
 - Only proposal that rec'd 2/3 vote are recommended changes to the current charter.
 - Even without a Charter Review Committee process, Council has authority to consider charter changes.

PROCEDURAL CONSIDERATIONS (CONT.)

- Question: what is the quantum of vote for it to approve a home rule petition to amend the City's Charter?
 - There is no requirement in Section 2.02.100 that the City Council requires a 2/3 vote to approve special legislation for charter changes to go to the state legislature.
 - Approval of a home rule amendment to seek special legislation = simple majority vote of the City Council.
 - City Council can vote to adopt a rule or process to require a 2/3 vote for approval of charter change home rule petition if it so wishes.

LEGISLATIVE PROCESS

- Question: what is the legal process for instituting charter changes?

Amending by Home Rule Method:

- G.L. c. 43B, § 10(a).
- Requires a 2/3 vote by City Council.
- Amendments have to be consistent with state law and cannot relate to “composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager...”
- Needs Attorney General approval and then voter approval at a regular municipal election.
- City Council used this method in 2021.

LEGISLATIVE PROCESS (CONT.)

Adopting or Amending by Special Act:

- City Council Approves a home rule petition.
- Only majority vote required (unless City Council decides to require 2/3 vote).
- If City Council votes to approve, the state legislature reviews and, if acceptable, votes to approve. It is then sent to the governor for signature.
- There is no legal requirement that the changes would need to go before the voters on a ballot. It would be up to the language and requirements in the special legislation.
- State Legislature likely will want substantive changes to be approved by the voters.
- Council can also specify what provisions it wants approved by the voters.
- Home rule petition can specify if vote is at a regular election or special election.

LEGISLATIVE PROCESS (CONT.)

- Question: does the Council have to submit one home rule petition with all proposed charter changes, or can the Council submit multiple home rule petitions?
 - City Council can approve and forward one, or multiple, home rule petitions to effectuate charter changes.
 - City Council can approve and forward multiple home rule petitions in phases; make some charter changes now and others later.
- Question: can the State Legislature vote to approve some sections and not others?
 - Legislature would likely send revisions back to the Council for approval.
- Question: should the charter acknowledge prior City special legislation?
 - Prior special acts will remain in effect unless superseded.
 - Charter special legislation can state that it does or does not supersede prior special legislation.

LEGISLATIVE PROCESS (CONT.)

- Question: can special legislation contain language that some provisions go into effect upon passage of statewide legislation?
 - Concerns if the statewide legislation does not line up with the provisions in the charter that require statewide legislation.
- Question: how long will it take for the State Legislature to act on a home rule petition for a charter?
 - No clear or definitive timeline.
- Question: do charter questions have to be on the ballot for a regular municipal election, a special election, or can they be on the ballot for an even numbered year election?
 - Special legislation can specify what type of election.
 - State Election Division would oppose any effort to place City ballot questions, or any other kind of local question, on any state ballot.

ELECTIONS

City Council Questions on Elections

- Question #8: considerations regarding including voting for 16- and 17-year-olds?
- Question #9: considerations regarding including voting for non-citizen residents?
- Question #11: how difficult would it be to move municipal elections to align with state and national elections?
- Question #13: would PR still “work” if we moved municipal elections to align with state and national elections?
- Question #14: what does it mean to change the tabulation method and what would we change it to? How is it decided what tabulation method to use?

ELECTIONS (CONT.)

Questions 8 & 9 - Expanding voting eligibility for 16- and 17-year-olds and non-citizens

- Public Records
 - Massachusetts law prevents election administrators from publicly releasing the name and addresses of residents under 17 years of age. Public records such as voting lists, nomination papers, petitions, voter registration information, etc.
 - Would the names and addresses of 16-year-olds voters become accessible by the public under the charter?
 - Would the city be willing to address any possible concerns or issues which may arise from releasing this information to the public?
- Eligibility requirements/qualifications
 - Would they qualify as eligible voters for local ballot question mailings, signature requirements for petitions and nomination papers, eligibility to run for municipal office, etc.?
 - Would names and addresses of 16-year-olds be required under the charter to be included in the Annual City Census and the Street Listing Book? According to state law, registered voters who do not answer the annual census are put on the inactive voter list. If a voter does not vote in two consecutive federal elections while inactive the voter is removed from the voter rolls, you will no longer be registered and need to re-register. (G.L. c. 51, § 4(c))

ELECTIONS (CONT.)

Questions 8 & 9 - Expanding voting eligibility for 16- and 17-year-olds and non-citizens

Citizenship

- Would non-citizen voters include both documented and undocumented residents?
- Undocumented individuals may be reluctant to interact with government officials. Will their voter registration information be available to the public?
- United States Citizenship and Immigration Services (USCIS)
 - Applicants for citizenship must affirm that they have not registered to vote.
 - The risk of identification, fines, time in prison, deportation and/or denial of current or future application for citizenship may deter a non-citizen voter from voting locally.
 - Will the city ensure local voter eligibility doesn't interfere with the process of applying for citizenship?
 - What will the city's response be to an applicant who has been denied? How far is the city willing to go when assisting a denied, imprisoned, deported applicant?

ELECTIONS (CONT.)

Questions 8 & 9 - Expanding voting eligibility for 16- and 17-year-olds and non-citizens

- Maintaining these voter records
 - Voter registration is a regular and ongoing process to make sure that our elections are as inclusive, accurate, and credible as possible.
 - The city will require a local voter registration management database that connects with other MA municipalities and state agencies such as Registry of Motor Vehicles or the Social Security Administration and have the capability to update voter information, track voter history, process nomination papers, perform ID verification, and to track the vote-by-mail process, from the application to the issuance of the ballot to whether the ballot is received or rejected.
 - The Office of the Secretary of State manages and administers the Voter Registration Information System (VRIS), a voter registration management system which is provided to election administrators statewide. It is not connected to or hosted by the servers of local municipalities. The Secretary of State will not incorporate new categories of locally eligible voters into the statewide Voter Registration Information System (VRIS).

