

**A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE**

January 3, 2023 @ 5:30 p.m.

REMOTE ONLY – VIA ZOOM

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

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

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, January 3, 2023

- I. Roll Call
- II. Introduction by Chair, Kathy Born
- III. Adoption of Meeting Minutes from meeting December 20, 2022 and planning committee meeting December 13, 2022
- IV. Meeting Materials Submitted to the Committee to be placed on file
  - Communications from Committee Members
  - Communications from Council Members
  - Communications from the Public
  - Other Meeting Materials
- V. Next Steps: Panel, City Presentations, Interviews, Community Engagement (10 minutes)
  - **Facilitator:** Anna.
- VI. Synthesis of 12/20 Round Table Discussion (20 minutes)
  - **Facilitator:** Libby. **Goal:** Review major themes and topics
- VII. Review of Cambridge Charter and General Law in modern form (60 minutes)
  - **Facilitator:** Libby and Anna. **Goal:** Walk through model charter with current Cambridge provisions. Committee members should ask questions, flag areas for consideration, propose changes.
- VIII. Public Comment
  - Members of the public are invited to share their ideas or comments with the committee

**MINUTES OF THE CAMBRIDGE  
CHARTER REVIEW COMMITTEE  
DECEMBER 20, 2022**

**COMMITTEE MEMBERS**

Kathleen Born, Chair  
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, December 20, 2022. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this meeting was remote via zoom.

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

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

**Present – 15 Absent – 0. Quorum established.**

**Chair Born opened the meeting with the Adoption of the Minutes of the December 6, 2022, meeting and recognized a motion from member Jim Stockard and seconded by member Ellen Shachter.**

**Clerk of Committees Erwin called the roll.**

Kaled Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarios – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born, Chair - Yes

**Yes – 15 No – 0. Motion passes.**

**The Chair noted that there was one Communication submitted from Dr. Jameson Quinn (ATTACHMENT A).**

**The Chair recognized a motion from member Jim Stockard and seconded by member Mosammat Faria Afreen to place the Communication on file.**

**Clerk of Committees Erwin called the roll.**

Kaled Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarios – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born, Chair - Yes

**Yes – 15 No – 0. Motion passes.**

Anna Corning began the meeting by reviewing the next steps for interviews and opened discussion to members for their input.

Member Ellen Shachter shared their thoughts and concerns about interview questions, and suggested the focus be more on engagement with the City Council and less focus on the charter.

Jim Stockard noted that he didn't want to raise expectations for residents and that the committee should try and be as straight forward as possible to achieve goals for the City.

Member Jennifer Gilbert had a clarifying question on the surveys and suggested if they should be anonymous because people may be more truthful with their answers. She noted that she hoped to interview external people who have no ties to Cambridge.

Anna Corning noted that it was a good idea to make the survey anonymous to help people feel as comfortable as possible.

Member Susan Shell made suggestions on people the Committee could interview.

Member Max Clermont agreed with comments and questions from other members and noted that starting public engagement and seeing how the process will go sooner is a good idea, Committee needs to start seeing data.

Member Lisa Peterson noted that if we are expecting to have thirty minute or longer interviews, members should limit the questions to only four or five. She also suggested that the Committee look at current and past School Committee members. Most people will have basic opinions, but others will have very detailed feedback. She suggested focusing on elections and voting.

Chair Born noted that she liked all the suggestions being made by members and is eager to get started with the process. She noted that it's ok if discussion is ongoing during the work being done.

Member Kai Long stressed her concerns about the length of the list and questioned if the members can organize the list so it's helpful to the Committee.

Member Mosammat Faria Afreen shared concerns about talking to people who are already in the City government, and noted that the Committees time should be focused on those who are not currently within the government.

Member Mina Makarious noted the interviews could be productive if the Committee asks to have members from City Council and other boards and committees allow the Charter Review Committee interviews to be on their agenda in order to get the feedback the Committee is looking for and it would be an opportunity for residents to be able to listen in on multiple occasions.

Member Lisa Peterson suggested doing smaller focus groups and noted the importance of interviewing neighborhood groups. Noting that the Committee should look in to interviewing executive directors to get their insight on what is working and what is not working for them as employees.

Chair Born commented that she has spoken with the City Manager, and he is more than willing to be interviewed.

Member Jennifer Gilbert shared concerns about acting on the community engagement and interview plans. Jennifer also suggested having the option for Panel or individual survey to help people being interviewed feel comfortable and whichever setting.

Member Max Clermont had clarifying questions for community outreach.

Anna Corning noted that in January there will be two public forums. The first on Tuesday, January 24<sup>th</sup> at a Library for residents to provide comments and then the following Saturday residents would have the opportunity to participate virtually.

Patrick Hayes Emphasize it is up to the committee to engage with the community and do the hard work.

Anna Corning opened discussion to all members on what is working about the City Council/City Manager form of government, what are the challenges about the City Council/City Manager form of government and should the city form of government stay the same or change. What have you heard is working well, what needs improvement from members of the community.

Members went into discussion about the challenges and concerns they feel as residents. Noting that there is a disconnect between the political side of the government and professional side. Many members commented that they were intrigued by a strong Mayor form government. Members noted that a goal for the Charter should be to strengthen the government we already have, and that we should have a government that focuses on helping residents and getting things done, and that it's slow to make change in Cambridge. There were comments made that there is divide between the rich and the poor, and Cambridge does not have a strong middle class. Some members suggested looking at the School Committee as an option to help with planning and reorganizing. A big concern was voting for politicians and not seeing the outcome that was promised.

Chair Born noted that the discussions tonight were very meaningful, and every member had brought great suggestions and thoughts forward. She thanked members for their input.

### **Public Comment**

John Hawkinson offered informational comments, noting that much of the assessment of the system seem right now to depend on the new City Manager and the Council supervision of him.

Anna Corning offered members to discuss if there were any lingering questions or comments based on the discussions of the meeting.

Chair Born suggested the Committee discuss how they would like to proceed with the next meeting, with hopes that members can take the framework that has been provided and use it to focus on future discussions.

Member Mosammat Faria Afreen stressed the importance of being able to explain form of government and how the city government operates to people.

Member Jennifer Gilbert noted the importance of bringing actual data to the discussion, so members have something to look at and go off of.

Member Jim Stockard suggested the Committee look at the National City Manager Association to see what they could offer in terms of evaluation formats and histories of relationships between Council members and Managers.

Chair Born and Anna Corning thanked everyone for their participation.

**Meeting was adjourned at approximately 7:28p.m.**

**The Charter Review Committee received one written communication, Attachment A**

**Clerk's Note:** The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/384?view\\_id=1&redirect=true&h=b0c14ed8855894066df36616103f52e6](https://cambridgema.granicus.com/player/clip/384?view_id=1&redirect=true&h=b0c14ed8855894066df36616103f52e6)

# MINUTES OF THE CAMBRIDGE CHARTER REVIEW SUBCOMMITTEE

Tuesday, December 13, 2022

## **Subcommittee Members**

Jessica DeJesus Acevedo  
Jennifer Gilbert  
Kai Long  
Lisa Peterson  
Susan Shell  
Jim Stockard  
Kathleen Born, Chair

The Cambridge Charter Review Committee held a meeting on Tuesday, December 13, 2022. The meeting was called to order at approximately 11:00a.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this meeting was remote via zoom.

