

HOUSE No. 4156

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a charter for the city of Cambridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/21/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>5/28/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>7/1/2025</i>

HOUSE No. 4156

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 4156) of Marjorie C. Decker (with the approval of the city council) for legislation to establish a charter for the city of Cambridge. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing a charter for the city of Cambridge.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The following shall be the charter for the city of Cambridge:

2 ARTICLE 1: INCORPORATION; SHORT TITLE; ETC.

3 SECTION 1-1: INCORPORATION

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

7 SECTION 1-2: SHORT TITLE

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

9 SECTION 1-3: DIVISION OF POWERS

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

13 SECTION 1-4: POWERS OF THE CITY

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

19 SECTION 1-5: CONSTRUCTION

20 The powers of Cambridge under this charter are to be construed liberally in favor of the
21 city, and the specific mention of any particular power is not intended to limit the general powers
22 of the city as stated in the Cambridge Charter. To the extent that any provision of this charter
23 shall conflict with any special act or general law adopted by the city , the provision of this
24 charter shall prevail.

25 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

26 Subject only to express limitations in the constitution or general laws of the
27 Commonwealth, Cambridge may exercise any of its powers or perform any of its functions, and
28 may participate in their financing, jointly or in cooperation, by contract or otherwise, with the
29 Commonwealth or any agency or political subdivision of the Commonwealth, or with the United

30 States government or any of its agencies. The city council shall in the performance of their duties
31 consider intergovernmental and regional relations.

32 SECTION 1-7: DEFINITIONS

33 The following words and phrases as used in this charter shall, unless the context requires
34 otherwise, have the following meanings.

35 (a) Business day(s) - any day that is not a Saturday, Sunday, or legal holiday.

36 (b) Board of Election Commissioners - the Board of Election Commissioners of the
37 City of Cambridge, Massachusetts.

38 (c) Charter - the Cambridge Charter and any amendments to it hereafter adopted.

39 (d) City - the City of Cambridge, Massachusetts.

40 (e) City Council - the City Council of the City of Cambridge, Massachusetts.

41 (f) City Manager - the City Manager of the City of Cambridge, Massachusetts.

42 (g) Commonwealth - the Commonwealth of Massachusetts.

43 (h) County - the County of Middlesex, Massachusetts.

44 (i) School Committee - the School Committee of the City of Cambridge,
45 Massachusetts.

46 (j) Elections Department - the Elections Department of the City of Cambridge,
47 Massachusetts.

48 (k) General Laws - the General Laws of the Commonwealth of Massachusetts, a
49 codification and revision of statutes enacted on December 22, 1920, and including all
50 amendments subsequently adopted.

51 (l) Multiple-Member Body - any council, commission, committee, subcommittee or
52 other body consisting of two (2) or more persons, whether elected, appointed or otherwise
53 constituted, but not including the city council or its committees, the school committee or its
54 subcommittees, or an advisory committee, group, or task force established by the city council.

55 (m) Year – a calendar year, unless otherwise specified.

56 ARTICLE 2: LEGISLATIVE BRANCH

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

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

61 (b) Term of Office - City councillors shall be elected for terms of two (2) years each
62 beginning on the first Monday of January in the year following their election, except when that
63 first Monday falls on a legal holiday, then the term shall begin on the following day, and until
64 successors have been qualified.

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

69 SECTION 2-2: GENERAL POWERS

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

73 SECTION 2-3: MAYOR AND VICE MAYOR, ELECTION; TERM; POWERS

74 (a) Election and Term - As soon as practical after the councillors-elect have been
75 qualified following each regular city election, as provided in Article 7, the members of the city
76 council shall elect by majority vote from among its members a mayor and vice mayor, who shall
77 serve for a 2-year term. The member of the city council senior in length of consecutive service
78 shall perform the duties of chair until members elect a mayor.

79 (b) Powers and Duties - The following shall be the powers and duties of the mayor:

80 i. Head of the city - The mayor shall be recognized as the official head of the city
81 for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil
82 process to the extent applicable by law.