ELECTIONS (CONT.)

Voter Registration Information System (VRIS)

- VRIS is a voter registration management software used by election administrators to process and secure voter information.
- Assists with ballot preparation, petitions, signature verification.
- VRIS pairs with the election poll books and verification aids in ensuring voting procedures are followed during in-person early voting and on election day. Provides ward, precinct, and polling information of each voter and assists in preventing voters from voting more than once in an election.

ELECTIONS (CONT.)

VRIS Capabilities

- Helps identifies voters who have moved, voters who are deceased, and voters with duplicate registrations within the state.
- Matches voter data against motor vehicle licensing data and identifies individuals who are not yet registered.
- Maintains pre-registration to vote data starting at the age of 16 and automatically adds the individual to the voter roll at 18 years old.
- Provides voter acknowledgement notices with registration information, ward, precinct, and polling place.
- Tracks registration changes (address, party, name etc.) and the date and office staff username who processed the change.
- Provides the ability for individuals register online, apply for a ballot and track their voted ballot online on the SOC's website.

ELECTIONS (CONT.)

Question 11: Even year municipal elections

- References provided by the Charter Review Committee include locations that follow different election laws than Massachusetts.
- In other jurisdictions, adding local races to the ballot with state and federal races does not significantly add to their administrative burdens. Cambridge would not have the benefit of those differences.
- For example, in some jurisdictions state/federal elections are administered at the county or state level and not a local responsibility, unlike in Massachusetts.
- Due to PR, Cambridge's municipal elections cannot be added. The Secretary of State's Office has indicated it will oppose any legislation adding even a local ballot question onto state ballots.
- Every level of complexity adds to the likelihood of possible errors.

ELECTIONS (CONT.)

Question 11: Even year municipal elections

- Running two separate elections on the same day means:
 - **Separate ballots** - voters could have three (3) or more ballots on Election Day, one for the state/federal election, one for city council, one for school committee, and possibly a local ballot question ballot/s. The municipal candidates or local ballot questions cannot be printed on both sides of a PR ballots. Sub-precincts apply only to state elections and not to municipal elections.
 - 42 precincts in State Elections (33 precincts and 9 sub-precincts) vs. 33 precincts in Municipal Election in Cambridge.
 - **Separate tabulators** - the tabulators use different programming to read PR ballots and state/federal election ballots. Double or triple the current number of tabulators.
 - In 2016 the city purchased 38 ImageCast Precinct tabulators and the total cost was \$266,000. Due to the unique nature of Cambridge PR elections the software required modification. All modifications and state certification was \$125,000.
 - **Separate check-in tables** and check-in lists and tables at polling and in-person early voting locations.
 - **Additional polling locations** or larger locations would be required which will hold all the workers, voters and equipment.
 - **Separate mailings** for vote-by-mail ballots and separate envelopes for voters to use to return their envelopes. Potential for more rejected ballots. Putting the wrong voted ballot from a voter in the wrong return envelope would result in the ballot being rejected. (Example: Municipal ballot incorrectly sealed and returned in a state ballot envelope.)
 - **Separate laws** regarding deadlines to return vote by mail ballots. Municipal Election is 8 p.m. on Election Day and General election postmarked Election Day and received by 5 p.m. three (3) days after the election.
 - **Separate election night procedures** at the polls and the tabulation center that cannot be run simultaneously – possibly delaying the municipal election results until state elections are complete.

ELECTIONS (CONT.)

Question 11: Even year municipal elections

- **Poll workers:**
 - Difficulty recruiting double the amount of poll workers. Approx extra poll workers 190 or more now will need to double to 300+.
 - Additional election trainings for poll worker on the procedures for both elections. Same for in-person early voting.
 - Poll workers will retain less from previous elections with a two (2) year gap.

ELECTIONS (CONT.)

Question 11: Even year municipal elections

- **Office concerns:**
 - Lack of available space in the Election Commission office to safely keep state ballots and municipal ballots at the same time – they must be onsite and securely locked up.
 - Increased office staffing to process two (2) elections with space limitations.
 - Storage space for any additional equipment with room for growth. Storage for election equipment has been an issue for years. Election responsibilities will continue to expand in the future.
 - Locate a tabulation center large enough to house equipment, paperwork, staff, and public on Election Night.



State/Presidential 2020

Limited space at the Election Commission office to store one (1) election's printed ballots at a time:



Municipal 2023



Presidential Primary 2024



ELECTIONS (CONT.)

Question 11: Even year municipal elections

- **Voter turnout may not equal voter engagement**
 - Not all voters in Cambridge's Municipal Elections vote the City Council and School Committee ballots or ballot question ballot.
 - There will be longer lines to use the municipal tabulator because the ballots take longer to scan and there could be up to three (3) or more ballots instead of one. (City Council, School Committee, ballot question ballots)
 - This could reduce the expected turnout increase – voters may be unwilling to go to two (2) or more check-in tables or wait in line to vote their municipal ballots and will leave after voting in the state/federal election.

ELECTIONS (CONT.)

Question 13: Proportional Representation (PR) and even year municipal elections

- Some of the complications of administering two separate elections on the same day are made more difficult by having PR, but not all of them.
- Without PR, we would be able to use the same tabulators for both elections, but we would have to separate the ballots at the end of the night.
- We would still have most of the same problems without PR:
 - Separate check-in lists.
 - Separate ballots.
 - Different laws apply.
 - Voter confusion.
 - Higher vote-by-mail rejection rates.
 - Require double the space and staff.