## **At the request of the Chair, Clerk of Committees Erwin called the roll.**

Jessica DeJesus Acevedo – Absent \*  
Jennifer Gilbert – Present  
Kai Long – Present  
Lisa Peterson – Present  
Susan Shell – Present  
Jim Stockard – Present  
Kathleen Born – Present

**Present – 6, Absent – 1. Quorum established.**

**\*Jessica DeJesus Acevedo was marked present at 11:30a.m.**

Also present at the meeting were Elliot Veloso, Assistant City Solicitor for the Law Department, and Elizabeth Corbo, Human Resource Auditor an Employment Operations Analyst for the Edward J. Collins, Jr. Center for Public Management.

Anna Corning gave opening remarks about what the purpose of the Subcommittee should be. That members in the subcommittee should be working towards creating an overall road map for the committee and a list of what topics the Committee might cover.

Member Lisa Peterson commented that it's important to think about the timeline and trying to create both the committee and subcommittee, so topics are discussed in a time appropriate manner.

Member Susan Shell shared concerns about the process of creating a new Plan E, and if the public would agree on topics discussed in meetings. They noted that the possibility of doing a survey to get feedback could help with these challenges.

Anna Corning noted that we could rely on Community groups to help document the broader themes to help the public figure out what is or is not working.

Elizabeth Corbo noted that the subcommittee will impact all the decisions that the Charter Review will ultimately make. They stressed that the Charter Review Committee is the representative government committee, the voice. Members should feel comfortable in what they are doing.

Kai Long noted that with government you want the thought process to be more thoughtful. Shared concerns about how the Committee can start this process with out the input of residents. They spoke against surveys and suggested the Committee find a better way to reach out to residents.

Member Jim Stockard commented on the power and assignment given to the Charter Review Committee and reiterated the importance of reaching out to residents in a form that is not a survey.

Elizabeth Corbo stressed concerns that the Charter Review Committee members may not understand the importance of their role as members.

Members went into discussion about questions and concerns they have about what is working and what is not working in Cambridge and noting they need time to be able to discuss the pros and cons, getting familiar with strong Mayor/strong Manager, talk about concerns, and encouraging conversation. Members noted the importance of focusing on Cambridge government more and to not be so abstract by looking at other cities and towns. Other concerns that were brought forward was a timeline and if the Charter Review would have enough time to accomplish their goals.

Elliot Veloso reviewed the timeline that was given to Chair Born from the Law Department and reiterated some of the language that is written in the Council Order and Charter language, and that there is a possibility for extension.

Anna Corning suggested putting together an interview structure to interview past and current employees to get feedback and noted she had sent out a list to members already.

Member Susan Shell suggested getting material ahead of time to make the time they have for these meetings more useful.

Member Jennifer Gilbert had questions and comments about the list of interviewees and encouraged that the Committee add as many voices as possible.

Member Jim Stockard noted that all residents should be represented fairly.

The Chair, Kathleen Born noted the importance of getting started so the Committee can get to the conversation that needs to happen to reach goals and questioned how often it would be useful for the subcommittee to continue meeting.



Members Susan Shell, Jessica DeJesus Acevedo, and Kai Long had suggestions, questions, and recommendations on how the Committee can go forward with interviewing people. Jessica DeJesus Acevedo stressed the importance of engaging with the community.

Anna Corning thanked members for giving their time for the meeting.

**Meeting was adjourned at approximately 11:04a.m.**

**Clerk's Note:** The video for this meeting can be viewed at:

[Dec 13, 2022 5:30 PM - Charter Review Committee - Committee Meeting \(granicus.com\)](#)

## Discrimination policy

Andy Zucker <andyzucker@gmail.com>

Fri 12/16/2022 8:21 PM

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

Hello.

I don't know to what extent, if any, discrimination policies relate to the Charter. I am aware that the Cambridge Human Rights Ordinance (Chapter 2.76.160) and also the Massachusetts Civil Rights Act enjoin people from discriminating on the basis of race, gender, color, etc.

However, I was surprised to learn several years ago that the Cambridge Human Rights Commission does not accept discrimination complaints against city staff, agencies, or departments (Chapter 2.76.120). Therefore, citizens must use a more distant, time-consuming, impersonal bureaucracy in the event that there is evidence of discrimination by the city or its officials. It can take many months or more for complaints to be considered by Massachusetts Commission Against Discrimination, their rules are not the same as in Cambridge's ordinance, and no reasons are provided in cases where they find no violation.

Are there clear rules in the Charter about preventing discrimination? Are there avenues within Cambridge to raise issues of discrimination? Generally, is this matter within the purview of the Charter Review Committee?

Andy Zucker  
35 Winslow Street

## Excited about your mission - some thoughts

John Hanratty <john@avon-hill.com>

Sun 12/18/2022 1:22 PM

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

Please share with the group and/or include in the records or distribute appropriately.

I viewed your December 6 meeting video and am encouraged and excited about your mission to write a new city charter. I hope to attend future meetings live. This effort is essential. Our city government's lack of focus and a cohesive plan has escalated residents' dissatisfaction. We're continually surprised and confounded by City Council initiatives.

Here are a few observations.

I agree with the sentiments about the need for a more inclusionary government. Currently, the City Council exists to represent the people but has no responsibility to do so. We elect Councilors "at large" so they do not represent a specific city neighborhood or group. Instead, they self-select causes or issues to champion, leaving many in Cambridge without representation. One solution is to have precincts vote for their own representative so that it's clear where loyalties lie.

Some version of a town hall meeting might help, but my experience as a citizen is that participation is a full-time project, requiring more time than busy people have. Today, this endeavor requires monitoring all the new and often unexpected topics for City Council meetings every week. Many issues are mundane or low impact, but others have far-reaching consequences that require research and organization. One-topic special interests are well prepared, but citizens must organize on the spot. In my experience, public comment, letters, and petitions have little impact on swaying decisions already made. Regular people with jobs and families don't have the time to participate in this process. I don't have the answer, but my experience is that it is tough to participate in the Cambridge government.

Last thought, what is the job description for city government? The first step before deciding on Mayor vs. City Manager vs. Town Hall is formulating the responsibilities and goals for the city government. Maybe, you did this in previous meetings, if so please refer me to your work. Diversity, equity, and justice are a given, but the following items are currently unclear.

- **Who does the government represent?** Residents, property owners, businesses, visitors, employees, special-interest groups, self-selected ideals, ...
- **What are the priorities?** Quality of life, neighborhood/community, social-economic opportunity, cultural diversity, world citizenship, ... How we settle conflicts?
- **What is the scope of city government?** How should the government recognize and tackle local vs. regional vs. global problems?
- How does the government responsibly **manage and spend tax-payer money?** Are there checks and balances? Why should we incur debt to finance projects, given our huge tax base? We're missing a transparent project budgeting process and reporting.
- **How to implement accountability?** Do projects have clear goals that are measured? How do we identify and fix failed initiatives? How do we gather input and data to avoid unintended consequences?

The above is not a complete list, but it might spur some thought. I look forward to a new inclusive city government.

John Hanratty  
Porter Square

## Summary of 12/20 Round Table Discussion

### Overview:

As a result of the round table discussion at the December 20 committee meeting, several common themes regarding the strengths and challenges in Cambridge and those of a strong mayor system emerged.