83 ii. Presiding officer of the city council - The mayor shall be the presiding officer of
84 the city council. The mayor shall have no power of veto but shall have the same powers as any
85 other member of the city council to vote upon all measures before it.

86 iii. Appointment of committees - The mayor shall appoint members of, and oversee,
87 all committees of the council, whether standing or ad hoc.

88 iv. State of the City - The mayor shall at least once per term, together with the city
89 manager, address the city council, school committee, officers of the city, and the public on the
90 state of affairs of the city.

91 v. Other duties - The mayor shall perform such other duties consistent with the
92 office and in keeping with state law or special act as provided for in Article 10.

93 vi. Member of the school committee - The mayor shall serve as a member of the
94 school committee and shall update the council regularly on school committee matters.

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

99 (d) Permanent Vacancy - If there is a permanent vacancy in the office of mayor or
100 vice mayor, the city council shall elect by majority vote one of its members to fill such office for
101 the unexpired term. The member of the city council senior in length of consecutive service shall
102 perform the duties of mayor or vice mayor until members elect a new mayor or a vice mayor.

103 SECTION 2-4: PROHIBITIONS

104 Except as otherwise provided by the charter and permitted by the Massachusetts General
105 Laws, no member of the city council shall hold any other compensated city position. No former
106 member of the city council shall hold any compensated appointed city position until one (1) year
107 following the date on which the former member's service on the city council has terminated
108 unless such appointment is affirmed by six (6) members of the city council. This section shall not

109 prevent a city employee who vacated a position to serve as a member of the city council from
110 returning to the same position upon the expiration of the term for which that person was elected.

111 SECTION 2-5: COUNCIL SALARY; EXPENSES

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

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

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

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

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

130 (c) Rules - The rules of the city council should be reviewed and adopted by city
131 council towards the beginning of every new city council term.

132 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

135 (b) City Auditor - The city council, by the affirmative vote of a majority of members,
136 shall appoint a city auditor for an indefinite term of office. The city auditor shall be appointed
137 solely based on professional qualifications and experience. The city auditor shall keep and have
138 charge of the accounts of the city and shall from time to time audit the books and accounts of all
139 city departments. The city auditor shall have such other powers and duties as provided for
140 auditors and accountants by general laws and such additional powers and duties as may be
141 provided by the charter, by ordinance, or by any other vote of the city council.

142 (c) City Clerk - The city council, by the affirmative vote of a majority of members,
143 shall appoint a city clerk. The city clerk shall be appointed solely based on qualifications and
144 experience. The city clerk shall have such powers and duties as provided for clerks by general
145 laws and such additional powers and duties as may be provided by the charter, by ordinance, or
146 by any other vote of the city council.

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

149 (e) Supervision, Discipline, and Removal of City Council Employees - The mayor
150 shall be responsible for supervision of the city clerk and the city auditor. The mayor shall be able

151 to impose discipline up to and including an unpaid suspension of not more than five days.
152 However, removing an employee appointed by the city council shall require an affirmative vote
153 of at least six (6) council members. The mayor shall conduct annual reviews of the city clerk and
154 city auditor.

155 SECTION 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

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

159 (b) Multiple-Member Bodies – The city manager shall appoint, subject to
160 confirmation by the city council, all members of multiple member bodies for whom no other
161 method of appointment or selection is provided by administrative order, General Laws, or
162 Special Acts. All members shall serve terms as defined by administrative order, General Laws,
163 or Special Acts. Upon the expiration of the term of any member of a multiple member body, a
164 successor shall be appointed in a like manner. The city manager shall fill any vacancy for the
165 remainder of the unexpired term of any member of a multiple member body

166 SECTION 2-9: ACCESS TO INFORMATION

167 (a) In General - The city council may make inquiry into the affairs of the city and into
168 the conduct and performance of any city department.

169 (b) Policy Orders:

170 i. During any regular meeting, the city council, through a vote of approval of policy
171 orders, may request from the city manager specific information on any municipal matter within

172 its jurisdiction. The city council, through the issuance and approval of policy orders, may also,
173 through the city manager, request department heads, chairs of a board, or city staff provide
174 information in relation to municipal services, functions and powers, or duties which are within
175 the scope of their responsibility and not within the jurisdiction of the school committee.