ELECTIONS (CONT.)

Question 14: Change tabulation method

- What does it mean to change the tabulation method and what would we change it to?
 - Since the recommendation was to retain PR, we presume the question is referring to the method of transferring the surplus. It may also apply to other details such as the layout of the ballot and how many rankings are permitted.
- How is it decided what tabulation method to use?
 - Our current charter only allows us to use a method for transferring the surplus that was in use in a U.S. city as of January 1, 1938.
 - Special legislation would be required to change the current method.

RESIDENT ASSEMBLY

- Charter Review Committee's proposal for resident assemblies (Section 8.4 in Final Report), the resident assembly would be convened at least once each City Council term.
- 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."
- The process for selecting the membership "must include a random lottery," where members are selected from the City's "citizen and non-citizen residents over the age of 16" population at random.
- Membership is voluntary and members can resign at any time.
- The resident assembly must consist of no fewer than 30 people at any given time. During their deliberations, the committee emphasized that the random lottery draw of participants must also be weighted to ensure that the assembly reflects the City's ethnic, socioeconomic, and cultural diversity.

RESIDENT ASSEMBLY (CONT.)

- Council needs to determine mechanism for selection process.
- A number of factors the Council will need to think through such as –
 - How to do a random lottery but match the diversity of the City?
 - How to gather information for potential member list that includes 16- and 17-year-olds and non-citizens?
 - How do you maintain the potential member list annually to ensure that it is accurate?

QUESTIONS

City of Cambridge

RULES OF THE CITY COUNCIL

**PROVISIONALLY ADOPTED JANUARY 1, 2024
AMENDED IN COUNCIL ON MARCH 25, 2024**

These rules, after adoption by the City Council, shall be published and made available to the public. The rules of the City Council should be reviewed and provisionally adopted towards the beginning of every new City Council term.

Rule 1. At all meetings of the City Council five (5) Councillors shall constitute a quorum for the transaction of business.

DUTIES AND POWERS OF THE CHAIR

Rule 2. On the first Monday of January, following the regular municipal election, the City Council shall by a majority vote of all the members elected, elect a mayor from its own members who shall preside at all meetings of the City Council and perform such other duties as are prescribed in section one hundred (100) of Chapter 43 of the General Laws, and any acts in amendment thereof or supplementary thereto. The City Council shall, in like manner, elect a Vice-Chair who shall also be called Vice-Mayor.

Rule 3. The Mayor shall take the Chair at the hour of the first Council meeting following Inauguration and election as Chair and call the members to order. In the absence of the Mayor, the Vice-Chair of the City Council shall preside and, in the absence of both, the most senior member in length of service or if more than one has so served then the member senior in both age and length of service who is present shall serve as Chair during the absence of both the Mayor and Vice-Chair.

Rule 4. The Mayor shall preserve decorum and order, and may speak to points of order, in preference to other members. The Mayor shall decide all questions of order, subject to an appeal to the City Council. If the ruling of the Chair is questioned, no other business shall be in order until the question on the appeal shall have been decided; the question shall be put as follows: "Shall the decision of the Chair stand as the judgment of the City Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the votes are to the contrary.

Rule 5. The Chair shall state the motion that is before the Council before there can be discussion on the motion. The Chair shall declare all votes. If any member doubts the vote, the Chair without further debate upon the question, shall require the members voting in the affirmative and negative, respectively, to be counted; the Chair shall declare the results, but no such declaration shall be made unless a quorum of the City Council has voted.

Rule 6. All final votes of the City Council on questions involving the expenditure of fifty dollars or more, or upon the request of any member, any vote of the City Council shall be by yeas and nays and shall be entered on the records.

Rule 7. All petitions, memorials, communications, or any matter before the City Council may be referred as follows:

1. To a standing committee of the City Council.
2. To a consent agenda.
3. To a special committee of the City Council.
4. To the City Manager.
5. To any department or department head or any person, group, or organization to whom referral is permitted, authorized, or allowed under the provisions of the Plan E Charter and under applicable provisions of the Massachusetts General Laws.

Any member offering a motion, order or resolution which is referred to a committee shall be given a hearing on the same by the committee before a report is made thereon, provided they so request at the time of the communication, or before final action by the committee.

Rule 8. The Chair shall place before the body all questions in the order in which they are moved, unless the subsequent motion be previous in its nature, except that in naming sums and fixing times, the largest sum and the longest time shall be placed before the body first. After a motion has been placed before the body by the Chair, the mover may withdraw the motion before amendment or final action without objection.

Rule 9. When a question is under debate the Chair shall receive no motion, except to Adjourn.

Lay on the Table.

Postpone to a certain day.

End debate, move, or call the question.

Refer.

Amend.

Postpone indefinitely.

These motions shall have precedence in the above order. A motion to adjourn shall be in order at any time except upon immediate repetition. A motion to adjourn, to lay on the table, to take from the table, or to end debate shall be decided without debate.

Rule 10. When two or more members ask to be recognized at once, the Chair shall name the member who is entitled to the floor.

RIGHTS AND DUTIES OF MEMBERS

Rule 11. Every member, when about to speak shall respectfully address the Chair, and wait to be recognized. The member shall confine their remarks to the question under debate. During debate each Councillor will state their comments clearly and concisely with the understanding that other members are waiting to present their comments.

Rule 12. No member speaking shall be interrupted by another except to make a point of order, request an explanation, or request a point of personal privilege.

Rule 13. No member shall vote on any question, or serve on any committee, where their private interest is immediately concerned distinct from that of the public. All City employees, including all elected and appointed officials, are subject to the Massachusetts Conflict of Interest Law.