- **Transparency** - into the city manager's office / administration, how can community members engage directly with the administration in a productive and accessible way?
- **City Council** - what should the role of city council be, how can there be more transparency in how policy priorities are set and the council's role in administration oversight?
- **Role of policy and politics** - benefits of a clear political agenda and an elected official's direct accountability to voters. How can identifying the right role of politics benefit Cambridge - whether through changing the form of government or modifying elements of the council/manager structure?
- **Public participation** - what makes a responsive government? Increase access to information and ability to engage with all branches of the government.
- **Preserve efficiency and effectiveness of the city** - What are the elements of the current government that ensure city programs, infrastructure, public spaces, and the fiscal health of the city are successful and how do we preserve them?

### Cambridge Structure:

The common challenges that members brought up included the difficulty for residents to stay engaged and informed of a large number of city councilors with similar policy platforms. Committee members emphasized the importance of a system making clear how the elected bodies (City Council) affect the priorities of the executive and should balance power between city council and the manager. Benefits of the current system mentioned were the efficiency of city operations, implementation of programs and the city's strong fiscal position. Members mentioned the strengths of an appointed administrator that allows qualifications to be determined by the elected city council in an open process.

### Strengths

- Efficiency of operations: such as implementation of programs, access to covid testing, clean streets, parks, low tax rate
- Tenure in executive role, continuity with city staff and programs
- Selection of administrator from elected body of City Council can qualify qualifications, references, public hearings of candidates

### Challenges

- Difficult to understand policy positions or differences in policy stances of large number of candidates running for city council
- Lack of political big picture or goal setting side of government
- Challenging to understand how policy and administration priorities are set
- Opaque office of city manager (how might residents be able to influence / communicate with the city manager office)
- Lots of power / control for an unelected leader
- City Councilors sometimes defer to the manager's office for concerns residents have regarding issues or city programs, but the city council is the elected body.

- Slower to make change
- Power also lies in unelected board and commissions which sometimes lacks representation

### **Strong Mayor:**

Concerns mentioned about a strong mayor form of government included potential for corruption, focus on politics and potentially short term goals as an elected leader is often looking forward to the next election. Benefits of the strong mayor system focused on direct accountability to voters and a more clear political agenda for the community to access and respond to.

### Strengths

- Campaign of candidates / elected leader who have specific priorities and policy agendas
- Accountable to activists of a community
- Accountable to voters - encourages them to move faster and take more risk
- Clear path for voters to access and impact city executive

### Challenges

- Focus more on politics
- Potential for corruption
- Money talking, can leave more communities out of the conversation

### **Other comments / specific suggestions**

- How can the charter balance City Council and Manager responsibilities and the relationship?
- What are the ways to empower the representative body of the City Council?
- City council should be allowed to direct / oversight of manager (but not approval of department heads)
- Value of charter saying very little about manager - leave up to city council / new policy direction
- Clear Review Process: City council has x priority, manager executes with a review of x priority at a set time.
- City council approval over board appointments
- Term limits (city council and manager)
- Lengthen city council term
- City Council goal setting structure
- Defining what the role of city councilors should be
- What are ways to make the manager's office more accessible and public facing?

# Example Baseline Cambridge Charter in Modern Format

(This is what a possible modernized Cambridge charter could look like if the Committee incorporated Cambridge's current Plan E format into a modernized format. There are some provisions that may vary from what Cambridge currently has in place – some noted in blue text,- but this generally encompasses the existing governmental structure under Plan E).

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**PREAMBLE**

This is optional and is an opportunity to lay out value statements.

*Current Cambridge charter does not have a preamble*

DRAFT



1 **ARTICLE 1**

2 INCORPORATION; SHORT TITLE; DEFINITIONS

3 SECTION 1-1: INCORPORATION 

4 The inhabitants of the city of Cambridge within the territorial limits  
5 established by law, shall continue to be a municipal corporation, a body  
6 corporate and politic, under the name "City of Cambridge."

7 SECTION 1-2: SHORT TITLE

8 This instrument shall be known and may be cited as the City of Cambridge  
9 Charter ("Charter").

10 SECTION 1-3: DIVISION OF  POWERS

11 The government of the city and the general management and control of all  
12 its affairs shall, except as otherwise provided in this chapter, be vested in a  
13 city council, which shall exercise its powers in the manner hereinafter set  
14 forth, except that the city manager shall have the authority hereinafter  
15 specified.

16 SECTION 1-4: POWERS OF THE  CITY

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

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SECTION 1-5: CONSTRUCTION

The powers of the city of Cambridge under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city of Cambridge may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Charter", this charter and any adopted amendments to it.
- (b) "City", the city of Cambridge.
- (c) "City agency", any multiple member body, any department, division or office of the city of Cambridge.
- (d) "City officer or department head", a person having charge of a city office or department.

- 1 (e) "City website", a site established and maintained by the city as its online  
2 repository of municipal information, whether on the internet or accessed  
3 through another comparable technology.
- 4 (f) "Days" - business days, not including Saturdays, Sundays, and legal  
5 holidays; provided, however, that when the time set is at least seven  
6 days, every day shall be included.
- 7 (g) "Emergency", a sudden, generally unexpected occurrence or set of  
8 circumstances demanding immediate action or response.
- 9 (h) "Elected at large", elected by and from all the voters of the city.
- 10 (i) "Full city council", the entire authorized membership of the city council,  
11 notwithstanding any vacancy which might exist.
- 12 (j) "Full multiple member body", the entire authorized membership of a  
13 multiple member body, notwithstanding any vacancy that exists.
- 14 (k) "Full school committee", the entire authorized membership of the school  
15 committee, notwithstanding any vacancy that exists.
- 16 (l) "general laws", laws enacted which apply alike to all cities and towns, to  
17 all cities, or to a class of 2 or more cities, or to a class of cities and towns of  
18 which Cambridge is a member.
- 19 (m) "General Laws", the General Laws of the Commonwealth of  
20 Massachusetts, a codification and revision of statutes enacted on December  
21 22, 1920, and including all amendments thereto subsequently adopted.

1 (n) "Initiative measure", a measure proposed by the voters through the  
2 initiative process provided under this charter.

3 (o) "Local newspaper", a newspaper of general circulation within Cambridge  
4 with either a weekly or daily circulation.

5 (p) "Majority vote", when used in connection with a meeting of a multiple  
6 member body, shall mean a majority of those present and voting, unless  
7 another provision is made by ordinance or by such body's own rules;  
8 provided, however, that General Laws related to any vote to meet in  
9 executive session shall always require a majority of the full multiple member  
10 body.

11 (q) "Measure", any ordinance, order or other vote or proceeding adopted, or  
12 which might be adopted, by the city council or the school committee.

13 (r) "Multiple member body", any council, commission, committee,  
14 subcommittee or other body consisting of 2 or more persons, whether  
15 elected, appointed or otherwise constituted, but not including the city  
16 council, the school committee or an advisory committee appointed by the  
17 mayor.

18 (s) "Officer", "officers" and "administrative officers", when used without  
19 further qualification or description, any person or persons in charge of any  
20 department or division of the city. The said words when used in contrast  
21 with a board or members of a board, or with division heads, shall mean any  
22 of the persons in sole charge of a department of the city.

