



CITY OF CAMBRIDGE

BOARD OF ELECTION COMMISSIONERS

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Dear Cambridge voter,

In accordance with Chapter 630 of the Acts of 1989, the Board of Election Commissioners submits to the voters of Cambridge the text of three proposed charter amendments, which will appear as questions 1, 2 and 3, on the NOVEMBER 2, 2021 MUNICIPAL ELECTION ballot. Each question is followed by a summary of the proposal and the arguments written by the proponents and opponents of the questions, as required by chapter 630 of the Acts of 1989.

The City Council has proposed making three changes to the City’s Plan E Charter, which is the law that prescribes the structure of the Cambridge government. The Charter sets forth the powers of the City Council and the City Manager.

The City Council voted on June 28, 2021, as amended on September 20, 2021 to correct a minor clerical issue, that three charter amendments shall be submitted to the voters at the election on November 2, 2021 in the following form:

Question 1 Should amendments to the City’s Plan E Charter, Section 105 of Chapter 43, be made providing for the City Council to confirm appointments of the City Manager to the City’s boards and commissions, which confirmation is not currently required?

YES ___ **NO** ___

Summary of proposal: The City Council’s first proposed change would amend the City’s Plan E Charter at General Laws Chapter 43, Section 105 by adding the following:

“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 a majority of the full City Council before 60 days. An appointment or reappointment shall take effect if the City Council fails to act within those 60 days.”

This proposed change would limit the City Manager’s existing Charter power to make appointments to the City’s many boards and commissions by adding a requirement to the Charter that each appointment and re-appointment by the City Manager to boards and commissions be subject to approval by a majority vote of the City Council. Just a few examples of the boards and commissions that this change

would affect are the Planning Board, the Board of Zoning Appeal, the Historical Commission, the Human Rights Commission, and the Conservation Commission. The City Manager's proposed appointments and re-appointments would take effect without City Council approval if the City Council fails to act by either approving or rejecting a proposed appointment or re-appointment within 60 days.

ARGUMENT IN FAVOR OF THE PROPOSED CHARTER AMENDMENT #1

A YES vote on this proposed amendment would bring greater democracy to the process of appointments to the city's boards and commissions. The proposal would update the charter to give the City Council the authority to accept or reject appointments by the City Manager to boards and commissions. The change would serve as a simple yet important form of checks and balances. Boards and commissions have significant power in city government, but all appointments are currently made unilaterally by the City Manager.

The City Manager will continue to review applications and make recommendations, and if the City Council takes no action within 60 days, the appointment will be automatically confirmed. Many city and town councils in Massachusetts - including Watertown, Somerville, Newton, Chelsea, Framingham, Amherst, and Northampton - have this authority. This change is good governance and can lead to better representation on boards and commissions.

ARGUMENT AGAINST THE PROPOSED CHARTER AMENDMENT #1

The most fundamental principle in the Plan E Charter is the division of authority between a City Council elected via proportional representation that sets policies and adopts ordinances, and a City Manager hired by the City Council as the Chief Executive Officer charged with managing all aspects of City government in accordance with those policies. The core idea is the importance of ensuring that basic City functions are free from political interference, patronage, or micromanagement by the City Council. The City Council hires the City Manager, and the City Council then acts only through its City Manager and not directly with City departments.

City boards and commissions are essentially a volunteer extension of city management either in an advisory role or in any regulatory role as established by ordinance. It is the responsibility of the City Manager to ensure that the membership of City boards is both representative of a range of viewpoints and that they have the necessary expertise and remain free of any political considerations.

If this question were to prevail, a bare majority of city councillors could control 100% of the membership on all of the City's boards and commissions. The proposal would effectively reward political affiliations and allegiances rather than expertise and representativeness as the primary criteria for serving on any of these volunteer boards.

A NO vote will keep Cambridge's citizen board and commission membership nonpartisan, professional, representative, and free from political considerations.

Question 2 Should amendments to the City’s Plan E Charter be made providing for the City Council to establish a process for an annual review of the City Manager’s performance?

YES ___ **NO** ___

Summary of proposal: The City Council’s second proposed change would amend the City’s Plan E Charter at General Law Chapter 43, Section 116 by adding the following as a new Section 116(a):

“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 proposed change to the City Charter would require the City Council to enact an ordinance that would require an annual written review of the City Manager’s performance. Pursuant to the existing Charter, the City Council is the hiring and firing authority of the City Manager, but the City Council is not required to prepare an annual written performance review of the City Manager. If this Charter change is adopted, the City Council would be required to establish a process by ordinance that would prescribe the manner by which the City Council would be required to perform an annual written performance review of the City Manager.