Rule 14. When a question is put, every member present shall vote yes, no, or present and their vote shall be accepted by the Chair and so recorded. A member that is recusing themselves from voting shall announce that they are recusing themselves prior to any discussion or deliberation of the matter and shall state the reason for recusal (a conflict of interest or to avoid the appearance of a conflict of interest). A member that has recused themselves shall not participate in the discussion while the matter is being deliberated and if present shall leave the Council Chamber or if participating remotely shall turn off their microphone and video during discussion and deliberation on the matter. Their recusal shall be accepted by the chair and so recorded.

Rule 15. A question having been taken; it shall not be in order for any member to move a reconsideration thereof at the same meeting. A motion to reconsider may be made at the next meeting, provided written notice of such motion has been filed with the City Clerk within thirty-six hours of the day of the vote, Saturdays, Sundays, and legal holidays to be excluded in the computation of the thirty-six hours. No more than one motion for reconsideration of any vote shall be entertained. Any Councillor among those whose votes prevailed may move reconsideration; if reconsideration is not moved prior to the adjournment of the next regular or special meeting called for that particular purpose, the action taken by the City Council stands.

SPECIAL EVENTS PRESENTATIONS AND REGULAR MEETINGS

Rule 16. Special Events Presentations.

Before any regular meetings there may be a *SPECIAL EVENTS PRESENTATION*. At this time special events will be presented and may be broadcast on cable television. Special Events Presentations will be scheduled through the Mayor's Office. The Special Events Presentations will conclude at 5:30 p.m. No quorum of the City Council is required.

Rule 17. All regular meetings of the City Council shall be held in the Sullivan Chamber, City Hall, virtual, hybrid with virtual access and access in the Sullivan Chamber or, at any other suitable public building as determined by the Chair within the City of Cambridge, at 5:30 p.m. on Monday of each week, from the first Monday in January to and including the last Monday in June, and from the second Monday in September to and including the last Monday in December. When a meeting day falls on a holiday, the succeeding Monday shall be the meeting. The City Council may at any meeting, by a majority vote, decide to discontinue any future meeting previously scheduled. All City Council meetings shall end no later than 12:00 midnight.

SPECIAL MEETINGS

Rule 18. The Mayor, or the Vice-Chair of the City Council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person calling the same, to be delivered in hand to each member of the City Council, or left at their usual dwelling place, or delivered electronically with at least forty-eight hours' notice (excluding Saturdays, Sundays and legal holidays) to all members and with notice provided to the public by posting same at least forty-eight hours (excluding Saturdays, Sundays and legal holidays) prior to each meeting, unless the Mayor, in consultation with the City Manager and City Solicitor, determines an emergency exists and there is a need to call a meeting with less than forty-eight hours' notice. If necessary, the Mayor may call one or more special meetings during July and August to conduct the Council's business.

CALENDAR

Rule 19. Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the City Council objects thereto; but if any member of the City Council objects, the measure shall be postponed for that meeting (the "Charter Right".) (Chapter 43, Section 22 of the General Laws.). At the next regular meeting, any member may move the item which has been subject to the Charter Right. If no action is taken at the next regular meeting by any member, then the item will be removed from the City Council Calendar. The provisions of this Rule, as well as M.G.L. c.43, §22, do not apply to the submission to the City Council of a proposed zoning ordinance, which, pursuant to M.G.L. c.40A, §5, the City Council shall within fourteen days of receipt of such zoning ordinance submit to the Planning Board for review.

Rule 20. All matters of whatever description, except Applications and Petitions, which require action by the City Council at its meeting shall be presented to the City Clerk by 12:00 p. m. on the Thursday preceding the regular meeting. During a week in which a legal holiday falls on a Friday, said matters shall be presented to the City Clerk by 12:00 p.m. on the Wednesday preceding the regular meeting. Communications submitted later will be held over for the next regular meeting, except that where the City Manager believes that emergency or exigent circumstances require the City Manager to present to the City Council a matter which was not presented to the City Clerk by the 12:00 p.m. deadline, the City Manager may present such matters to the City Council at its meeting in writing as part of a Supplemental Agenda of the City Manager.

Rule 20A. For a Policy Order or Resolution to be filed and placed on the Council agenda it must have two Councillors sponsoring it. This rule does not apply to ceremonial resolutions.

Rule 20B. Applications and Petitions which require action by the City Council at its meeting shall be presented to the City Clerk by 3:00 p. m. on the Wednesday preceding the regular meeting. During a week in which a legal holiday falls on a Friday, said matters shall be presented to the City Clerk by 3:00 p.m. on the Tuesday preceding the regular meeting. Applications and Petitions submitted later will be held over for the next regular meeting.

Rule 20C. In the event of City Hall closure the City Clerk, after consultation with the City Manager, may change the deadlines accordingly for when matters must be presented to the City Clerk for inclusion on the agenda.

Rule 21. The City Clerk shall prepare the minutes of the previous regular and/or special meetings and a calendar of all matters to come before the City Council at each meeting in accordance with the established order of business and shall deliver electronically or to the residence of each City Councillor a copy of the same not later than twenty-four hours prior to said meeting. On all matters on which there has been a roll-call vote, the minutes shall reflect the votes of the individual members.

Rule 22. The City Clerk is authorized by these rules to order and publish notice of hearings on petitions presented to the City Clerk regarding public hearings before the Council.