- 1 (t) "Ordinance", a vote or order of the city council entitled "ordinance" and  
2 designed for the permanent regulation of any matter within the jurisdiction  
3 of the city council as laid down in this charter.
- 4 (u) "Organization or reorganization plan", a plan submitted by the mayor to  
5 the city council which proposes a change in the organization or the  
6 administrative structure of the city administration or organization or a  
7 change in the way in which municipal services are delivered.
- 8 (v) "Proportional representation", any proportional representation method of  
9 election authorized by sections ninety-three to one hundred and sixteen,  
10 inclusive.
- 11 (w) "Quorum", a majority of all voting members of a multiple member body  
12 unless some other number is required by law or by ordinance.
- 13 (x) "Recall", an election to remove an elected official from office before the  
14 expiration of the term for which elected.
- 15 (y) "Referendum measure", a measure adopted by the city council or the  
16 school committee that is protested under the referendum procedures of this  
17 charter.
- 18 (z) "Regular municipal election", the annual or biennial election of municipal  
19 officers for which provision is made in this chapter.
- 20 (aa) "Remove from the city" or "remove from a ward", when a person ceases  
21 to be domiciled within the territorial limits of the city or a ward.
- 22 (bb) "Voters", registered voters of the city of Cambridge.

- 1 (cc) "Year", a calendar year, unless otherwise specified.

DRAFT

1 ARTICLE 2

2 LEGISLATIVE BRANCH

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

4 (a) Composition - There shall be a city council consisting of 9 members  
5 which shall exercise the legislative powers of the city. They shall be  
6 nominated and elected by and from the voters at large by proportional  
7 representation.

8 (b) Term of Office - The term of office for councilors shall be 2 years each,  
9 beginning on the first Monday in the January at ten o'clock in the morning of  
10 the first Monday of January following the regular municipal election.

11 (c) Eligibility - Any registered voter shall be eligible to hold the office of  
12 councilor-at-large.

13 SECTION 2-2: MAYOR AND VICE-MAYOR, ELECTION; TERM; POWERS

14 (a) Election and Term – The city clerk shall be temporary chair until the  
15 mayor or vice-mayor has qualified. A majority vote of all the members  
16 elected shall elect a mayor and a vice-mayor who shall be sworn to perform  
17 the duties of the office faithfully. The organization of the city council shall  
18 take place provided that a majority of all the members elected to the city  
19 council are present and have qualified. If the office of mayor or vice-chair  
20 becomes vacant, the city council shall in like manner elect one of its  
21 members to fill such office for the unexpired term; provided, that no such  
22 vacancy shall be filled so long as there is any vacancy in the council.

1 (b) Powers and Duties – The mayor, if present, shall preside at the meetings  
2 and may vote. In the absence of the mayor, the vice-mayor of the city  
3 council shall preside and, in the absence of both, a temporary mayor shall be  
4 chosen, who shall serve during the absence of both the mayor and the vice-  
5 mayor. The mayor shall be recognized as the official head of the city for all  
6 ceremonial purposes and shall be recognized by the courts for the purpose  
7 of serving civil process and by the governor for military purposes. In time of  
8 public danger or emergency, as determined by the city council, the mayor  
9 may, with its consent, take command of the police, maintain order and  
10 enforce the laws; and have all the authority and powers conferred upon  
11 mayors by sections eighteen and nineteen of chapter thirty-three. The  
12 mayor shall be chair of the city council and chair of the school committee.  
13 The mayor shall have no power to veto but shall have the same powers as  
14 any other member of either such body to vote on measures before it. The  
15 mayor shall perform such other duties consistent with the office and with  
16 sections ninety-three to one hundred and sixteen, inclusive, as may be  
17 imposed by the city council.

18 (c) Appointment Power of the Mayor - As provided in G.L. c.43, s. 25 and  
19 102, the Mayor may appoint secretaries, stenographers, clerks, telephone  
20 operators and messengers for their office and may remove such appointees  
21 without a hearing and without making a statement of the cause of their  
22 removal. The Civil Service law shall not apply to these appointments.



1 (d) Absence or Disability of the Mayor - During the absence or disability of  
2 the mayor, or during the time such office is vacant, the duties of mayor shall  
3 be performed by the vice-mayor. If there shall be neither a mayor nor a  
4 vice-mayor, the member of the council senior in length of service, or, if  
5 more than one have so served, then the member senior both in age and  
6 length of service shall perform the duties of mayor until a new mayor has  
7 qualified.

8 SECTION 2-3: PROHIBITIONS

9 (a) Holding Other City Position – No member of the city council shall, during  
10 the term for which he was chosen, either by appointment or by election of  
11 the city council or of either branch thereof, be eligible to any office the  
12 salary of which is payable by the city.

13 SECTION 2-4: COMPENSATION

14 The members of the city council shall receive compensation for their services  
15 as set by ordinance, and they shall receive no other compensation from the  
16 city. No ordinance increasing or reducing the compensation of councilors  
17 shall take effect during the year in which such increase or reduction is voted,  
18 and no change in such salaries shall be made between the election of a new  
19 council and the qualification of the new council.

20 SECTION 2-5: GENERAL POWERS

1 The city council shall have and exercise all the legislative powers of the city,  
2 except as such powers are reserved by this chapter to the school committee  
3 and to the qualified voters of the city.

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

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

8 (b) Quorum - A majority of all the members elected to the city council shall  
9 constitute a quorum. All final votes of the city council on questions involving  
10 the expenditure of city funds, or upon the request of any member any vote  
11 of the city council, shall be by roll call vote and shall be entered on the  
12 records. Except as otherwise provided by General Laws or by this charter,  
13 the affirmative vote, taken by a roll call vote, of a majority of members of  
14 the city council shall be required to adopt any ordinance, order, resolution or  
15 vote, except that the affirmative vote of a majority of the members present  
16 shall be sufficient to adjourn any meeting of the city council.

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

20 (i) The city council shall fix suitable times for its regular meetings. Except in  
21 the cases of executive sessions authorized by section twenty-one of chapter  
22 thirty A, all meetings of the city council shall be open to the press and to the

1 public, and the rules of the city council shall provide that citizens and  
2 employees of the city shall have a reasonable opportunity to be heard at any  
3 such meeting in regard to any matter considered;

4 (ii) special meetings of the city council shall be held at the call of the mayor,  
5 or the vice-mayor of the city council, or any three members, for any  
6 purpose; provided, however, that notice of the meeting shall state the time  
7 of holding such meeting and be signed by the person or persons calling the  
8 same, and delivered in hand to each member of the city council, or left at  
9 their usual dwelling place, at least twelve hours before the time of such  
10 meeting.

11 (iii) meetings of the city council may also be held at any time when all the  
12 members of the city council are present and consent thereto.

13 (iv) all sessions of the city council and of every committee or subcommittee  
14 of the council shall, at all times, be open to the public, unless otherwise  
15 specified by law; and

16 (v) a full, accurate, up-to-date account of the proceedings of the city council  
17 shall be maintained by the city clerk.

## 18 SECTION 2-7: ACCESS TO INFORMATION

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

21 (b) Information Requests - The city council at any time may request from  
22 the city manager, specific information on any municipal matter within its

1 jurisdiction, and may request the city manager to be present to answer  
2 written questions relating thereto at a meeting upon providing at least one  
3 week's written notice to the city manager. The city manager shall personally,  
4 or through the head of a department or a member of a board, attend such  
5 meeting and publicly answer all such questions. The person so attending  
6 shall not be obliged to answer questions relating to any other matter. The  
7 city manager may attend and address the city council in person or through  
8 the head of a department, or a member of a board, upon any subject.