ARGUMENT IN FAVOR OF THE PROPOSED CHARTER AMENDMENT #2

A YES vote on the proposed amendment would establish an annual review of the city manager, which many Massachusetts’ city councils have in their charters. The City Council appoints the city manager and has the right and the responsibility to review the city manager. However, despite being included in past contracts, no review has been done in years. There has been no opportunity for public input and no formal chance to set goals and review performance. Including an annual review in the city charter is the only way to ensure it happens each year. This change would help voters hold the City Council accountable and ensure the city manager is reviewed annually. The proposed charter amendment is routine, ordinary, and standard in many municipalities in Massachusetts. Please vote yes for accountability and good practice in oversight.

ARGUMENT AGAINST THE PROPOSED CHARTER AMENDMENT #2

The principal argument against this proposal is that the City Council has always had the authority under the Plan E Charter to require an annual performance review of the City Manager.

The City Council hires the City Manager and, whether or not there is a contract with the City Manager, he or she serves at the pleasure of the City Council. The City Council may require a performance review annually or at any frequency they wish at their discretion as a condition in the contract with their city manager. In short, this proposed change to the Plan E Charter is superfluous.

A NO vote will retain the City Council’s existing authority to establish a process for a performance review of the City Manager whenever they choose – either annually or otherwise.

Question 3 Should amendments to the City’s Plan E Charter be made providing for the City Council to establish a process for review every 10 years to be made of the City’s Plan E Charter by an appointed committee of voters per city council ordinance?

YES ___ **NO** ___

Summary of proposal: The City Council’s third proposed change would amend the City’s Plan E Charter at General Laws Chapter 43, Section 116 by adding the following as a new Section 116(b) or, if Question 2 fails, by adding a new Section 116(a.):

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

This change to the City Charter would require that the City Council enact an ordinance that provides for a review of the Charter by a committee of City voters, none of whom could hold elective office, every ten years beginning in 2022. The appointed committee would file a report with the City Council within one year of its appointment unless the City Council extended the one-year period, recommending any changes to the Charter which the committee deemed necessary or desirable. The committee would not have the authority to actually make the Charter changes it might propose. Action on any proposed Charter changes could only be taken subject to Massachusetts law governing how Charter changes may be enacted.

ARGUMENT IN FAVOR OF THE PROPOSED CHARTER AMENDMENT #3

A charter is the most important legal document in a city, defining the structure and organization of local government. Most cities and towns across Massachusetts regularly update and amend their charter, and many charters require a review every 5 or 10 years. Cambridge has not reviewed its charter since the Plan E form of government was adopted in 1940, 80 years ago. Our charter has remained static while the city and the world have changed dramatically.

A YES vote on this proposed amendment would mean that starting in 2022, and every ten years thereafter, a charter review process would happen. It would establish a charter review commission, representative of the city, to ensure the charter is meeting our needs. This change would direct a group of Cambridge residents appointed by the City Council to consider updates that may be appropriate. Any proposed changes would need to be approved by a majority of voters. Please vote yes to review and update our charter as needed.

ARGUMENT AGAINST THE PROPOSED CHARTER AMENDMENT #3

The proposal states that this charter review committee would be established by City Council ordinance, but a bare majority of the City Council could determine 100% of the charter review appointments. There is nothing in the proposal that would require appointments to be representative of City voters or that there be any citizen involvement at all in determining who would serve on a charter review committee. The City Council would ultimately have total control over what charter changes might be recommended to the voters.

The current Plan E Charter has served Cambridge well for 80 years. Periodic review of the Cambridge charter is desirable. However, Cambridge has successfully used proportional representation in its municipal elections for 80 years to ensure that a range of viewpoints – including minority viewpoints – is ensured in the City’s two elected bodies. That same kind of diversity should be essential in determining any proposals to change the Charter which defines the structure of City government. This ballot question as proposed requires no diversity of viewpoint or representation. It would essentially give the current City Council complete control in redefining their own job without any citizen involvement other than the persons they would appoint.

A NO vote will retain the current process through which charter change may be initiated either via a citizen commission or via the home rule process. This would leave open the option that a more robust and representative process for charter review be established in the future.