

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

November 7, 2023, @ 5:30 p.m.
REMOTE ONLY – VIA ZOOM

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

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

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, November 7, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- III. Adoption of Meeting Minutes from the meeting of October 24, 2023
- IV. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - i.* A communication was received from Faria Afreen, regarding Resident Assemblies
 - ii.* A communication was received from Susan Shell, regarding voter eligibility
 - Communications from Council Members
 - Communications from the Public
 - i.* A communication was received from Jameson Quinn, regarding voting and equal ranking
 - ii.* A communication was received from Valerie Bonds, regarding city council and form of government
 - iii.* A communication was received from Jameson Quinn, regarding clarification language for voting and tabulation methods
 - Other Meeting Materials
- V. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- VI. Form of Government Discussion and Vote
 - **Facilitator:** Anna. **Goal:** 30 minutes to discuss new information and context around the form of government decision: Mayor-CAFO-Council and City Manager-Mayor-Council. Take a roll call vote.

VII. Legislative Article and Decision Points

- **Facilitator:** Anna, Pat, Mike. **Goal:** Review draft article and vote on decision points.
 - i.* Legislative Article Draft
 - ii.* Legislative Decision Points

VIII. Executive Article

- **Facilitator:** Anna, Pat, Mike. **Goal:** Begin review of the executive article, flagging any items for discussion or questions
 - i.* Executive Article Draft

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, OCTOBER 24, 2023**

COMMITTEE MEMBERS

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

The Cambridge Charter Review Committee held a meeting on Tuesday, October 24, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, this meeting was remote via Zoom.

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

Kaleb Abebe – Present
Jessica DeJesus Acevedo – Present
Mosammat Faria Afreen – Present
Nikolas Bowie – Absent*
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Absent
Kai Long – Present
Patrick Magee – Absent
Mina Makarios – Present
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Absent*
Jim Stockard – Present
Kathleen Born – Present

Present – 11, Absent – 4. Quorum established.

*Member Nikolas Bowie was present at 5:43p.m.

*Member Susan Shell was present at 6:02p.m.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion to adopt the meeting minutes from October 10, 2023.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Absent

Kevin Chen – Present

Max Clermont – Yes

Jennifer Gilbert – Absent

Kai Long – Yes

Patrick Magee – Absent

Mina Makarios – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Absent

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 10, No – 0, Present – 1, Absent – 4. Motion passed.

The Chair, Kathleen Born opened Public Comment.

Stephen C. spoke in support of measures that would give Cambridge the powers to determine who can vote and with that power expand the franchise to include 16-year-olds and non-citizens and for elections falling on even years. They also spoke about democratic elections for the Police Review Advisory Board.

Anna Corning, Project Manager shared with the Committee that she would like to continue the discussion on the draft language on Resident Assembly. Anna Corning recognized Committee members for comments and concerns relative to the proposed language.

Anna Corning requested Committee members conduct a straw poll on what language they would like to include regarding the selection process for Resident Assembly, Representative or Simple Random. Ten members voted in favor of Representative, three members voted in favor of Simple Random, and two members were recorded as absent.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion on whether the Committee wishes to specify a minimum number of participants for a Resident Assembly.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Present

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 12, No – 0, Present – 1, Absent – 2. Motion passed.

Anna Corning recognized Committee members to offer suggestions on what they believe is a good minimum to be required for a resident assembly.

**The Chair, Kathleen Born recognized member Lisa Peterson who made a motion for 30 to be the minimum number of participants to be required in a Resident Assembly.
Clerk of Committees Erwin called the roll.**

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Ellen Shachter who made a motion for the Committee to approve the Discretionary Specifications section of the proposed draft language of Resident Assembly.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent

Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

Anna Corning shared that she would like to change the focus of the conversation to review and discuss the proposed draft language relative to Elections. Committee members were recognized for comments, suggestions, and concerns. Michael Ward and Patricia Lloyd from the Collins Center were available to provide feedback.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion for the Committee to maintain a Proportional Representation system in Cambridge elections. Clerk of Committees Erwin called the roll.

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

Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Ellen Shachter who made a motion to enshrine 16- and 17-year-olds eligibility to vote in municipal elections. Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes

Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – No
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 12, No – 1, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion to enshrine non-citizen eligibility to vote in municipal elections.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion to allow 16- and 17-year-olds to run for municipal elections.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – No
Jessican DeJesus Acevedo – No
Mosammart Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – No
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – No
Jim Stockard – Yes

Kathleen Born – Yes
Yes – 9, No – 4, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Ellen Shachter who made a motion to allow non-citizens to run for municipal elections. Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – No
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – No
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 11, No – 2, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion to move municipal elections to even numbered years. Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Susan Shell who made a motion to enshrine that the City Council or an appropriate body of the City have the ability to allow Campaign Finance reforms.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Absent

Kai Long – Yes

Patrick Magee – Absent

Mina Makarious – No

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 12, No – 1, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Ellen Shachter who made a motion for the Committee to establish a Campaign Finance Study Committee in the Transition Provisions. Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Absent

Kai Long – Yes

Patrick Magee – Absent

Mina Makarious – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

Member Max Clermont shared concerns about a previous vote. The Chair, Kathleen Born made a motion for reconsideration on enshrining the City Council or appropriate body of the City the ability to all Campaign Finance Reforms.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes
Max Clermont – No
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – No
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – No

Yes – 10, No – 3, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion to adopt the draft text of the Transition Provisions language as amended in Committee.

Clerk of Committees Erwin called the roll.

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

Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion to recommend election procedure language be changed to authorize the City to use any tabulation methods.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent

Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized member Ellen Shachter who made 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.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

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.

Clerk of Committees Erwin called the roll.

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

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

Anna Corning thanked everyone in attendance for their participation and reviewed what the plan is for future meeting discussions.

The Charter Review Committee adjourned at approximately 8:00p.m.

Attachments:

Attachment A – Clean version of Resident Assembly draft language.

Attachment B – Clean version of Election draft language.

Attachment C - Draft text of the Transition Provisions language as amended in Committee.

Clerk’s Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed:

https://cambridgema.granicus.com/player/clip/604?view_id=1&redirect=true&h=b91160d71cfb0394c602b5c235469faa

Re: 10/24 Charter Review Committee Agenda + Materials

Faria Afreen <m.fariafreen@gmail.com>

Tue 10/24/2023 4:24 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Cc: Corning, Anna <acorning@cambridgema.gov>; Michael Ward <Michael.Ward@umb.edu>; Patricia J Lloyd <Patricia.Lloyd@umb.edu>

Dear Fellow Charter Review Members,

During the start of the charter review committee, we talked about values that included an emphasis on social justice, hoping to address "the historical inequities built into the government foundation and power structures." Additionally, many of our online biographies include statements reflecting our commitment to our communities. "I believe in the importance of ensuring that the charter represents the voices and needs of all members of our community, especially those who may not have a platform to speak for themselves," wrote Kaleb. Jessica wants to "ensure that more diversity and inclusivity are embedded in looking at our local issues." Kathy "re-imagine[s] a local government for the 21st century which can improve the quality of life for all the people who call Cambridge home" and Niko "imagine[s] a city in which all people feel equally capable of affecting decisions." Many more of you include words the words "inclusive," "community" and even "anti-racist" in your biographies. I hope you will reflect more deeply on what these words mean not only to you but others and how you can honor them.