9  
10 SECTION 2-8: EMERGENCY MEASURES 

11 No ordinance shall be regarded as an emergency measure unless the  
12 emergency is plainly designated as an emergency measure and shall contain  
13 statements declaring that an emergency exists and describing the scope and  
14 nature of the emergency in clear and specific terms. A preamble which  
15 declares and defines the emergency shall be separately voted on and shall  
16 require the affirmative vote of 2/3 of the full city council. An emergency  
17 measure may be passed with an amendment or rejected at the meeting at  
18 which it is introduced. No measure making a grant, renewal or extension,  
19 whatever its kind or nature, or a franchise or special privilege shall be  
20 passed as an emergency measure. Except as provided by the General Laws,  
21 such grant, renewal or extension shall be made by ordinance. An emergency

1 measure shall become effective upon adoption or at such later time as it  
2 may specify.



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4 SECTION 2-10: CHARTER OBJECTION 

5 On the first occasion that the question on adoption of a measure is put to  
6 the city council, if a single member present objects to the taking of the vote,  
7 the vote shall be postponed until the next meeting of the city council,  
8 whether regular or special.

9

10 SECTION 2-11: FILLING OF VACANCIES

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

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7

SECTION 2-12: EVALUATION OF THE CITY MANAGER

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.

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1 ARTICLE 3

2 EXECUTIVE BRANCH

3 SECTION 3-1: CITY MANAGER: QUALIFICATIONS; TERM OF OFFICE;  
4 COMPENSATION; PROHIBITIONS

5 The city council shall appoint a city manager who shall be sworn to the  
6 faithful performance of the duties and who shall be the chief administrative  
7 officer of the city and shall be responsible for the administration of all  
8 departments, commissions, boards and officers of the city, except that of the  
9 city clerk, city auditor, any official appointed by the governor or elected  
10 official.

11 (a) Qualifications and Eligibility - The city manager shall be appointed on the  
12 basis of administrative and executive qualifications only and need not be a  
13 resident of the city or commonwealth when appointed. No member of the  
14 city council shall during their term of office be chosen as city manager, and  
15 no person who has within two years been elected to or served in any elective  
16 office in the city or in the county in which the city is located shall be chosen  
17 as city manager.

18 (b) Terms of Office and Compensation - The city manager shall hold office  
19 during the pleasure of the city council and shall receive such compensation  
20 as it shall fix by ordinance.

21 (c) Removal - Before the city manager may be removed, the city manager  
22 may request a written statement of the reasons alleged for removal and

1 shall have the right to be heard publicly thereon at a meeting of the city  
2 council prior to the final vote on the question of the removal. Pending and  
3 during such hearing the city council may suspend the city manager from  
4 office. The action of the city council in suspending or removing the city  
5 manager shall be final, it being the intention of this provision to vest all  
6 authority and fix all responsibility for such suspension or removal in the city  
7 council.

8 (d) Temporary Vacancy - In case of the absence, disability or suspension of  
9 the city manager, the city council shall designate the head of some  
10 department to perform the duties of city manager during such absence,  
11 disability or suspension, and, in case the office of city manager becomes  
12 vacant, the city council shall designate the head of some department to  
13 serve as acting city manager until a new city manager is appointed.

14 (e) Prohibitions – The city manager shall receive no other compensation  
15 from the city other than the salary than that affixed by City Council.

16

## 17 SECTION 3-2: GENERAL POWERS


18 Except as otherwise specifically provided in this chapter, it shall be the duty  
19 of the city manager to act as chief conservator of the peace within the city;  
20 to supervise the administration of the affairs of the city; to see that within  
21 the city the laws of the commonwealth and the ordinances, resolutions and  
22 regulations of the city council are faithfully executed; and to make such



1 recommendations to the city council concerning the affairs of the city as the  
2 city manager may to seem desirable; to make reports to the city council  
3 from time to time upon the affairs of the city; and to keep the city council  
4 fully advised of the city's financial condition and its future needs.

5

6 SECTION 3-3: APPOINTMENTS AND REMOVALS BY THE CITY MANAGER 

7 (a) Department Heads, Officers and  Employees

8 Such officers and employees as the city council, with the advice of the city  
9 manager, shall determine are necessary for the proper administration of the  
10 departments, commissions, boards and offices of the city for whose  
11 administration the city manager is responsible shall be appointed, and may  
12 be removed, by the city manager. The city manager shall report every  
13 appointment and removal made by him to the city council at the next  
14 meeting thereof following such appointment or removal.

15 The city manager may authorize the head of a department, commission or  
16 board, or the holder of an office, for whose administration the city manager  
17 is responsible, to appoint and remove subordinates in such department,  
18 commission, board or office. All appointments by, or under the authority of,  
19 the city manager, if subject to chapter thirty-one and the rules and  
20 regulations made under authority thereof, shall be made in accordance with  
21 the provisions of the Civil Service Law. All other appointments as aforesaid

1 shall be on the basis of executive and administrative ability and training and  
2 experience in the work to be performed.

3 (b) City Council Ratification of Boards and Commissions – The city manager  
4 shall refer to the City Council and simultaneously file with the Clerk the  
5 name of each person the city manager desires to appoint or reappoint as a  
6 member of a board or commission. Appointment of a member of a board or  
7 commission made by the city manager will be effective upon a majority vote  
8 of the city council, which vote shall occur within 60 days after  
9 the date on which notice of the proposed appointment was filed with the City  
10 Clerk. The appointment may be approved or rejected by a majority of the  
11 full City Council before 60 days. An appointment or reappointment shall take  
12 effect if the City Council fails to act within those 60 days.

13 (c) Interference by City Council Prohibited – Except as provided in section  
14 (b) of this Article, neither the city council nor any of its committees or  
15 members shall direct or request the appointment of any person to, or their  
16 removal from, office by the city manager or any of their subordinates, or in  
17 any manner take part in the appointment or removal of officers and  
18 employees in that portion of the service of said city for whose administration  
19 the city manager is responsible.

20

21

1 ARTICLE 4

2 SCHOOL COMMITTEE

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

4 (a) Composition – The school committee shall consist of the mayor, who  
5 shall be the chairman, and six members elected at large by proportional  
6 representation.

7 (b) Term of Office – The term of office for elected school committee  
8 members shall be 2 years each, beginning on the first Monday in the January  
9 succeeding the elected school committee member’s election.

10  
11 SECTION 4-2: SCHOOL COMMITTEE ORGANIZATION AND DUTIES

12 (a) Organization - The committee shall organize annually on the first  
13 Monday in January and shall elect one of its members as vice chairman, who  
14 shall preside at all meetings of the committee at which the mayor is not  
15 present.

16  
17 SECTION 4-3: PROHIBITIONS

18 No member of the school committee shall hold any other compensated office  
19 or position in the school department.

20  
21 SECTION 4-4: COMPENSATION

1 The city council may, by ordinance, establish the compensation for the  
2 elected members of the school committee.

3

#### 4 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

5 The general management and conduct of the public schools of the city and  
6 of the property pertaining thereto shall be vested in the school committee.

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

12 (i) selecting and removing a superintendent of the schools who shall be  
13 charged with the administration of the school system, except as provided in  
14 section forty-one of chapter seventy-one, and may, under chapter thirty-  
15 one, appoint, suspend or remove at pleasure such subordinate officers or  
16 assistants, including janitors of school buildings, as it may deem necessary  
17 for the proper discharge of its duties and the conduct of its business; it shall  
18 define their terms of service and their duties, and shall fix their  
19 compensation.