ORDER OF BUSINESS

Rule 23A. At every regular meeting of this City Council, except for roundtable/working meetings, the order of business shall be as follows:

1. Public Comment.
2. Reading of the record, if requested by the City Council.
3. Motions for Reconsideration.
4. Manager's Consent Agenda.
5. Communications from the City Manager (Manager's non-Consent Agenda)
6. Consent Policy Orders and Resolutions.
 - a. Non-Consent Policy Orders and Resolutions.
7. Unfinished Business from preceding meetings.
 - a. Charter Rights
 - b. On the Table
 - c. Unfinished Business
8. Consent Applications for permits or petitions which require City Council approval or referral.
 - a. Non-Consent Applications and Petitions.
9. Consent communications (petitions, memorials and other communications from individuals, employees, and others, which do not require action by the City Council).
 - a. Non-Consent Communications.
10. Consent Resolutions.
 - a. Non-Consent Resolutions.
11. Committee Reports.
12. Roundtable/working meeting minutes.
13. Communications and Reports from Other City Officers.
14. Announcements.
15. Adjournment.

Rule 23B. Requests to the City Manager for information regarding matters that have previously been referred to the City Manager for repair or replacement of items or attention to or implementation of matters which do not require City Council action shall not be placed on the agenda but shall be referred directly to the City Manager by the member making the request.

RULE 23C. At least six, no more than twelve meetings per year may be roundtable/working meetings; three of which will be with the School Committee. The date for a particular roundtable/working meeting shall be set by majority vote at a prior regular business meeting or at a special meeting. At a roundtable/working meeting, no votes shall be taken except upon a motion to adjourn. The roundtable/working meeting shall be broadcast on cable television and live streamed. The Mayor shall determine the agenda for the roundtable/working meeting in consultation with the City Manager and other members of the City Council.

Rule 23D. Public Comment.

1. Regular and Special Meetings

- a. Under the provisions of Chapter 43, Section 98 of the General Laws, Tercentenary Edition, individuals, and employees of the City shall have reasonable opportunity to be heard at regular and special meetings of the City Council in regard to any matter considered thereat. Opportunities for individuals and employees of the City to be heard at all regular and special meetings, except for roundtable/working meetings, shall be provided directly before the reading of the record, if requested by the City Council (submission of the record of the previous meeting). Members of the public may comment upon items in the following categories of business: Motions for Reconsideration, City Manager's Consent Agenda, Unfinished Business from preceding meetings, Applications and Petitions requiring approval or referral by the City Council, Consent Resolutions, Consent Policy Orders and Resolutions relating to policy analysis or development, Committee Reports, Roundtable/Working Meeting Minutes, Communications and Reports from Other City Officers. Each speaker shall limit their comments to no more than three minutes. In the event there are 20 or more speakers signed up for public comment, the amount of time allocated would be two minutes. If there are more than 75 speakers, the amount of time allocated would be one minute. Individuals are not permitted to allocate the remainder of their time to other speakers.
- b. Procedure: An individual may signup to speak before the City Council on-line via the City's website from 9:00 a.m. on the Friday before the meeting until 6:00 p.m. the day of the meeting or via telephone to the City Council office on the day of the meeting from 9:00 a.m. to 5:00 p.m. On the day of the meeting, between 5:00 p.m. and 6:00 p.m., a computer terminal will be available to the public in the City Council Office for on-line signup until 6:00 p.m. on the day of the meeting. There will be in-person assistance for those who need help signing up. The individual should indicate on the signup sheet their name, address, and which item(s) they are planning to address. Individuals will be heard in the order that they signed up whether they are participating in person or remotely.

2. Roundtable/working meetings.

Public comment shall not take place at roundtable/working meetings of the City Council, where no matter being discussed may be finally considered, in that no votes may be taken. Written comments will be accepted and made part of the record of the roundtable/working meeting. The opportunity for the public to make oral comments on items discussed at roundtable/working meetings shall be at the regular or special meeting at which the item may be considered for action by the City Council.

Rule 23E. Each consent agenda is voted on in its entirety, with no discussion. By request of a single City Councillor, item(s) may be removed for separate vote. Upon such request, the item will be moved to the appropriate section of the agenda. Placement of items on the City Manager's Consent Agenda shall be determined by the City Manager. Placement of items on the Communications Consent Agenda shall be at the discretion of the City Clerk.

Rule 23F. The City Clerk shall include the written statement of the mission and goals or priorities of the City Council and the City Manager with the materials prepared for the agenda of the City Council for its weekly meeting.

Rule 24. The seats of the members of the City Council shall be determined by the Assistant to the City Council, based on seniority, in consultation with the members; no member shall change their seat but by permission of the Chair.

COMMUNICATIONS AND COMMITTEES

Rule 25. All communications, petitions, or resolutions addressed to the City Council which require action by the City Council at its meeting shall be filed with the City Clerk. The City Clerk shall place all new communications on the agenda for the next regular City Council meeting. Upon receipt of a communication that is a substantially unchanged copy of a previously submitted communication, the City Clerk shall not place the communication on the agenda and shall transmit said communication to the Mayor. Any communication, petition, or resolution that does not meet the agenda deadline specified in Rule Twenty-One shall be held over for the subsequent City Council agenda unless it is of an emergency nature.

Rule 26. The Mayor shall appoint the standing committees of the City Council. The Mayor shall appoint a Chair for each committee and may appoint Co-Chairs for the committees that consist of at least five members. In the absence of the Chair and Co-Chair of the committee the most senior member in length of service or if more than one has so served then the member senior in both age and length of service who is present shall chair. The City Clerk or their designee shall staff each committee and where deemed appropriate, the Chair may request additional staff help from the City Manager.

Each committee shall meet regularly to review matters referred to it by the City Council or to take up other matters within its domain. To the extent possible, matters of policy shall be referred to the appropriate committee, so that careful study and consideration can be given to the subject matter. Where appropriate, the committee shall work with other committees of the City Council to ensure the coordination of related aspects within the purview of those committees. The committee shall make policy and other recommendations to the City Council as a whole for discussion, consideration, and adoption. The committee may monitor implementation of City Council policies related to the subject matter within its purview as authorized by the City Council. If so authorized by the City Council, the committee may represent policy interests related to its subject matter at committees of the General Court of Massachusetts.