When talking to folks, middle schoolers, university students, and other members of the public around Inman Square and the Port this weekend, I found that many people do not know that a charter review has been occurring. This points to an issue we have in this city: most people are not engaged with city politics and government. In Grumbach et al., 2023 (thank you Niko B. for sharing), we learn that the change to a city manager form of government is partially to blame since "the payoff of voting, influence over the behavior of the elected officeholder becomes smaller as agency problems increase between the voter and the appointed officeholder." My hope since the start of this charter review committee has been to give members of the community more power over what occurs in the city. While I hoped that we would have addressed this by choosing a mayor form of government who is directly voted into office by the voters, I recognize the creation of a resident assembly may be a good way to address part of this issue as well. I also learned that many people are in favor of having a resident assembly with decision making power.

A resident assembly could allow more people, particularly students, young adults, and members of the community with marginalized identities the opportunity to learn how the city government works, the types of policy decisions that can be made on the municipal level, who in city government supports the policies they, their friends and family care about, and to make decisions regarding what happens in the city they live in. We have learned that historically "bodies involving policing, economic planning, and other matters [have been given] to non-profits more easily controlled by incumbent elites and out of reach of the city's voters" (Grumbach et al., 2023). I envision participants will be given the opportunity to learn more deeply about the issue they are deciding on by learning from those who have studied the issue professionally and those who are living with the issue perhaps like those who currently make these decisions because it is their job. Ultimately, I trust people who may not be professionally qualified or college-educated to make informed decisions.

Furthermore, in city meetings, public comments are currently dominated by those who can afford to spend two or more hours after work listening to a meeting to make a public comment, which they can only hope will influence the decision of their elected official. For a resident assembly to be truly equitable and anti-racist, the city of Cambridge must also financially compensate participants for their time and any childcare their family may need, make sure the meetings can be attended both

virtually and in person (in which case food is provided), is available for translation, and importantly stand in place of a public comments in special circumstances to protect the voices and decisions of the body.

I look forward to talking to you all later tonight more about the resident assembly but wanted to share beforehand that I feel very strongly that we implement a resident assembly with decision-making power similar to the decisions already being made by the city council and other boards in the city as a way to educate more members of the community about municipal politics and as a way to empower members of the community historically not included in city government to change the city of Cambridge for the better.

Thank you,
Faria Afreen

please distribute to committee members (and the public as warranted)

Susan Shell <susan.shell@bc.edu>

Wed 10/25/2023 10:41 AM

To: Corning, Anna <acorning@cambridgema.gov>

Cc: Kathleen Born <kathyborn@gmail.com>

Dear Anna,

Please distribute the following note to committee members, etc.

With many thanks,

Best, Susan

Dear Fellow Members of the Charter Review Committee,

A quick note with respect to our recent vote concerning “non-citizens” (including undocumented residents) and their right to vote and hold office.

I didn't want to slow things down last night, and so didn't press the point; but I would like to register my discomfort with the decision (with no insistence on changing my vote). I am all the more reluctant, given the overwhelming opinion, as I gather, on the other side of the issue. But I would be remiss not to at least register my respectful disagreement as well as briefly state the grounds. Citizenship, in my view, is a foundational element of civic community, allowing and even encouraging us when necessary to make significant sacrifices for others. Our rights and duties as citizens are accordingly reciprocal, and differ from our humanitarian duties (however important) to others as human beings. That common cord of citizenship has been under great stress of late – not least from the right; I don't think legal citizenship for purposes of civic participation, including local participation, should be treated lightly, especially now. Those here without legal documentation have broken the law, as many of our fellow Americans are only too eager to press. There may be very legitimate reasons for them to have done so, ones that merit our concern and support along a variety of lines, including access to health care, drivers' licences, and education, as well as pathways to legal residency and citizenship. I do not think eligibility for elected office, or voting for that matter, is an appropriate way of expressing that concern. To do so is in my opinion to dilute, however inadvertently, the meaning of citizenship.

Best, Susan

My name is Dr. Jameson Quinn, a Cambridge resident and voter. You on the charter review committee know me, as I've been attending most of your meetings, and have taken the opportunity to give public comment many times. But I'd like to briefly reiterate my expertise and interest in this matter.

I've long been interested in voting reform; for instance, I've spearheaded the reform to the nomination voting system for the Hugo Awards, co-organized the British Columbia Symposium on Proportional Representation which was influential in the design of the 2018 electoral reform referendum there. In fact, my interest in this field was a big part of what spurred me to get a PhD in statistics.

When I talk to my fellow Cambridge voters about our voting system, I often hear two things (assuming they even vote in municipal election years). On the one hand, they are proud of a system that gives them a deeper and clearer voice than most ballots. On the other hand, they find having so many candidates to rank to be too complex, a burden. Often, they feel both of these things at once.

I believe that allowing voters to use equal rankings is a simple, feasible change that would preserve and even strengthen that source of pride, while helping to ease that burden of complexity. In this article, I will make that argument. But I also want you, the committee, to understand this issue fully, so I'll also do my best to lay out all the serious counterarguments that might be made, and to share both the strengths and the weaknesses of the evidence behind these arguments.

...

The Single Transferable Voting (STV) system that Cambridge uses was invented in the 19th century. At the time, it was designed to be counted by putting ballots into piles. Thus, at each step in the process, all candidates' vote tallies had to be integers.

This necessity led to two compromises. First, when transferring overvotes, random votes had to be chosen. For instance, if the quota was one thousand votes, and a candidate got 1,100, one hundred of those votes had to be chosen by some random process. Today, experts agree that fractional transfer methods, such as the Weighted Inclusive Gregory Method (WIGM), are fairer.

The other way that STV's original design was compromised is that equal rankings were forbidden. If my ballot ranks candidate A as first place, candidates B and C tied for second place, and candidate D in third place, it will be thrown away as soon as A is eliminated. Even if B and C are eliminated too, so that my vote unequivocally belongs with D, it will never count for D. This is a limitation on voter freedom, and a risk of accidental loss of voting power, that is completely unnecessary with modern counting methods.

As part of the Charter Review Committee's work, you are now looking at Cambridge's voting system. From attending the meetings so far, I think it's likely that you'll want to allow election officials to use the WIGM; after all, this is merely a technical change, invisible to the voters. But allowing equal rankings would be a small but meaningful change to how voters use the

ballot, and as such, is something that you should consider as a committee, not just leave up to election officials.

In the following, I'll lay out arguments in favor of and against this change; followed by a bibliography; and then an appendix with proposed statutory language.

Arguments in favor

The simplest, and most general, argument in favor is that if allowing equal rankings were the status quo, essentially nobody would want to forbid them.

- Voters would not want to reduce their freedom to vote as they wished, or to risk having their vote thrown away if they mis-marked it.
- I believe most politicians, both incumbents and challengers, would value the less-divisive campaign environment fostered by equal rankings, and would not want to gamble on the unpredictable individual effects of a change.
- Election administrators would not want to increase the risk of voting paradoxes (see below).