176 ii. The city council and city manager shall coordinate and schedule meetings when
177 the city manager, or through the head of a department, member of a board, city staff, or other
178 designee, provides a response to a policy order. Responses to policy orders shall be provided to
179 the city council in testimonial or written form.

180 iii. The city council shall set procedures for the filing and issuance of policy orders
181 through its rules. The city council and the city manager shall work together to establish processes
182 for the tracking and categorizing of policy orders and responses.

183 SECTION 2-10: ORDINANCES AND OTHER MEASURES

184 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is
185 introduced, except in cases of special emergency involving the health or safety of the people or
186 their property. No ordinance shall be regarded as an emergency ordinance unless the emergency
187 is defined and declared in a preamble to such ordinance, separately voted upon, and receiving the
188 affirmative vote of a majority of members present. No ordinance making a grant, renewal, or
189 extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature,
190 shall be passed as an emergency measure, and except as provided in Massachusetts General
191 Laws Chapter 164, Sections 70 through 71, and Massachusetts General Laws Chapter 166, no
192 such grant, renewal or extension shall be made otherwise than by ordinance. An emergency
193 measure shall become effective upon adoption or at such later time as it may specify.

194 (b) General Measures - Every adopted measure shall become effective upon adoption
195 or at such later time as it may specify. An ordinance shall not be amended or repealed except by
196 the same process by which it was adopted.

197 SECTION 2-11: FILLING OF VACANCIES

198 A vacancy in the city council shall be filed in the manner provided in Section 7-15.

199 ARTICLE 3: EXECUTIVE BRANCH

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

202 (a) Appointment - The city council shall appoint a city manager who shall be sworn
203 to the faithful performance of the duties and who shall be the chief executive officer of the city
204 and shall be responsible for the administration of all departments, multiple member bodies,
205 commissions, boards, and officers of the city, except those employees appointed by city council,
206 the school committee, and any official appointed by the governor or elected official.

207 (b) Qualifications and Eligibility - The city manager shall be appointed on the basis
208 of administrative and executive qualifications only and need not be a resident of the city or
209 commonwealth when appointed. No member of the city council shall, during their term of office,
210 be chosen as city manager, and no person who has within two years been elected to or served in
211 any elective office in the city shall be chosen as city manager.

212 (c) Term of Office - The city manager shall hold office at the pleasure of the city
213 council. The city council shall enter into an employment agreement with the city manager for a
214 term not to exceed five (5) years; the city manager may, however, serve consecutive successive

215 terms upon a vote by city council to renew or extend the employment agreement. The terms of
216 the employment agreement shall be consistent with the provisions of this charter.

217 (d) Annual Performance Review – Annually the city council shall prepare and deliver
218 to the city manager a written review of the city manager’s performance in a manner provided by
219 ordinance. Such review will include goals and accountability measures.

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

223 SECTION 3-2: POWERS AND DUTIES.

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

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

231 General:

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

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

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

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

244 (e) Determine the existence of a public emergency or danger and shall assume
245 responsibility for the maintenance of public safety, public order, and enforcement of laws. The
246 manager shall notify the mayor as soon as practical, but within 24 hours, of such a public
247 emergency or danger and of the actions taken. Should the public emergency continue more than
248 24 hours, the city council may meet to review, ratify, or terminate said public emergency.

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

252 (g) Appoint, subject to confirmation by the city council under Section 2-8(b), all
253 members of multiple member bodies for whom no other method of appointment or selection is
254 provided by administrative order, General Laws, or Special Acts. All members shall serve terms
255 as defined by administrative order, General Laws, or Special Acts. Upon the expiration of the
256 term of any member of a multiple member body, a successor shall be appointed in a like manner.

257 The city manager shall fill any vacancy for the remainder of the unexpired term of any member
258 of a multiple member body.

259 Appointment, Personnel, Hiring, and Bargaining:

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

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

270 (j) Inquire at any time into the conduct of office of any officer, employee, or
271 department under the city manager's supervision.