It is the goal of the City Council to involve individuals actively in the work of City government through these committees. All committees shall work with community and neighborhood groups and committees on issues that relate to these groups' mandates and interests. The committee staff shall keep lists of interested parties and shall keep individuals informed of the meetings and deliberations of the committees.

The standing committees of the City Council shall be as follows:

ORDINANCE COMMITTEE – A committee of the whole consisting of the Mayor and eight City Councillors – the quorum shall be five members.

Purposes

- To consider the merit of any ordinance presented to the City Council and to consider the form and legality thereof;
- To consider all legal matters for which no other provision is made; and
- To represent general interests of the City before committees of the General Court when so authorized by a vote of the City Council.

FINANCE COMMITTEE – A committee of the whole consisting of the Mayor and eight City Councillors – the quorum shall be five members.

Purposes

- To consider all matters relating to the financial interests of the City, including the City budget, sources of City revenue, appropriations and loans, and City bonding capacity;
- To work with the City Manager and other officers of the City for the financial benefit the City; and
- To work with groups and committees that might be formed from time to time to consider the financial health of the City.

GOVERNMENT OPERATIONS, RULES, AND CLAIMS COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To consider matters relating to the effective delivery of City services, the functions and operation of City government and City departments; and to consider the rules of the City Council and its committees and to recommend amendments and changes thereto;
- To consider matters relating to the hiring and evaluation of employees who report to the City Council;
- To consider claims that have been filed against the City.

ECONOMIC DEVELOPMENT AND UNIVERSITY RELATIONS COMMITTEE

– A committee of five City Councillors – the quorum shall be three members.

Purposes

- To consider all issues regarding the relationship between the City, educational institutions, employers, business associations, and other partners within the City, to develop policies and programs that will enhance economic development, tax revenue, and expand career and employment opportunities for Cambridge residents;
- To develop policies that will facilitate the regular and timely exchange of information between educational institutions, employers, business organizations, and other partners in the community, and the City administration and City Council, and monitor implementation of agreed on policies and programs;
- To review and evaluate agreements between the City and institutions for payments made by institutions in lieu of property taxes (PILOT), develop policies to ensure that the agreements are fair and equitable, and monitor implementation;
- To monitor and improve existing employment, diversity of opportunity, career, and workforce development programs.

HOUSING COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To develop policies for the maintenance and development of housing, with an emphasis on affordable housing;
- To coordinate with City and other agencies as necessary toward this goal;
- To monitor implementation.

CIVIC UNITY COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To promote civic unity;
- To consider matters relating to the civil rights, human rights, race, and class relations, and other aspects of civic unity in the City of Cambridge;
- To work with City and other agencies that deal with these issues;
- To respond to incidents or concerns that are brought to the attention of the City Council relating to civil and human rights, race and class relations and other aspects of civic unity and to bring in the appropriate agencies, departments, or legal services to assist in responding to such incidents; and
- To develop needed policies and legislation in this area;
- This committee shall strive to work towards promulgating policies, practices, and procedures that promote Equity, Inclusion, and Diversity throughout our community.

HEALTH AND ENVIRONMENT COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To consider and monitor matters relating to the health of the people of Cambridge and to improve City policies relating to health programs;
- To consider matters relating to the physical environment of the City including without limitation issues relating to air and water quality, solid and hazardous waste, climate change, visual quality and the environmental impact of development and the sustainability of our physical environment.

HUMAN SERVICES COMMITTEE AND VETERANS' COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To develop and support policies assuring a broad human service delivery system to be provided by the City, other levels of government, and non-profit and private agencies for children, youth, families, single adults, and seniors of all backgrounds;
- To study policies, overall planning, and the delivery of human services to Cambridge people;
- To make recommendations to the City Council to improve the scope and quality of these services and to locate new sources of funding;
- To consider all matters affecting veteran services and benefits of the City.

NEIGHBORHOOD AND LONG TERM PLANNING, PUBLIC FACILITIES, ARTS, AND CELEBRATIONS COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To enhance the quality of life in Cambridge as it relates to the livability of neighborhoods, public art and art projects, and public celebrations;
- To consider all matters relating to land use planning, sustainability, open space, public facilities and public buildings, industrial and commercial development, especially as they relate to linkage and neighborhood protection, and other long- range planning;
- To consider matters related to the appearance of squares and neighborhoods of the City and their upkeep, and public planting.

PUBLIC SAFETY - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To consider all matters affecting the public safety of Cambridge; and
- To review matters relating to the performance, organization, and effectiveness of the Police and Fire Departments, Public Works Department, the Inspectional Services Department as it relates to public safety issues, and the Police Review Board.

TRANSPORTATION AND PUBLIC UTILITIES COMMITTEE - A committee of five City Councillors – the quorum shall be three members.

Purposes

- To consider and recommend to the City Council policies on matters affecting transportation, traffic, and parking;
- To monitor transportation proposals and services of all kinds which affect Cambridge;
- To develop policies which promote a multi-modal and environmentally friendly traffic and transportation program which will balance the needs of residents and employees at a minimal cost to the environment;
- To consider issues relating to utilities and telecommunications, and consumer protection issues related therein.

Rule 27. Every committee of the City Council to which any subject may be referred shall report on the subject within a reasonable time from the time of referral. Any committee report that has not been signed by the Chair of the committee within seven days after submission of the committee report by the City Clerk will be placed on the City Council agenda unsigned. In the case that the chair of any committee shall fail for thirty (30) days from the time any subject has been referred to it to call a hearing of the committee, a quorum of the committee may call a hearing of said committee. Notice of all committee hearings must be given at least forty-eight (48) hours before the time of the hearing.