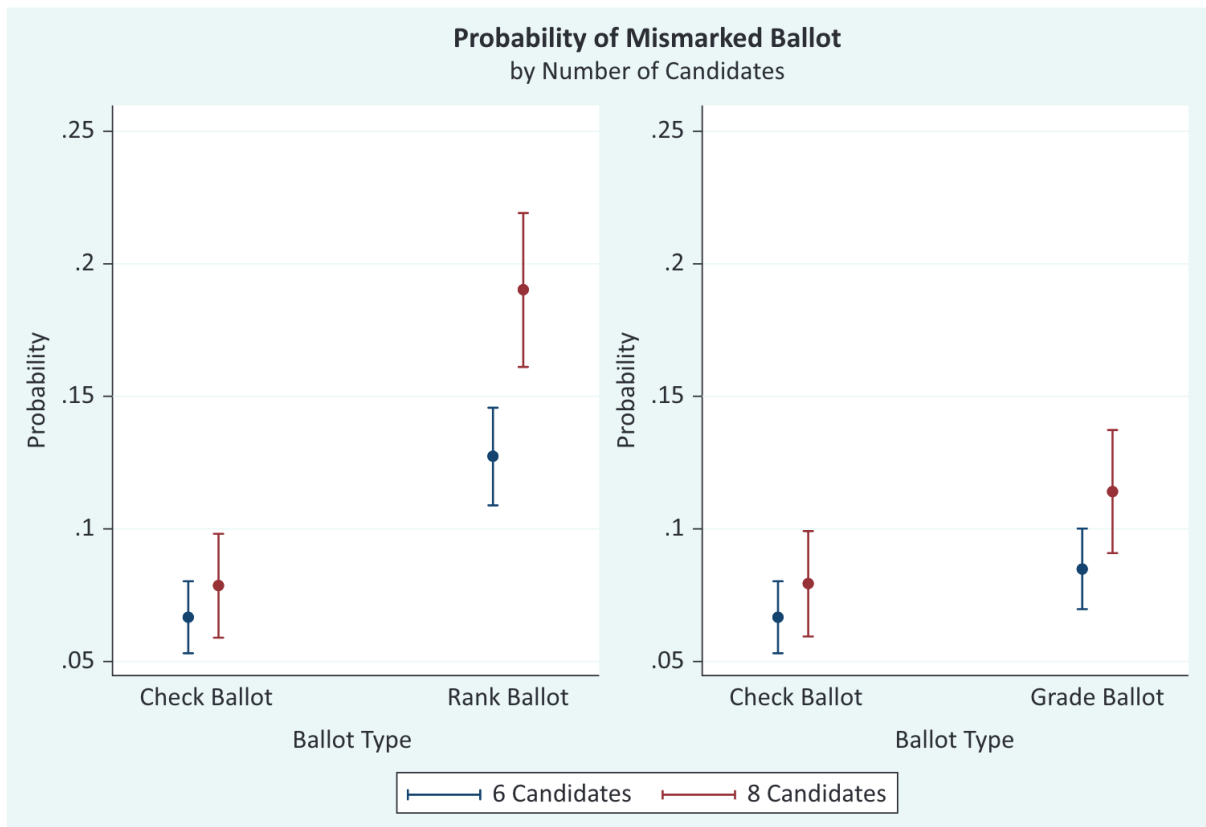
But here are some more-specific arguments in favor.

1. Allowing equal rankings makes voting easier, possibly increasing turnout / participation

The typical Cambridge city council election includes over two dozen candidates. Giving preferences over all of these — or even several — is already a difficult voting task. This difficulty is a hurdle for any attempt to increase turnout, and minimizing this hurdle is an important goal.

It's clearly easier for a voter to class these candidates into broad groups ("I like these two a lot; these four seem fine; these three seem acceptable; and the rest I dislike") than to put each of them into a strict ranked order ("I know these four will get ranks 3 through 6, but which is which? How can I find some arbitrary distinction so that I can put them in order?").

Consider the following graph, taken from Maloy and Ward 2021, in a study of a hypothetical cross-party Ranked Choice ballot for the 2020 Presidential primary in super-Tuesday states. This shows the probability of "mismarked" ballots for various scenarios. The y axis runs from a probability of .05 (5%) to .25 (25%). Note that it might be still possible to tally some "mismarked" ballots in some cases, but that any "mismarking" they were looking at carries some risk that the voter will be unintentionally disenfranchised.



Unlike the hypothetical single-winner election Maloy and Ward studied, Cambridge’s STV system is multi-winner. But currently, the basic ballot format and rules for the voter are similar to the “Rank Ballot” option above. If equal rankings were allowed, that would bring it closer to the “Grade Ballot” option. In their experiment, such a change would substantially reduce the risk of a mismarked ballot — which could leave the voter effectively disenfranchised.

Furthermore, the Cambridge ballot typically has dozens of candidates. The experiment above shows that even moving just from 6 to 8 candidates increases the downside of a pure ranked ballot, and thus the relative advantage of a graded ballot that allows equal rankings.

This experiment can not directly be generalized to the Cambridge case. But I believe it does show that the complexity of a voting system can be a serious problem, and that allowing equal rankings could ease that problem.

2. Simplifying voting could particularly help underrepresented groups

Consider the following quote from Neely and McDaniel 2015, in a study of voting patterns in San Francisco’s single-winner Ranked Choice Voting (RCV) system:

“Consistently, precincts where more African-Americans reside are more likely to collect overvoted, voided ballots. And this often occurs where more Latino, elderly, foreign-born, and less wealthy folks live. The additional years of data show no meaningful increase or decline in these tendencies but rather bolster the earlier study’s findings.” (Neely and McDaniel, 2015, p. 21)

As with the experimental study above, this observational study shows that a ranked system which disallows equal rankings, comes with risks of mismarked ballots that could disenfranchise voters. In this case, the voters thus disenfranchised would come disproportionately from certain groups, in many cases ones that are already disadvantaged in our political system.

(I believe these findings are relevant and convincing, but I am nevertheless obligated to share certain caveats. First off, they are based on ecological regression, and thus rely on unverifiable assumptions to impute from precinct-level variation to individual-level variation. Second, “African-Americans” are not a monolithic group, and a finding in San Francisco may not apply to Cambridge. Third, this same paper found similar issues with a “vote for up to four” race that did not require strict rankings; though an equal-rankings-allowed ballot is harder to spoil than “vote for up to four”, this suggests that simply moving away from strict rankings is not necessarily enough to fix the problem. And fourth, the overall magnitude of the effect, while enough to swing a close election, is not huge. For instance, extrapolating their results to a precinct with 100% over-65 voters would give up to around 9% excess spoiled ballots, while a precinct with 100% African-American voters would give 4% excess spoiled ballots.)

Allowing equal rankings could lead to healthier campaigns

By disallowing equal rankings, the current system forces all voters to pick favorites at every step. That forces candidates to campaign almost exclusively for first-choice votes. Voting slates and cooperative campaigns such as A Better Cambridge do exist, but candidates are pushed to set themselves apart more than they are to stand together.

Allowing equal rankings would moderate these incentives. I believe it would lead to less negativity and more cooperation in campaigning. I do not pretend that it’s a panacea; politics will always be politics. But improving the incentives can still make an important difference. And such more-cooperative campaigns could also be more issue-based, giving voters more a real choices of direction for the city; and less-expensive, allowing for more diversity of candidates.

And such an improvement would not have end after campaign season. Candidates who campaign together more-cooperatively might also govern so once they are elected.

More-robust representation of Cambridge’s diversity

From a voter’s perspective, allowing equal rankings makes it easier to seek both descriptive and ideological representation. If there is more than one candidate from the group and/or with the platform you want to see represented, you can vote for all of them as #1, or choose your favorite and then vote the rest as #2.