20 (ii) making all policies for the management of the public school system and  
21 for conducting the business of the school committee as deemed necessary or  
22 desirable; and

1 (iii) adopting and overseeing the administration of an annual operating  
2 budget for the school department, subject to appropriation by the city  
3 council;  
4 (iv) providing ordinary maintenance of all school buildings and grounds,  
5 unless a central municipal maintenance department, which may include  
6 maintenance of school buildings and grounds, is established, and  
7 (v) providing further that no site for a school building shall be acquired by  
8 the city unless the approval of the site by the school committee is first  
9 obtained and no plans for the construction of or alterations in a school  
10 building shall be accepted, and no work shall be begun on the construction  
11 or alteration of a school building, unless with the approval of the school  
12 committee and the city manager. The city manager shall notify the school  
13 committee in writing prior to or at the time of each change in plans after  
14 work is begun, but such approval is not required to make ordinary repairs.

15  
16 SECTION 4-6: FILLING OF VACANCIES

17 Except as provided in this section, a vacancy in any elective body shall be  
18 filled in the manner provided in section thirteen of chapter fifty-four **A.** If,  
19 under said section, no regularly nominated candidate of the city council or  
20 school committee remains, the vacancy shall be filled for the unexpired term  
21 by a majority vote of the remaining members, except that if the remaining  
22 members fail to fill such vacancy within thirty days after they shall have

1 been notified by the city clerk that such vacancy exists, such vacancy shall  
2 be filled by the appointment of any qualified voter of the city by the mayor,  
3 or, if there is no mayor, by the vice-mayor, or if there is no mayor or vice-  
4 mayor, by the member of the council or of the school committee, as the  
5 case may be, senior in length of service, or, if more than one have so  
6 served, then the member senior both in age and length of service.

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1 ARTICLE 6

2 FINANCIAL PROCEDURES

3 SECTION 6-1: FISCAL YEAR

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

6  
7 SECTION 6-2: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

8 The city manager shall prepare and submit to the city council budgets as  
9 required of the mayor by section thirty-two of chapter forty-four and, in  
10 connection therewith, may require all departments, commissions, boards  
11 and offices of the city, to submit estimates of the amounts necessary for  
12 their expenses.

13  
14 SECTION 6-3: EXPENDITURES IN EXCESS OF APPROPRIATIONS

15 Except as otherwise provided by law, no official of the city of Cambridge  
16 shall knowingly or intentionally expend in a fiscal year sums in excess of the  
17 appropriations, awards, grants or gifts duly made in accordance with law or  
18 involve the city in any contract for the future payment of money in excess of  
19 these appropriations, awards, grants or gifts. It is the intention of this  
20 section that section 31 of chapter 44 of the General Laws shall be strictly  
21 enforced. Any official who violates this section shall be personally liable to

1 the city for any amounts so expended to the extent that the city does not  
2 recover these amounts from the person to whom the sums were paid.

3

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1 ARTICLE 7

2 ELECTIONS

3 SECTION 7-1: DATE OF REGULAR MUNICIPAL ELECTION

4 The regular municipal election shall take place on the Tuesday next following  
5 the first Monday of November in every odd numbered year, and all members  
6 of the city council, the school committee and any board of trustees or other  
7 officers referred to in section ninety-five, and no others, shall be elected at  
8 each such election.

9  
10 SECTION 7-2: NOMINATION FOR ELECTED OFFICE

11 (a) Signature Requirements: Any registered voter of the city who is eligible  
12 for election to any elective municipal body shall be entitled to have their  
13 name printed as a candidate therefor on the official ballot to be used at the  
14 regular municipal election; provided, that at least twenty-eight days prior to  
15 such election there shall be filed with the city clerk a statement in writing of  
16 their candidacy, signed by them, and with such statement the petition of not  
17 less than fifty nor more than one hundred registered voters of the city,  
18 whose signatures shall have been certified as required by law.

19 (b) Form of Nomination Petition: Said statement and petition shall be in  
20 substantially the following form:

21 Statement of Candidate I ( ), on oath declare that I reside at (number,  
22 if any) on (name of street) in the city of ; that I am a voter therein,

1 qualified to vote for a candidate for the hereinafter mentioned office;  
2 that I am a candidate for the office of (name of office) to be voted for  
3 at the regular municipal election to be held on Tuesday, the day of ,  
4 nineteen hundred and ; and I request that my name be printed as  
5 such candidate on the official ballot for use at said election. (Signed)  
6 Commonwealth of Massachusetts ss. Subscribed and sworn to at ( ) on  
7 this day of , 20\_\_\_\_\_ and before me, (Signed) Justice of the Peace.  
8 (or Notary Public).

9 (c) Petition Accompanying Statement of Candidate: The petition may be on  
10 more of more papers and need not be sworn to, and shall have the following  
11 form:

12 Whereas (name of candidate) is a candidate for the office of (state the  
13 office), we, the undersigned, voters of the city of , duly qualified to  
14 vote for a candidate for said office, do hereby request that the name of  
15 said (name of candidate) as a candidate for said office be printed on  
16 the official ballot to be used at the regular municipal election to be  
17 held on the Tuesday of , 20\_\_\_\_\_.

18 (d) Invalidity: Any nomination papers bearing more than the maximum  
19 number of signatures permitted thereby shall be invalid. No voter may sign  
20 the nomination papers of more than one candidate for election as a member  
21 of any elective municipal body; and if a voter signs nomination papers of

1 more than one such candidate the signature shall be invalid on all such  
2 papers except the one first acted upon by the registrars of voters.

3

#### 4 SECTION 7-3: FORM OF BALLOT

5 There shall be a separate form of ballot for each body to be elected, and  
6 each such separate form of ballot shall be of a different and clearly  
7 distinguishable color from that of any other form of ballot prepared and  
8 furnished at the public expense for use at the same election. On such ballots  
9 for use in electing members of any elective body there shall be printed the  
10 following directions to voters, the first sentence under the heading to be  
11 printed in prominent bold faced type:

12 Do not use X marks. Mark your choices with numbers only.  
13 Put the figure 1 opposite your first choice; the figure 2 opposite your  
14 second choice; the figure 3 opposite your third choice; and so on. Mark  
15 as many choices as you please. Do not put the same figure opposite  
16 more than one name. If you spoil this ballot, tear it across once,  
17 return it to the election officer in charge of the ballots and get another  
18 from him.

19

#### 20 SECTION 7-4: NON-PARTISAN ELECTIONS

1 All elections for city offices shall be non-partisan and election ballots shall be  
2 printed without any party mark, emblem or other political designation, or  
3 anything indicating the views or opinions of the candidate.

4

5 SECTION 7-5: WARDS

6 The territory of the city shall be divided into 9 wards by the city clerk to  
7 consist of nearly an equal number of inhabitants as it is possible to achieve  
8 based on compact and contiguous territory, bounded as far as possible by  
9 the center line of known streets or ways or by other well-defined limits. Each  
10 ward shall be composed of voting precincts established under the General  
11 Laws. The city council shall review these wards to ensure uniformity in the  
12 number of inhabitants at least once every 10 years.