Rule 28. Minutes shall be kept of all committee proceedings. All minutes, reports, and papers shall be submitted to the City Council by the City Clerk or their designee. Recommendations of each committee shall be made to the City Council for consideration and adoption.

Rule 29. The Councillor first named thereto shall be the Chair of any committee of which they are a member, and in case of their resignation or inability to serve, another member of the committee shall be named by the Mayor.

MEMBERS LOBBY

Rule 30. No person will be admitted within the rail in the Sullivan Chamber or in Members' Lobby connected with said chamber at any meeting of the City Council except upon permission of the Chair.

HEARINGS

Rule 31A. Public hearings may be requested for matters of public interest or of legislative requirement. Public hearings may be held during regular business meetings of the City Council. The City Council shall refer such requests to a committee of the City Council. If the City Council deems it advisable, it may direct that the hearing be televised.

Rule 31B. The time devoted to public hearings shall not be more than two (2) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting.

Any individual appearing before the City Council at a public hearing and claiming to represent another as agent or otherwise in the matter of being heard shall file with the City Council a written authorization signed by the individual, organization, or corporation whose interests such individual represents.

For matters where a public hearing is not required by law, the Chair shall determine if there will be Public Comment and when it will occur. For matters where a public hearing is not required by law, and the Chair has called for Public Comment, each speaker shall limit their comments to no more than three minutes. In the event there are 20 or more speakers signed up for Public Comment, the amount of time allocated would be two minutes. If there are more than 75 speakers, the amount of time allocated would be one minute. Individuals are not permitted to allocate the remainder of their time to other speakers. Speakers shall be required to address themselves solely to the issue(s) before the City Council for discussion.

For matters where a public hearing is required by law, including but not limited to amendments to the City's Zoning Ordinance, amendments to the City's Municipal Code, annual determinations of the percentages of local tax levy for real and personal property pursuant to G.L. c. 40, § 56, and hearings related to the submission and approval of the City's annual budget pursuant to G.L. c. 44, §32, each speaker shall limit their comments to no more than three minutes. In the event there are 20 or more speakers signed up for Public Comment, the amount of time allocated would be two minutes. If there are more than 75 speakers, the amount of time allocated would be one minute. Individuals are not permitted to allocate the remainder of their time to other speakers. Speakers shall be required to address themselves solely to the issue(s) before the City Council for discussion.

In all hearings before the City Council, the case of the petitioner shall be submitted first, except in matters affecting acceptance of highways or taking by right of eminent domain.

Rule 31C. The Housing Committee will hold a public hearing to review the City Manager's appointments to the Cambridge Housing Authority prior to the City Council confirmation on the appointments. The Neighborhood and Long Term Planning, Public Facilities, Arts and Celebrations Committee, or other suitable committee, will hold a public hearing to review the City Manager's appointments to the Cambridge Redevelopment Authority prior to the City Council confirmation of the appointments.

Rule 31D. Rules for Public Comment should be posted in a visible and prominent place both in person and online for the benefit of those wishing to participate in Public Comment.

ORDINANCES AND ORDERS

Rule 32. All by-laws passed by the City Council shall be termed Ordinances, and the enacting style shall be "Be it ordained by the City Council of the City of Cambridge." In all votes by which the City Council expresses anything by order or command the form of expression shall be "Ordered," and in all votes by which the City Council expresses opinions, principles, facts or purposes, the form shall be "Resolved."

Rule 33. The City Clerk shall determine the newspaper of the City in which shall be published any Loan Order or any Ordinance.

Rule 34. Every ordinance and every order, resolution or vote shall after its passage remain in the possession of the City Clerk for thirty-six (36) hours after the day of the meeting for the purpose of giving any Councillor among those whose votes prevailed an opportunity to file notice of their intention to move reconsideration.

AMENDMENT AND SUSPENSION

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds ye and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail.

There shall be a roll call vote for suspension of the rules to consider late items. Items will be taken up at the end of the regular business meeting, after the regular order of business has been concluded. A late item should only be considered if it cannot wait until the next regular meeting

Rule 35B. No amendments or additions to the rules may be enacted until at least seven days have elapsed from the date of the submission of the proposed changes or additions and require a majority vote of the entire membership of the City Council.

ROBERTS' RULES OF ORDER

Rule 36. The City Council shall be governed by "Roberts' Rules of Order" in all questions of parliamentary practice not provided for by these rules.

RULES OF COURTESY

Rule 37.

1. No one shall delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer.
2. All persons shall refrain from any private conversation, which would interfere with the proper conduct of the meeting or hearing.
3. No food or beverages of any kind except water is permitted in the public section of the Sullivan Chamber.
4. Signs, posters and placards must remain outside the Sullivan Chamber.
5. People are admitted to the Sullivan Chamber up to the fire safety capacity of the room which includes the balcony. Overflow crowds may listen to the proceedings on loudspeakers and television provided in the hallway.
6. All persons shall confine their remarks to the question under debate. The following will not be tolerated: uttering fighting words, slander, unreasonably loud or repetitive speech, and/or speech so disruptive of City Council proceedings that the legislative process is substantially interrupted. Any person engaging in behavior that disrupts the proceedings such that the legislative process is substantially interrupted will be warned once by the Chair that if their disruptive behavior continues, they will be requested to withdraw from the meeting, and if the behavior continues, the speaker will be asked to withdraw from the meeting. If the speaker does not withdraw from the meeting as requested by the Chair, the Chair may authorize a constable or other officer to remove the person from the meeting.
7. All rules of decorum and conduct for comment established by these rules shall be applicable to all individuals attending a meeting or hearing.
8. Every person addressing the City Council should speak into the microphone and should state the person's name and address in an audible tone of voice for the record. All remarks shall be addressed to the City Council as a body through the Chair, and not to any individual member thereof.
9. While in the Sullivan Chamber, all persons with cell phones, pagers or other devices emitting audible signals shall either set the device to a non-audible signal mode or turn off the device.