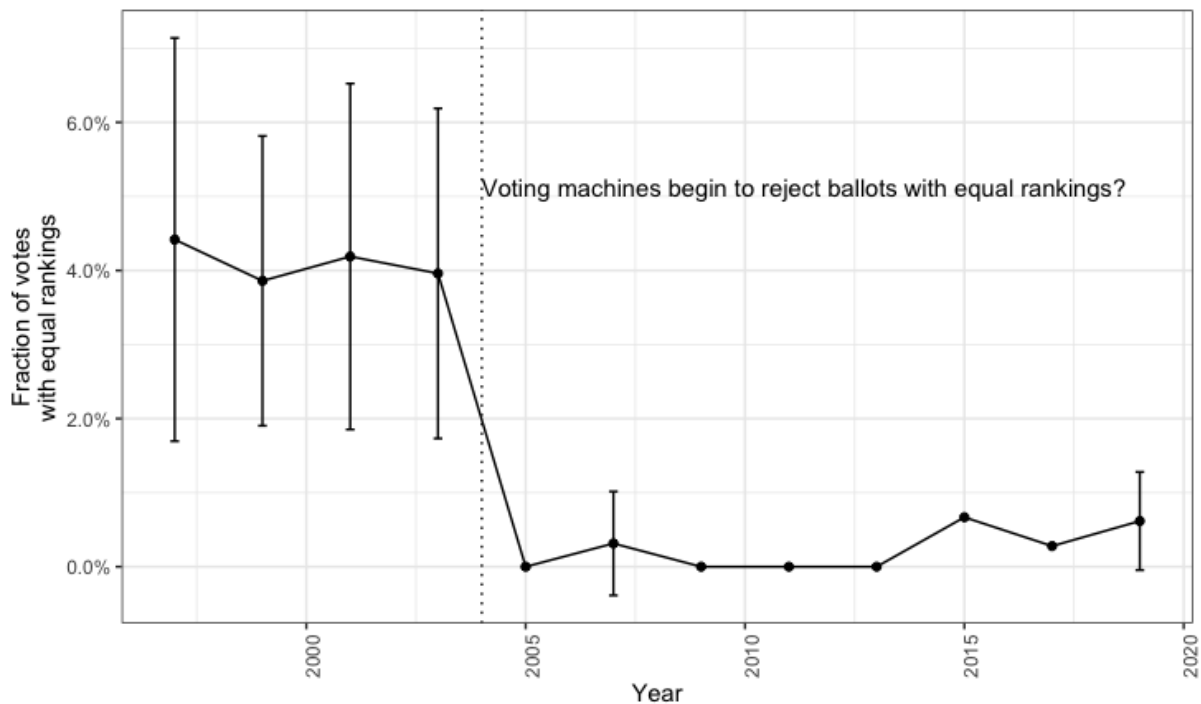
And an equal-rankings-allowed STV tallying process would do better at respecting those joint votes. Without equal rankings, there is an increased possibility that the candidate who could best represent you is eliminated before your vote transfers to them, meaning your

support for them has no impact on the process. If that happens to enough voters, it could be that the eliminated candidate actually could have won. This kind of premature elimination can lead to voting paradoxes, such as the “participation paradox”, where a voter could get an outcome they like more by not voting at all than by voting their true preferences.

Allowing equal rankings reduces this chance, because as long as there is more than one surviving candidate at your current top rank, your vote is divided equally between them. Thus, whichever of them is eliminated first is less likely to be one who could eventually have collected a full quota of votes to win. This cannot entirely eliminate the possibility of the participation paradox (various theorems show that no voting system can eliminate all kinds of voting paradoxes), but it can substantially reduce it. This would lead to a more-robust system overall, and in particular, one that more-robustly represented the diversity of voters.

(At least some) Cambridge voters would use equal rankings if they could

I created the following graph to show how the fraction of votes with (currently-invalid) equal rankings has varied in Cambridge from 1997 to 2019:



This graph shows several things:

- The very fact I can even make such a graph shows that the current voting machines can process equal-ranked ballots, even though the current tallying procedure throws away a ballot when it would transfer to equal-ranked candidates.
- The average of around 4% in the pre-2004 era reflects the fact that at least some Cambridge voters “want” to vote with equal rankings. Presumably, if the system did not forbid this kind of voting, the proportion of voters who used it would be even higher.
- There is an obvious reduction in equal rankings between 2003 and 2005. Though I have not been able to confirm this definitively, I believe this corresponds to the introduction of voting machines which “soft-reject” equal-ranked ballots during

in-person voting. Voters can still cast such ballots, but first they are told the ballot is invalid and get a chance to “fix” it.

- The error-bars show the cross-precinct standard deviation of the number of equal-ranked votes. I only have precinct-level data for 1997-2003, 2007, and 2019, so other years are lacking error bars. In this case, cross-precinct variation could represent demographic inequalities. Note that it seems larger, as a proportion of total equal rankings, after 2005.
- In the 2005-2019 era, there seems to possibly be an upward trend in number of equal-ranked ballots. I believe this may be explained by an increasing use of absentee ballots, which would not be rejected by the machine for possible “fixing”. If this is indeed the explanation, I’d expect a substantial uptick in 2021 due to the pandemic, some of which I’d expect to last into this year and beyond, as new habits are “sticky”.

Arguments against

Intrinsic conversion costs

The current voting machines already output “cast vote records” that are suitable for allowing equal rankings, so there would be no hardware costs. However, there would be a small amount of software costs to stop the machines from soft-rejecting (requiring additional confirmation for) votes that use equal rankings. And the central tallying software would likewise need to be updated.

Voter education costs

There would be some cost associated with educating voters about the new rules. Note, however, that the consequence of failing to educate a given voter is merely that they spend extra effort to vote in the old way; those votes would still be fully valid, so such a voter would not be disenfranchised. This means that the education effort could be scaled to target a similar level of voter understanding as currently exists with the strict-ranking system; it would not need to target 100% understanding.

Difference from Ranked Choice Voting systems elsewhere

Even if Cambridge allowed equal rankings, there would still be other jurisdictions (such as Maine, San Francisco, and New York) which do not. While one might hope that those jurisdictions would eventually make similar updates, in the meantime, there is a possibility that a voter from Cambridge might move to such a jurisdiction, fail to realize that equal rankings are not allowed there, and thus unintentionally cast a spoiled ballot there.

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Appendix A: proposed statutory language

Massachusetts General Laws, Chapter 54A ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION OR PREFERENTIAL VOTING

Sec.

1. Definitions; applicability of chapter.
2. Petitions; filing; certification of signatures; referendum; adoption.
3. Nomination of candidates.

4. Ballots; form; contents.
5. Printing of ballots; arrangement of names; number of ballots.
6. Central counting place of ballots; director.
7. Challengers; witnesses; watchers; other representatives.
8. Use of ballot boxes; procedure.
9. Rules for counting ballots and determining results.
10. Ballots; preservation; examination.
11. Publication of statements regarding ballots cost
12. Recount of ballots.
13. Vacancies in bodies elected by proportional representation; filling.
14. Ballots; rules for counting where election by preferential voting.
15. Vacancies in single elective offices; filling.
16. Mechanical or other voting devices; methods of counting first choices.
17. Applicability of general laws relating to elections and corrupt practices.

....

Current text of § 16:

§ 16. Mechanical or other voting devices; methods of counting first choices.

(a) In conducting any election by proportional representation or preferential voting, mechanical or other devices may be used, subject, however, to the provisions of sections thirty-two to thirty-nine, inclusive, of chapter fifty-four, if the city council or the town passes a vote providing expressly that such devices shall be used in such election; and said sections, so far as apt, shall be applicable in all respects in case of such devices so used. In case such devices are to be used in any city or town, the city or town clerk may modify the form of ballot, the rotation of names thereon, the directions to voters and other details in respect to the election process; provided, that no change shall be made which will alter or impair the principles of voting or counting the ballots governing elections by proportional representation or preferential voting, as the case may be, but the voter may be limited to not less than fifteen choices for any particular body or office.

(b) In any city or town where elections by proportional representation are to be held, any method of counting the voters' first choices and treating any such choices in excess of the quota, provided for under any system of proportional representation which on January first, nineteen hundred and thirty-eight was in effect for the purpose of municipal elections in any city of the United States, may be substituted for the method of counting such choices set forth in this chapter, if the registrars of voters determine that such substitution is advisable; provided, that they issue regulations embodying the method so substituted and provided, further, that such regulations shall not be effective with respect to any election unless at least thirty days prior thereto copies of such regulations are available for delivery to such of the voters as may request them. Added St.1938, c. 341, § 1.

Proposed changed § 16 (b)-(d)

§ 16. Mechanical or other voting devices; methods of counting first choices.