13

14 SECTION 7-6: COUNTING OF BALLOTS

15 As soon as the polls have closed, the election officials at each polling place  
16 shall seal the ballot box without opening it, and in such manner that ballots  
17 cannot be removed therefrom or inserted therein without breaking the seal,  
18 and shall deliver such ballot box at once, as the city clerk may direct, to the  
19 central counting place, together with the voting lists, a record of the ballot  
20 box register, a record of the number of ballots given out, the ballots spoiled  
21 and returned, and the ballots not given out, all of which shall be enclosed in  
22 an envelope, and the election officials shall certify thereon as to the identity

1 of the contents thereof. At the central counting place, the ballot boxes shall  
2 be opened and the number of ballots found therein recorded and compared  
3 with the records sent from the polling places. Any discrepancies discovered  
4 shall be recorded and dealt with according to the principles laid down by the  
5 general election laws, so far as such principles may be applicable. The  
6 ballots for the city council shall be counted first and the ballots for the school  
7 committee shall be counted second. Ballots cast for other purposes than the  
8 election of members to elective bodies shall be counted at the central  
9 counting place in accordance with the laws otherwise applicable to the  
10 counting thereof. No information regarding the state of the balloting shall be  
11 disclosed before the close of the polls.

### 13 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

14 Except as otherwise expressly provided in this charter and authorized by  
15 law, all city elections shall be governed by the General Laws relating to the  
16 right to vote, the registration of voters, the nomination of candidates, voting  
17 places, the conduct of preliminary, regular and special city elections, the  
18 submission of charters, charter amendments and other propositions to the  
19 voters, the counting of votes, the recounting of votes and the determination  
20 of results.

21

1 ARTICLE 8

2 VOTER PARTICIPATION MECHANISMS

3 SECTION 8-1: INITIATIVE PETITIONS

4 (a) Definition: A petition conforming to the requirements hereinafter  
5 provided and requesting the city council to pass a measure, except an order  
6 granted under section seventy or seventy-one of chapter one hundred and  
7 sixty-four or chapter one hundred and sixty-six, or requesting the school  
8 committee to pass a measure, therein set forth or designated, shall be  
9 termed an initiative petition, and shall be acted upon as hereinafter  
10 provided. In this and the eight following sections, "measure" shall mean an  
11 ordinance, resolution, order or vote passed by a city council, or a resolution,  
12 order or vote passed by a school committee, as the case may be.

13 (b) Commencement and Form: Signatures to initiative petitions need not be  
14 all on one paper. The papers constituting a petition shall be filed in the office  
15 of the city clerk, with the endorsement thereon of the names and addresses,  
16 including street and number of residence, of three persons designated as  
17 filing the same, but all the papers need not be filed at the same time. The  
18 petition shall be considered filed whenever the designated persons notify the  
19 board in writing that the filing is complete.

20 (c) Certification of Signatures Optional: Before receiving such notice, the  
21 registrars of voters may, but shall not be required to, certify signatures on  
22 the papers already filed.

1 (d) Action by Registrars: Within five days after the filing of said petition the  
2 registrars of voters shall ascertain by what number of registered voters the  
3 petition is signed, and what percentage that number is of the total number  
4 of registered voters and shall attach thereto their certificate showing the  
5 result of such examination.

6 (e) Action by City Clerk: The city clerk shall forthwith transmit the said  
7 certificate with the said petition to the city council or to the school  
8 committee, according as the petition is addressed, and at the same time  
9 shall send a copy of said certificate to one or more of the persons designated  
10 on the petition as filing the same.

11 (f) Process for Objections: When such certificate has been so transmitted,  
12 said petition shall be deemed to be valid unless written objections are made  
13 thereto by a registered voter of the city within forty-eight hours after such  
14 certification by filing such objections with the city council or the school  
15 committee, and a copy thereof with the registrars of voters. Section seven of  
16 chapter fifty-five B shall apply to such objections, and the board of  
17 registration of voters shall transmit a copy of its decision to the city council  
18 or school committee.

19 (g) Action on Petition: If any initiative petition is signed by registered voters  
20 equal in number to at least fifteen per cent of the whole number of  
21 registered voters:

1 (1) the city council or the school committee shall, within twenty days  
2 after the date of the certificate of the registrars to that effect, pass  
3 said measure without alteration, subject to the referendum vote  
4 provided by this chapter, or

5 (2) the city clerk shall call a special election to be held on a Tuesday  
6 fixed by said clerk not less than thirty nor more than forty-five days  
7 after the date of qualification, and shall submit the proposed measure  
8 without alteration to a vote of the registered voters of the city at that  
9 election; provided, however, that if any city election is otherwise to  
10 occur within ninety days after the date of qualification, the city clerk  
11 may, at their discretion, omit calling the special election and submit  
12 the proposed measure to the voters at such approaching election.

13 (h) Initiative Petitions Not Properly Signed: If an initiative petition is signed  
14 by registered voters equal in number to at least eight per cent but less than  
15 fifteen per cent of the total number of registered voters, and said measure is  
16 not passed without alteration within twenty days by the city council or the  
17 school committee, as provided in the preceding section, such proposed  
18 measure, without alteration, shall be submitted by the city clerk to a vote of  
19 the registered voters of the city at the next regular municipal election which  
20 occurs at least thirty days after the date of qualification.

21 (i) As used in this section and section thirty-nine, "date of qualification" shall  
22 mean the twentieth day after the date of the certificate of the registrars, or



1 the day on which the city council or school committee finally decides not to  
2 pass the measure without alteration, whichever day occurs first.

3 (j) Form of Ballot: The ballots used when voting upon a proposed measure  
4 under this shall contain only a fair, concise summary of the measure, as  
5 determined by the city solicitor, which shall follow the question, "Do you  
6 approve of a measure summarized below?"

7 (k) Taking Effect: A proposed measure under this section shall become  
8 effective if it shall be approved by registered voters of the city equal in  
9 number to one third of the whole number thereof and also by a majority of  
10 the voters voting on such measure.

11

## 12 SECTION 8-2: REFERENDUM PETITIONS

13 (a) Petition, Effect on Final Vote: If, within twenty days after the final  
14 passage of any measure, except a revenue loan order, by the city council or  
15 by the school committee, a petition signed by registered voters of the city,  
16 equal in number to at least twelve percent of the total number of registered  
17 voters, and addressed to the city council or to the school committee,  
18 protesting against such measure or any part thereof taking effect, is filed  
19 with the city clerk, the same shall be suspended from taking effect; and the  
20 city council or the school committee, as the case may be, shall immediately  
21 reconsider such measure or part thereof.

1 (b) Submission to Electorate: If such measure or part thereof is not entirely  
2 rescinded within twenty days after the date of the certificate of the  
3 registrars, the city clerk shall submit the same, by the method herein  
4 provided, to a vote of the registered voters of the city, either at the next  
5 regular city election not less than thirty days after said twentieth day, or at a  
6 special election which the city council may, in its discretion, call for the  
7 purpose, and such measure or part thereof shall forthwith become null and  
8 void unless a majority of the registered voters voting on the same at such  
9 election vote in favor thereof.

10 (c) Certain Initiative Provisions to Apply - The petition described in this  
11 section shall be termed a referendum petition and section 8-1 shall apply to  
12 the procedure in respect thereto, except that the words "measure or part  
13 thereof protested against" shall for this purpose be understood to replace  
14 "measure" in said section wherever it may occur, and "referendum" shall be  
15 understood to replace the word "initiative" in said section.