RULES OF TRAVEL

Rule 38. The City Council's travel and incidental expenses thereto shall be approved by five members of the City Council through the budget process. All individual expenses will be substantiated by receipts and requests for payments will be approved by the City Auditor prior to reimbursement. The City Auditor shall be required to keep copies of Travel Expense Reports for all City Council travel expenditures reimbursed by the City and make the same available on request to all interested persons. The City Council may adopt a Travel Policy consistent with this rule to specify acceptable travel arrangements and limitations on reimbursable expenses.

Cambridge City Council Travel
Policy as Amended
ADOPTED SEPTEMBER 8, 2014
AMENDED JANUARY 29, 2018

1. *Introduction*

The City Council recognizes the value of travel for purposes clearly related to the overall improvement of the City and travel for the purpose of assisting the individual City Councillor in performing his or her official duties. City Council travel should be as economical as possible.

2. *City Council Travel Budget*

The City Council will set a total amount for annual travel expenses, based on the amount it considers reasonable for each member to expend each year for travel which relates to City business. The Executive Assistant to the City Council shall keep individual travel budgets for each City Councillor, to which an equal allocation of the total travel budget shall be made.

1. Travel plans for which the individual City Councillor expects reimbursement up to the amount budgeted for an individual Councillor do not require pre-approval by the City Council.

2. A member of the City Council who anticipates utilizing more than the total annual amount budgeted for his or her travel must request approval from the City Council for funding for additional travel relating to the member's duties or official capacity as a City Councillor. Said request shall be made by submission of a proposed order for the City Council's consideration and vote at a regular business meeting.

3. The Mayor's travel budget is approved separately, and mayoral expenses are not included in the City Council travel budget. In all other respects, the travel policy applies to the entire City Council, including the Mayor.

3. *Travel Arrangements*

All arrangements for air travel, lodging and rental cars will be made by the Executive Assistant to the City Council and the Assistant to the Mayor, and not by individual City Councillors, except in unusual or unforeseen circumstance, or where the individual City Councillor is able to make a less expensive travel arrangement. Sound business practices should be followed at all times.

Councillors should provide as much advance notice of travel requirements as possible to enable the staff to obtain advantageous rates for airfares, conference registration and lodging.

Travel arrangements should be made by government or convention rates whenever possible. Care should be taken to make cost effective arrangements, such as utilizing super-saver rates. The City will pay only for standard hotel rooms, standard or “coach” A (no premium or First Class) airfare and midsize rental cars. The City will not pay for flight insurance. All additional costs caused by family members or other persons traveling with the City Council member will be the obligation of the City Councillor.

Economical travel is favored. If by extending travel through Saturday, airfare savings exceed additional hotel, meals, car rental and other expenses, then such an extension is allowed.

4. *Travel Expense Reimbursement*

All payments to City Councillor for their City Council travel expenses shall be by reimbursement. No expenses will be reimbursed without proper documentation and an expense report. City Councillors shall utilize the City of Cambridge Travel Expense Report required by the City Manager for all City Employee travel.

Proper documentation must include itemized receipts, except for the food category when an alternative reimbursement allowance is requested. The expense report must clearly state the purpose of the travel. Allowance amounts are as follows:

Transportation: Air or Rail

Standard or economy fare.

Related ground travel: Actual cost of trips between home – airport/train station, airport/train station – lodging and returns.

Transportation: Personal Automobile

Travel by personal automobile will be reimbursed per mile up to 450 miles one way at the City's per mile reimbursement rate in effect at the time of the trip. The City will also reimburse toll expenses upon production of the relevant receipts. The City will only reimburse one day's worth of per diem expenses for each leg of a trip except in cases of extraordinary and unforeseen events such as extreme weather that cause an unexpected delay in travel.

Lodging

Standard single occupancy. If travel is part of a convention, choose either the convention hotels or alternative hotels with rates within the range of the convention hotels. If not part of a convention, choose by informal quote procedure. Short-term rental, internet and access fees are allowable.

Food

Actual expenses based on detailed and reasonable itemized receipts for each City Councillor or \$100.00 per diem without itemized receipts. The City will not pay for alcohol. Where bill includes reimbursable food expenses and non-reimbursable alcohol expenses, the receipt should clearly identify what portion of the bill is reimbursable.

Ground Transportation

Taxis and Ride Hail Services

Reimbursement will be for actual expenses. Taxi and ride hail service receipts must be properly completed and signed by the individual City Councillor.

Rental Automobiles

Reimbursement for non-luxury midsize automobiles. Any upgrades must be paid by the individual City Councillors.

Miscellaneous Business Expenses

This category includes tips, telephone calls, parking, etc. Any individual expense over \$15 must be documented.

The Auditor shall reject or adjust any receipts that they deem excessive or not properly documented.

Reimbursement shall not be approved under any circumstances for the following:

- Alcoholic Beverages
- Tobacco
- Laundry & Dry Cleaning
- Barber, Hairdresser, Manicure or Bootblack
- Entertainment
- Newspapers or Magazines
- Toiletries
- Articles of Apparel
- Pay Per View Television
- Conference events not related to the business travel

RULES RELATED TO HOME RULE PETITIONS

Rule 39. That Home Rule Petitions are sent to the entire Cambridge delegation.