(a) *...text unchanged...*

(b) In any city or town where elections by proportional representation are to be held, any method of counting the voters' first choices and treating any such choices in excess of the quota, provided for under any system of proportional representation which has "reference STV rules" on [DATE OF ADOPTION OF THIS RULE] as supported by the Proportional Representation Foundation at prfound.org, as optionally modified by rules (c) and/or (d) below, may be substituted for the method of counting such choices set forth in this chapter, if the registrars of voters determine that such substitution is advisable; provided, that they issue regulations embodying the method so substituted and provided, further, that such regulations shall not be effective with respect to any election unless at least thirty days prior thereto copies of such regulations are available for delivery to such of the voters as may request them. Added St.1938, c. 341, § 1.

(This subsection (b) allows for modern technical updates such as the WIGM, and also refers to subsections (c) and (d) below.)

(c) A city or town where elections by proportional representation are to be held, may opt to modify the method of counting to allow equal rankings. If they do, then whenever the procedure prescribes tallying all or some of the weight from a ballot to a single candidate at a given ranking, but there are multiple candidates at that ranking eligible for such assignment, the weight to be assigned to each such eligible candidate is divided by the number of such eligible candidates (truncating decimals or fractions to 9 decimal places, or, for the Andrae method, to the next lowest 1/60th of a vote).

(This subsection (c) allows for equal rankings)

(d) Changes to the counting procedure for purposes of facilitating the process are permitted, as long as they are made, announced, and available for delivery to the voters at least sixty days before the election they are used in, along with a mathematical proof that the changes cannot impact the outcome. If five registered Cambridge voters sign an affidavit disputing the validity of the proof, the dispute shall be adjudicated by a panel of three Cambridge voters selected by the city council. The panel members so appointed shall be impartial, and each shall have relevant expertise, including the ability to evaluate mathematical proofs. If the experts do not unanimously agree that the changes cannot impact the outcome, the unchanged procedure shall be used. Once such a determination has been made, it is final.

(This subsection (d) allows for further technical updates such as simultaneous elimination, now or in the future. It is recommended for efficiency, but is logically independent of whether equal rankings are allowed.)

Library references: Elections [key]222. C.J.S. Elections § 203

Cross References

Application of proportional representation provisions of this section to Plan E city elections, see c. 43, § 115. (Repealed 1972, 596, Sec. 1)

Appendix B: Full WIGM (weighted inclusive Gregory method) with equal rankings

This is the full procedure that would be allowed by the above legislative text. Underlined text replaces ~~striketrough text~~ from the prfound.org reference implementation.

Weighted Inclusive Gregory Method, 4 decimal places, optional batch defeat.

Multiple-seat elections shall be counted as follows.

A. Initialize Election

1. Set the quota (votes required for election) to the total number of valid ballots, divided by one more than the number of seats to be filled, plus 0.0001.
2. Set each candidate who is not *withdrawn* to *hopeful*.
3. Test count complete (D.3).
4. Set each ballot's weight to one, ~~and assign it to its top-ranked *hopeful* candidate.~~ For each of n candidates ranked highest on that ballot, add $1/n$ (truncated to 5 decimal places) to that candidate's tally.
5. Set the vote for each candidate to the total number of ballots assigned to that candidate.

B. Round

1. **Elect winners.** Set each *hopeful* candidate whose vote is greater than or equal to the quota to *pending* (elected with surplus-transfer pending). Set the surplus of each *pending* candidate to that candidate's vote minus the quota. Test count complete (D.3).
2. **Defeat sure losers (optional).** Find the largest set of *hopeful* candidates that meets all of the following conditions.
 - a. The number of *hopeful* candidates *not* in the set is greater than or equal to the number seats to be filled minus *pending* and *elected* candidates).
 - b. For each candidate in the set, each *hopeful* candidate with the same vote or lower is also in the set.
 - c. The sum of the votes of the candidates in the set plus the sum of all the current surpluses (B.1) is less than the lowest vote of the *hopeful* candidates not in the set.
3. If the resulting set is not empty, defeat each candidate in the set and test count complete (D.3), transfer each ballot assigned to a *defeated* candidate (D.2), and continue at step B.1.
4. **Transfer high surplus.** Select the *pending* candidate, if any, with the largest surplus (possibly zero), breaking ties per procedure D.1. For each ballot assigned to that candidate, set its new weight to the ballot's current weight multiplied by the candidate's surplus (B.1), then divided by the candidate's total vote. Transfer the ballot (D.2). If a surplus (possibly zero) is transferred, continue at step B.1.

5. **Defeat low candidate.** Defeat the *hopeful* candidate with the lowest vote, breaking ties per procedure D.1. Test count complete (D.3). Transfer each ballot assigned to the *defeated* candidate (D.2). Continue at step B.1.

C. **Finish Count**

Set all *pending* candidates to *elected*. If all seats are filled, defeat all *hopeful* candidates; otherwise elect all *hopeful* candidates. Count is complete.

D. **General Procedures**

1. **Break ties.** Ties arise in B.3 (choose candidate for surplus transfer) and in B.4 (choose candidate for defeat). In each case, choose the tied candidate who is earliest in a predetermined random tiebreaking order.
2. **Transfer ballots.** Reassign each ballot to be transferred to its highest-ranking *hopeful* candidates and add the current weight of the ballot, divided by the number of such candidates (and truncated to 5 decimal places), to the vote of each of those candidates. If the ballot ranks no such candidate, or has a weight of zero, it is exhausted and no longer participates in the count.
3. **Test count complete.** If the number of *elected* plus *pending* candidates is equal to the number of seats to be filled, or the number of *elected* plus *pending* plus *hopeful* candidates is equal to or less than the number of seats to be filled, the count is complete; finish at step C.
4. **Arithmetic.** Truncate, with no rounding, the result of each multiplication or division to four decimal places.

May I Say:

Valerie Bonds <vbonds@icloud.com>

Thu 10/26/2023 12:13 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Good morning Charter E Review Committee Members:

I hope you are doing well.

Have you attended the Candidate Forums that have been presented throughout the months?

I hear what candidates plan to bring to the council but very few mentions what skills, expertise and knowledge they have that will prepare them for an important position of power and authority in our city.

I have been following the comments of Councillor Flynn in Boston and his concerns regarding the Boston City Council.

I am concerned for our council and the description some council members and candidates spoke of a council that at times is dysfunctional and contentious.

We have to do better. Our city deserves better ; especially given the very concerning climate of politics, politicians and government at the local, state, and federal levels.

Electing a mayor will connect the mayor directly with our community.

Keeping the council with two terms; at this time the council is not ready for four years.

The City Manager must have some background in fiscal management and be distant from receiving monies and gratuities that in one way or another may lead to questionable decisions or outcomes.

I am grateful that members of our community believed the need to keep corruption, nepotism and patronage out of our city government years ago and hopefully that belief will continue now and into the future of our city government, agencies and boards.

Thank you,

Valerie A. Bonds
Rivermark
812 Memorial Drive
Cambridgeort

Dear Charter Review Committee:

In your October 24th meeting, you passed two provisional motions on voting systems: one to allow the city to use any tabulation method (for instance, a fractional transfer method such as the Weighted Inclusive Gregory Method); and another to allow the city to use “any voting method of proportional representation”. I believe that both of these, especially the latter, merit clarifying language.

In both cases, I suggest you explicitly give an example of an option, to close off any possible ambiguity in the meaning of the terms “tabulation method” and “voting method”. I also suggest you give some guidance as to the values that should be pursued when making these decisions. Finally, it might be useful to restrict the second choice from “any method of proportional representation” to “any method of proportional representation based on vote quotas and transfers”; I’ll explain why below.

Here are some suggested wordings you might consider. (Note that although you considered tabulation method first, I’ve put it second, as it logically depends on voting method.)