16

17 SECTION 8-3: INELIGIBLE MEASURES

18 None of the following shall be subject to the initiative or the referendum  
19 procedures:

20 (1) proceedings relating to the internal organization or operation of the city  
21 council or of the school committee;

22 (2) an emergency measure adopted under the charter;

- 1 (3) the city budget or the school committee budget as a whole;
- 2 (4) any appropriation for the payment of the city's debt or debt service;
- 3 (5) an appropriation of funds to implement a collective bargaining
- 4 agreement;
- 5 (6) proceedings relating to the appointment, removal, discharge,
- 6 employment, promotion, transfer, demotion or other personnel action;
- 7 (7) any proceedings repealing or rescinding a measure or part of it which is
- 8 protested by referendum procedures;
- 9 (8) any proceedings providing for the submission or referral to the voters at
- 10 an election; and
- 11 (9) resolutions and other votes constituting ordinary, routine matters not
- 12 suitable as the subject of a referendum petition.

13

#### 14 SECTION 8-4: SUBMISSION OF OTHER MATTERS TO VOTERS

15 The city council may on its own motion and shall at the request of the school  
16 committee, if a measure originates with that body and pertains to affairs  
17 under its jurisdiction, submit to the voters at a regular city election for  
18 adoption or rejection a measure in the same manner and with the same  
19 force and effect as are provided for submission by initiative or referendum  
20 petitions.

21

#### 22 SECTION 8-5: CONFLICTING PROVISIONS

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

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1 ARTICLE 9

2 GENERAL PROVISIONS

3  
4 SECTION 9-1: CHARTER CHANGES

5 This charter may be replaced, revised or amended in accordance with any  
6 procedure made available under the state constitution or by the General  
7 Laws.

8  
9 SECTION 9-2: PERIODIC REVIEW OF CHARTER

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

19 SECTION 9-3: POLITICAL SOLICITATION PROHIBITED

20 No employee of any department, board or commission of the city shall,  
21 directly or indirectly, solicit or receive, or in any manner be concerned in  
22 soliciting or receiving any assessment, subscription or contribution for any

1 political party, for any candidate for city office or for any political committee  
2 organized on behalf of such candidate. This section shall not prevent such  
3 persons from being members of political organizations or committees. The  
4 soliciting or receiving of any gift, payment, contribution, assessment,  
5 subscription or promise of money or other thing of value by a non-elected  
6 political committee organized to promote the candidacy for city office of an  
7 employee of any department, board or commission of the city shall not be  
8 deemed to be a direct or indirect solicitation or receipt of such contribution  
9 by such person, provided, however, that no such gift, payment, contribution,  
10 assessment, subscription or promise of money or other thing of value may  
11 be solicited or received on behalf of such a person from any person or  
12 combination of persons if such person so employed knows or has reason to  
13 know that the person or combination of persons has an interest in any  
14 particular matter in which the person so employed participates or has  
15 participated in the course of such employment or which is the subject of  
16 their official responsibility.

17 (b) Penalties: A person who violates any provision of this section shall be  
18 punished by a fine of not more than five hundred dollars or by imprisonment  
19 for not more than six months, or both such fine and imprisonment, and upon  
20 final conviction thereof the office or position in the service of the city held by  
21 such person shall be vacated and such person shall not be eligible for an  
22 office or position, elective or otherwise, in the service of the city.

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SECTION 9-4: REFERENCES TO GENERAL LAWS

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

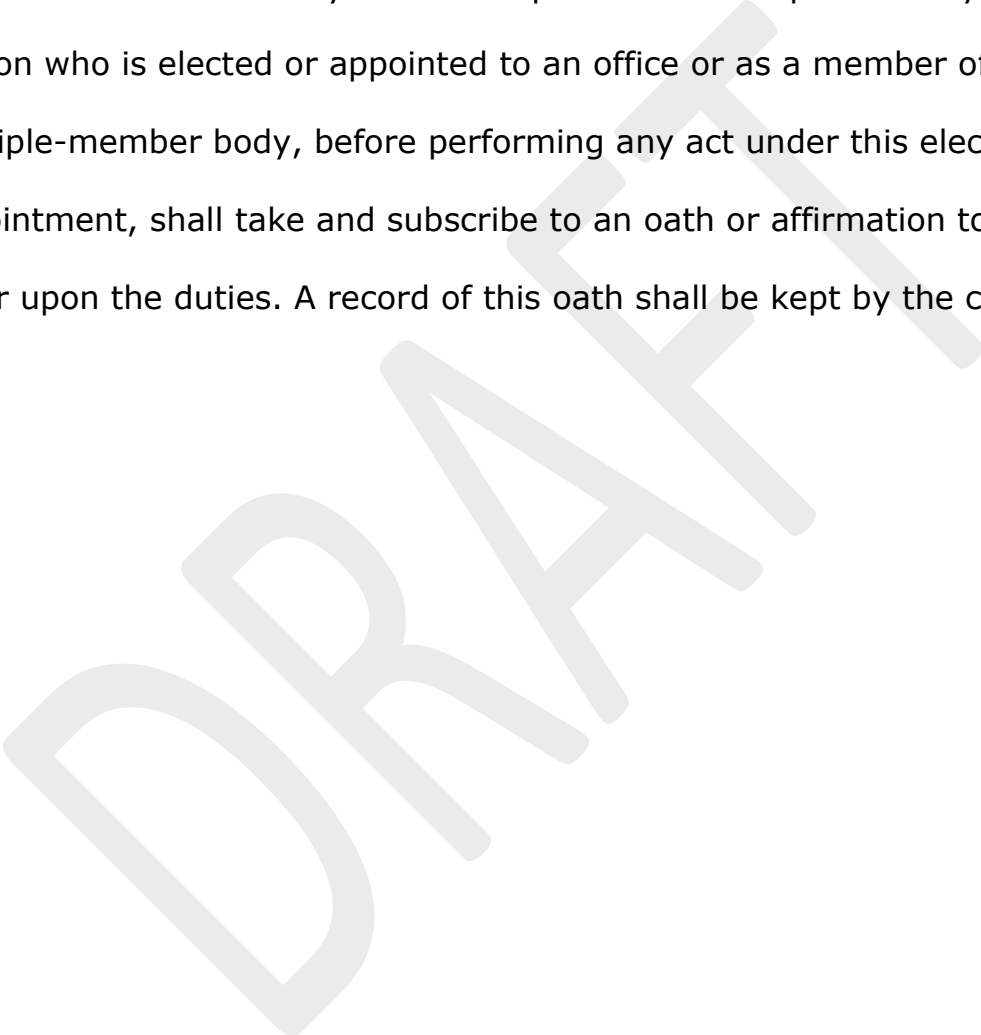
SECTION 9-5: OATHS OR AFFIRMATIONS

Section 17. On the first Monday in January following a regular municipal election, at ten o'clock in the forenoon, the mayor-elect if elected by the people, the councilors-elect, and the assessors-elect if elected by the people, shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered in the journal of the city council. At any regular council meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councilor absent from the meeting on the first Monday in January; provided, that, under Plan E, the oath may be so administered to the mayor and vice-chairman at the same meeting at which they are respectively elected.

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SECTION 9-6: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.





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ARTICLE 10: TRANSITION PROVISIONS SECTION

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This section is completed once the substance of the Charter has been

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determined.

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