The city is authorized to use any proportional voting method based on the principle of vote quotas and vote transfers, such as Single Transferable Voting with or without Equal Shares for Equal Ratings. The voting method should be chosen to maximize values such as the following:

- Ease of voting
- Increasing voter turnout
- Voter choice and freedom
- Fairness to candidates, regardless of resources
- Incentivizing healthy campaigns and healthy functioning within the City Council and School Board

The city is authorized to use any tabulation method, such as the Weighted Inclusive Gregory Method, that is consistent with the principle of equal voting weight (“One person one vote”). The tabulation method should be chosen to maximize the ease, reliability, consistency, and transparency of the vote tabulation process.

The city should maintain engagement with the state to ensure that its preferred voting and tabulation methods are legal under state law. If this is not the case, the city should adopt a fallback method, but should be publicly clear about what they’d prefer.

Much of the above is self-explanatory, and I believe the committee has all the information it needs to choose whether to adopt the above language in whole or in part. The one exception I foresee is the language about “vote quotas and vote transfers”. This language is intended to give the city maximum flexibility in choosing a proportional method similar to the current Single Transferable Voting, but to make it clear that this should not be construed as a suggestion to switch to a party-based proportional method such as closed lists, open lists, or Mixed Member Proportional (MMP). While such methods have advantages as well as disadvantages, I believe that it is not your intention to open the door to such a radical change of system, which would require partisan elections.

Sincerely,
Jameson Quinn

Legislative Article

Working Draft

New Proposed Charter - City of Cambridge

ARTICLE 2: LEGISLATIVE BRANCH

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

- (a) Composition - There shall be a city council of nine members nominated and elected by and from the voters at large by proportional representation as provided by in section [placeholder]. The city council shall exercise the legislative powers of the city.
- (b) Term of Office - City councilors shall be elected for terms of two years each beginning on the first business day of January in the year following their election, and until successors have been qualified.
- (c) Eligibility - Any registered voter shall be eligible to hold the office of councilor. If a councilor moves from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section [placeholder]. The city council shall determine whether a councilor has moved from the city.

SECTION 2-2: GENERAL POWERS

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

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

- (a) Election and Term - As soon as practical after the councilors-elect have been qualified following each regular city election, as provided in section [placeholder], the members of the city council shall elect from among its members a president/chair/mayor and vice president/vice chair/vice mayor, who shall serve for a [placeholder] term. The method of election of the president/chair and vice-president/vice-chair shall be determined by City Council rules. The member of the city council senior in length of consecutive service shall perform the duties of president/chair until members elect a president/chair.
- (b) Powers and Duties - The following shall be the powers and duties of the council president/chair:
 - i. Head of the city - The council president/chair shall be recognized as the official head of the city for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process.
 - ii. Presiding officer of the council - The council president/chair shall be the presiding officer of the city council. The council president shall have no power of veto but shall have the same powers as any other member of the city council to vote upon all measures before it.
 - iii. Appointment of committees - The council president/chair shall appoint members of, and oversee, all committees of the council, whether standing or ad hoc.
 - iv. Goal-Setting - The council president/chair/mayor shall coordinate, with the council, the development and prioritization of both short- and long-term council goals to support a strategic vision for the city, as provided for in section [2-12] at the beginning of each council term.
 - v. State of the city - The council president/chair shall annually, together with the city manager, address the city council, school committee, officers of the city, and the public on the state of affairs of the city.
 - vi. Other duties - The council president/chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by vote of the city council.

Commented [1]: revote

Commented [2]: revote

Commented [3]: revote

Commented [4]: revote - term limits

Commented [5]: Depending if committee changes eligibility to run for office we might need to clarify municipal voter vs statewide/national voter?

Commented [6]: Decision Point

Commented [7]: decision point

Commented [8]: Does the Committee want to consider recommending a timeline and/or contingency selection method?

Commented [9R8]: I think the committee wanted to define this process in the charter, ie. "by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons "

Commented [10]: Jim - I like the terms chair and vice-chair. President and vice-president seem strange at the city level. And Mayor and vice-mayor bring confusion as we have seen. This is not a strong opinion, just a feeling. I'm happy to go with other stronger opinions.

Commented [11R10]: Jim - I have always thought I would like to find a method for electing the chair and vice-chair, rather than just leaving it up to the back-room negotiations of the members. Person with the most number 1 votes? Person who has served on the council the longest without being the Chair? But I have been moved by those who would like the chair of the council to play a major role in pulling the council together to work with the city manager to set goals. And this charter has some language to that effect. Either of the methods I mention above could result in a Chair who has no ability to do that. So, it may be (... [1])

Commented [12R10]: Committee has mentioned adding a time line for the election of head/mayor/p (... [2])

Commented [13R10]: Current charter includes language that states the city clerk is temporary (... [3])

Commented [14R10]: Current practice deviates from Plan E language. Practice is clerk swears in new (... [4])

Commented [15]: Current Charter includes: "and by the (... [5])

Commented [16R15]: Current Charter: "In time of public danger or emergency, as determined by the (... [6])

Commented [17]: Previously approved

Commented [18]: Ellen - Should there be a frequency included here? once or twice a year?

Commented [19R18]: Jim - Section 2-3 (c) v I think there should be a time specified for this address. (... [7])

Commented [20R18]: Kevin - Perhaps this should specify that this is to occur annually

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

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

(d) Permanent Vacancy - If there is a permanent vacancy in the office of president/chair or vice president/vice chair, the city council shall elect by majority vote one of its members to fill such office for the unexpired term. (add if unable then senior most member shall preside).

SECTION 2-4: PROHIBITIONS

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

SECTION 2-5: COUNCIL SALARY; EXPENSES

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

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

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

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

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

(c) Rules - Rules for operation of City Council shall be established by City Council at the beginning of each term.

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

(a) City Manager - The city council shall appoint a city manager as provided for in Section 3-1.

(b) City Auditor - The city council, by the affirmative vote of a majority of members, shall appoint a city auditor for an indefinite term of office. The city auditor shall be appointed solely based on professional

Commented [21]: Jim - Section 2-3 (c) vii I think the Chair of the City Council should be a member of the School Committee, but not the Chair of that group, unless he/she is elected to that position by the other members of the School Committee.

Commented [22R21]: Decision Point

Commented [23]: Current Charter: "or, if more than one have so served, then the member senior both in age and length of service shall perform the duties of mayor until a new mayor has qualified."

Do we need this additional qualifier?

Commented [24]: Current Charter: "The mayor shall have no power of appointment, except of the employees mentioned in section twenty-five and except as provided in section one hundred and two."

Commented [25]: How is this currently handled?

Commented [26R25]: This can be made more specific or narrowed by ordinance. For example, ordinance could clarify what "necessary" expenses include or specifically exclude items from reimbursement as not necessary. If the Committee chooses to defer to ordinance a line would be added here saying, "which may be further defined by ordinance"

qualifications and experience. The city auditor shall keep and have charge of the accounts of the city and shall from time to time audit the books and accounts of all city agencies. The city auditor shall have such other powers and duties as provided for auditors and accountants by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or by any other vote of the city council.

- (c) City Clerk - The city council, by the affirmative vote of a majority of members, shall appoint a city clerk. The city clerk shall be appointed solely based on qualifications and experience. The city clerk shall have such powers and duties as provided for clerks by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or by any other vote of the city council.
- (d) Clerk of the Council - The city council, by the affirmative vote of a majority of members, shall appoint a clerk of the council, who may be the city clerk. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be provided by ordinance or by other vote of the city council.
- (e) Salaries - The officers appointed under Section 2-7 shall receive such salaries as set by ordinance.
- (f) Supervision, discipline and removal of city council employees - The council president / chair shall be responsible for supervision of any employee appointed by city council, including the city auditor and clerk of the council. The council president / chair shall be able to impose discipline up to and including an unpaid suspension of not more than five days. However, removing an employee appointed by city council shall require an affirmative vote of at least six council members.

SECTION 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

- (a) Department heads – Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.
- (b) Multiple-member bodies - The city manager shall refer to the city council and simultaneously file with the clerk the name of each person the city manager desires to appoint or reappoint as a member of a multiple-member body. Appointment of a member of a multiple-member body made by the city manager will be effective upon a majority vote of the city council, which vote shall occur within 45 days after the date on which notice of the proposed appointment was filed with the city clerk. The appointment may be approved or rejected by a majority of the full city council before 45 days. An appointment or reappointment shall take effect if the city council fails to act within those 45 days.

SECTION 2-9: ACCESS TO INFORMATION

- (a) In general - The city council may make inquiry into the affairs of the city and into the conduct and performance of any city agency.
- (b) Information requests:
 - i. City manager - The city council may, at any time, request from the city manager specific information on any municipal matter within its jurisdiction and may request the manager to be present to answer written questions relating thereto at a meeting to be held not earlier than seven (7) days from the date of receipt by the city manager of said questions. The city manager shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The city manager may attend and address the city council in person or through the head of a department or a member of a board, on any subject and at any time.
 - ii. Department Heads, Chair of Multiple-Member Bodies - The city council may require the chair of a multiple-member body or a city department head, through the city manager, to appear before the city council to give any information that the city council may require in relation to

Deleted: for an indefinite term of office.

Commented [27]: Do we need "indefinite term of office"?

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Deleted: for an indefinite term of office

Deleted: to serve as clerk for a term of three (3) years and until a successor is chosen and qualified

Commented [28]: New, currently, all city employees report to the CM. Besides the clerk, auditor and CM. And clerk and auditor report to the council as a whole.

Commented [29]: Flag for discussion

Commented [30R29]: Ellen - I like the balance this strikes so the City Manager is aware of what the council wants but we are not having City Councilors second guess a hiring decision when they were not part of the hiring team.

Commented [31R29]: Jim - I think this is an appropriate description of role of the Council vis a vis department heads. And I feel very strongly that this should be the limit of their role. The only way to truly hold the City Manager accountable for achieving the goals of the City Council is to allow him/her to have his/her team to carry out the work. I do not think the City Council should have approval or removal rights over Department Heads.

Commented [32]: Ellen - I wonder if the City Council should only be allowed to reject for good cause shown? There is no standard whatsoever here???

Commented [33R32]: Jim - Section 2-8 (b) I think this is a good description of this process, also. It's categorically different from department heads, and it is reasonable for the City Council to have a larger role in the appointments.

Commented [34R32]: Kevin - Is 60 days standard? Should we consider 45 or 30?

Commented [35R32]: Define multi-member bodies (and add this shall not include ad hoc committees)

Commented [36]: Ellen - I like the seven day timeframe notice to staff for appearance and to answer questions - this is about the same time frame we use in Somerville.

Commented [37]: Confirm this language?

the municipal services, functions and powers, or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee. The city council shall give a minimum of seven (7) days' notice to a person it may require to appear before it under this section. Notice shall be in writing. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing. The city manager shall receive a copy of any notice issued under this section at the same time as the person who is requested to appear before the council.

SECTION 2-10: ORDINANCES AND OTHER MEASURES

- (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon, and receiving the affirmative vote of a majority of members present. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature, shall be passed as an emergency measure, and except as provided in General Laws Chapter 166, Sections 70 and 71, no such grant, renewal or extension shall be made otherwise than by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.
- (b) General Measures - Every adopted measure shall become effective upon adoption or at such later time as it may specify. An ordinance shall not be amended or repealed except by the same process by which it was adopted.
- (c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the city council, a single member present may object to the taking of the vote, and postpone the vote until the next regular or special meeting of the city council. If two or more present members object, the vote shall be postponed until the next regular meeting. This procedure shall not be used more than once for any specific matter regardless of whether it has been amended. A charter objection shall have privilege over all motions but shall be raised prior to or at the call for a vote by the presiding officer and all debate shall cease. The charter objection process shall not apply to emergency measures as defined in this section.
- (d) Publication - Every proposed ordinance, or loan order, except emergency ordinances and revenue loan orders, shall be published once in full in at least one local newspaper, on the city website and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage, the ordinance as amended and completed, shall again be published once in the manner provided above, except as follows. If any ordinance or proposed ordinance, or codification thereof, shall exceed in length eight pages of ordinary book print, then there shall be no requirement to advertise as provided above if the same is published by the city council in a municipal bulletin or printed pamphlet or on the city website, but otherwise in conformity with said provisions, except for zoning ordinances or amendments thereto, a summary of which shall be published at least two times in a local newspaper and on the city website. The publication of such zoning summaries shall include a statement indicating where copies of the ordinance may be examined and obtained and a statement that claims of invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication. Emergency ordinances shall be published at the earliest practicable moment.

Commented [38]: Jim - This section is a little tricky and not altogether clear. For example, I don't know why the School Committee is singled out for an exception to the general nature of the paragraph. Second, and more importantly, this section sets up some dangerous possibilities. Most multi-member bodies are policy boards (Zoning, Planning, etc.). They have nothing to do with the day-to-day operations of the bodies for which they make policy. So, for example, if a Planning Board member were asked to appear before the City Council, he or she could reasonably be asked about the discussion of the most recent change in the planning principles for, say, Harvard Square. But he or she could not reasonably be asked to describe the methods the staff had used to collect and interpret data, interview stakeholders, or create new urban design options. This is a fine line and I can easily imagine its misuse in a back-and-forth in City Council Chambers. If the language in this section is treated seriously as a bright line, then it says all the right things. I am a little worried about its misuse. Not sure how to fix it.

Commented [39]: Clean Up

SECTION. 2-12 GOAL SETTING

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

SECTION 2-13 CITY MANAGER EVALUATION

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

Commented [40]: Previously Approved

Legislative Article: Decision Points

1. Does the committee want to recommend an all-at-large city council?
 - a. Yes
 - b. No
2. Does the committee want to recommend the city council be nine members?
 - a. Yes
 - b. No
3. Does the committee want to recommend two-year terms for city councilors?
 - a. Yes
 - b. No
4. Does the committee want to recommend term limits for city councilors?
 - a. Yes
 - b. No
5. Does the committee want to recommend changing the title of Mayor?
 - a. Yes
 - i. If Yes,
 1. City Council Chair
 2. City Council President
 3. Other ?
 - b. No
6. Does the committee want to recommend a change to the selection of the Mayor?
 - a. Yes
 - i. If Yes,
 1. Does the committee want to add parameters to the council selection process?
 2. Does the committee want to recommend the public elect the Mayor?
 - b. No
7. Does the committee want to recommend a change to the role of Mayor on the school committee?
 - a. Yes
 - i. If Yes,
 1. Mayor on school committee but not automatically chair; school committee elects chair (and could be the mayor)
 2. Mayor on school committee but cannot be chair; school committee elects its chair
 - b. No

Executive Article

Working Draft

New Proposed Charter - City of Cambridge

ARTICLE 3: EXECUTIVE BRANCH

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

- (a) Appointment - The city council shall appoint a city manager who shall be sworn to the faithful performance of the duties and who shall be the chief executive officer of the city and shall be responsible for the administration of all departments, multiple member bodies, commissions, boards and officers of the city, except those employees appointed by city council, the school committee, and any official appointed by the governor or elected official.
- (b) Qualifications and Eligibility - The city manager shall be appointed on the basis of administrative and executive qualifications only and need not be a resident of the city or commonwealth when appointed. No member of the city council shall, during their term of office, be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city shall be chosen as city manager.
- (c) Term of Office - The city manager shall hold office at the pleasure of the city council. The city council shall enter into an employment agreement with the city manager for a term not to exceed five (5) years; the city manager may, however, serve consecutive successive terms upon a vote by city council to renew or extend the employment agreement. The terms of the employment agreement shall be consistent with the provisions of this charter.
- (d) Compensation - The city manager shall receive such compensation as the city council shall fix by contract. The city manager shall not receive any other compensation from the city other than that fixed by city council.
- (e) Evaluation - Annually the city council shall prepare and deliver to the city manager a written review of the city manager's performance in a manner provided by ordinance. This review shall include specific metrics related to council goals outlined in Section [2-12]. The council shall provide opportunities for public participation throughout the review process.
- (f) Goal-setting - The city council and city manager shall collaboratively develop and prioritize goals for the city manager that shall be used to measure the city manager's performance during the evaluation process and to provide guidance to the city manager. These city manager goals shall take into account the council's goal set pursuant to Section [2-12].

SECTION 3-2: POWERS AND DUTIES.

The city manager shall be the chief executive officer of the city and shall be responsible to the city council for the proper administration of all city affairs placed under the city manager's charge by or under the charter. The city manager shall be responsible for implementation of policies established by the city council, as reflected in the city council's votes and resolutions and in ordinances, appropriation orders, and loan authorizations.

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

General:

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

- Commented [1]:** check if it is currently two years
- Commented [2]:** should this be city council / school committee.
- Commented [3]:** Kevin - Let's consider adding a provision requiring that the city counsel discuss whether to reappoint current manager prior to end of term.
- Commented [4R3]:** 5 year term would be new
- Commented [5R3]:** city council discussion
- Commented [6]:** by ordinance in other communities.
- Commented [7]:** Make sure this reflects final language approved by committee.
- Commented [8R7]:** I also added this at the end of Article 2, so may want to reference that directly. "As provided in section 2-X, ..."
- Commented [9R7]:** Updated this with approved language
- Commented [10]:** previously approved language
- Commented [11]:** Current Charter: Except as otherwise specifically provided in this chapter, it shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; and to make such recommendations to the city council concerning the affairs of the city as may to him seem desirable; to make reports to the city council from time to time upon the affairs of the city; and to keep the city council fully advised of the city's financial condition and its future needs.
- Commented [12R11]:** Current Charter: "The city manager shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan, by the mayor, board of aldermen, common council and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are by this chapter conferred upon the school committee or are otherwise provided for thereby."

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

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

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

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

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

g) Pursuant to section 3-3, appoint all members of multi-member bodies for whom no other method of appointment is provided by General Law, the charter, ordinance, or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance.

Appointment, personnel, hiring, and bargaining

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

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

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

Financial:

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

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

Commented [13]: Current Charter: He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council.

Commented [14]: Current Charter: He shall prepare and submit to the city council budgets as required of the mayor by section thirty-two of chapter forty-four and, in connection therewith, may, to the extent provided by said section thirty-two in the case of a mayor, require the submission to him, by all departments, commissions, boards and offices of the city, of estimates of the amounts necessary for their expenses.

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

Property, facilities, and procurement:

n) Have full jurisdiction over the rental and use of all city facilities, except school buildings and grounds. The City Manager shall be responsible for the maintenance and repair of all city-owned property, including, if authorized by an ordinance establishing a central city maintenance department, school buildings and grounds.

o) Ensure that a full and complete inventory of all property owned by the city, both real and personal, is kept.

p) Execute all deeds conveying city real property, but that any such conveyance shall have been previously authorized by the vote of the city council pursuant to the applicable provisions of the General Laws.

Communication:

q) Publish an annual report comprising the complete statistical record of the operations of every city department, commission, and committee for the preceding year. Said report shall be published annually and made available for distribution to the public not later than four months after the end of the period on which the report is based.

r) Be responsible for city government communications, including, but not limited to, developing a timely and comprehensive communication strategy, coordinating the announcements and messages from department heads, communicating regularly, via all available media avenues, with residents, ensuring that all aspects of the city's website are kept up to date, and soliciting recommendations for greater communication from residents.

s) Maintain a public-facing data and performance management initiative that periodically monitors, reports, and benchmarks on 1) progress on the implementation of the council's strategic priorities key performance measures 2) the activities of the city as a whole and city departments, commissions, and committees, and 3) any other subject matter that, in the discretion of the manager, focuses on improving the efficiency and effectiveness of city services.

Additional duties:

t) Perform such other functions as necessary or as may be assigned to the office of city manager by the General Laws, by this charter, by ordinance or other vote of the city council, or otherwise.

SECTION 3-3: APPOINTMENTS AND REMOVALS

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

(a) Department Heads – the city manager shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, city officers, and employees of city agencies under the direction and supervision of the city manager. Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to

Commented [15]: Ellen - 3-1 communications (r) I wonder here if something could be added to say that particular attention will be paid to reaching hard to reach populations including those without digital access, those whose first language is not English etc. In addition to all other means of seeking input, the City Manager shall allow for in person opportunities for residents to share thoughts and opinions with the City manager (something like this).

Commented [16R15]: Kevin - Will we have a dedicated section on communications? let's consider establishing a city-wide office of communications.

discuss priorities for the department and the desirable qualifications and qualities of candidates for the position.

(b) Multiple Member Bodies – the city manager shall appoint all members of multi-member bodies for whom no other method of appointment is provided by general law, the charter, ordinance or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance.

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

(d) Interference by City Council Prohibited – Except as provided in Section 2-7 and by this charter, neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or their removal from, office by the city manager or any of their subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except as otherwise provided by this charter, the city council and its members shall not give orders to any subordinate of the city manager either publicly or privately and shall direct all requests for service through the city manager. [DECISION POINT ON PENALTY FOR VIOLATION.]

SECTION 3-4. ACTING CITY MANAGER.

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

SECTION 3-5: REMOVAL

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

Commented [17]: Current Charter: Officers and employees of the city appointed by, or under the authority of, the city manager shall perform the duties required of them by the city manager, under general regulations of the city council. Any violation of this section shall constitute sufficient grounds for removal of any such officer or employee.

Commented [18R17]: Current Charter: "Such officers and employees as the city council, with the advice of the city manager, shall determine are necessary for the proper administration of the departments, commissions, boards and offices of the city for whose administration the city manager is responsible shall be appointed, and may be removed, by the city manager. The city manager shall report every appointment and removal made by him to the city council at the next meeting thereof following such appointment or removal. The city manager may authorize the head of a department, commission or board, or the holder of an office, for whose administration he is responsible, to appoint and remove subordinates in such department, commission, board or office."

Commented [19]: Current Charter: All appointments by, or under the authority of, the city manager, if subject to chapter thirty-one and the rules and regulations made under authority thereof, shall be made in accordance therewith, and all other appointments as aforesaid shall be on the basis of executive and administrative ability and training and experience in the work to be performed. The City Manager shall refer to the City Council and simultaneously file with the Clerk the name of each person the City Manager desires to appoint or reappoint as a member of a board or commission. Appointment of a member of a board or commission made by the City Manager will be effective upon a majority vote of the city council, which vote shall occur within 60 days after the date on which notice of the proposed appointment was filed with the City Clerk. The appointment may be approved or rejected by ... [1]

Commented [20]: Current Charter: "Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose ... [2]

Commented [21]: Added language about giving orders to city manager's subordinates.

Commented [22]: Current charter doesn't specify between temporary absence and vacancy, and in all cases gives cc power to designate a head of dept to be acting CM.

Commented [23]: Current Charter: "head of some department"

intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council.