272 Financial:

273 (k) Prepare and submit an annual operating budget under the policy guidance of the
274 council.

275 (l) Execute contracts, subject to such prior city council approval as may be
276 prescribed by ordinance.

277 Property, Facilities, and Procurement:

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

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

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

287 Communication:

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

293 Additional Duties:

294 (q) Perform such other duties and functions as authorized, as necessary, as required,
295 or may be assigned to the office of city manager by state law or special act as provided for in
296 Article 10.

297 SECTION 3-3: APPOINTMENTS AND REMOVALS

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

301 (a) Department Heads – the city manager shall appoint, and may remove, subject to
302 the civil service law and any collective bargaining agreements as may be applicable, all
303 department heads, city officers, and employees of city departments under the direction and
304 supervision of the city manager.

305 (b) City Solicitor – The city solicitor shall be appointed by and serve at the pleasure
306 of the city manager. The city manager shall refer to the city council and simultaneously file with
307 the city clerk the name of the person the city manager appoints as city solicitor. Appointment of
308 the city solicitor made by the city manager may be rejected by a two-thirds (2/3) vote of the city
309 council, which vote shall occur within thirty (30) days after the date on which notice of the
310 appointment was filed with the city clerk. An appointment shall take effect if the city council
311 fails to meet the vote threshold required to reject appointment or fails to act within those thirty
312 (30) days. Due to the city solicitor’s unique role of providing legal advice and representation to
313 the entire City, including all officials, departments, employees and multi-member bodies,
314 including the city council, city councillors may provide comments to the city manager about the
315 city solicitor’s performance of work done directly for the council, and the city manager will
316 incorporate those comments in the city solicitor’s performance review.

317 (c) Multiple-Member Bodies – The city manager shall appoint, subject to
318 confirmation by the city council under Section 2-8(b), all members of multiple member bodies
319 for whom no other method of appointment or selection is provided by administrative order,

320 General Laws, or Special Acts. All members shall serve terms as defined by administrative
321 order, General Laws, or Special Acts. Upon the expiration of the term of any member of a
322 multiple member body, a successor shall be appointed in a like manner. The city manager shall
323 fill any vacancy for the remainder of the unexpired term of any member of a multiple member
324 body.

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

330 (e) Interference by City Council Prohibited – Except as provided in Section 2-8 and
331 by this charter, neither the city council nor any of its committees or members shall direct or
332 request the appointment of any person to, or their removal from, office by the city manager or
333 any of their subordinates, or in any manner take part in the appointment or removal of officers
334 and employees in that portion of the service of said city for whose administration the city
335 manager is responsible. Except as otherwise provided by this charter, the city council and its
336 members shall not give orders to any subordinate of the city manager either publicly or privately
337 and shall direct all requests for service through the city manager. Nothing in this section shall
338 prevent city council or its members from discussing matters generally with city staff, presuming
339 the city manager is kept informed.

340 SECTION 3-4: ACTING CITY MANAGER

341 (a) Temporary Absence - The city manager shall, by letter filed with the city council
342 and a copy filed with the city clerk, designate a qualified city officer, department head or
343 administrative employee to exercise the powers and perform the duties of the office during
344 temporary absence. During the first ten working days of a temporary absence of the city
345 manager, the city council may revoke such designation by a two-thirds vote and, after the
346 expiration of ten working days, by a majority vote, whereupon it may appoint another qualified
347 city officer, department head or employee to serve as acting city manager until the city manager
348 shall return and resume the manager's duties.

349 (b) Vacancy - Any vacancy in the office of city manager shall be filled as soon as
350 possible by the city council, but pending such appointment the city council shall designate a
351 qualified city officer, department head, administrative employee, or former city manager to
352 exercise the powers and perform the duties of the city manager on an acting basis. The
353 appointment of an acting city manager shall be for a term not to exceed four (4) months;
354 provided, however, one renewal, not to exceed a second four (4) months, may be permitted.

355 (c) Powers and Duties -The powers of a temporary or acting city manager shall be
356 limited to matters not admitting of delay; provided, however, no temporary city manager under
357 (a) above shall have authority to make permanent appointments or removals to department head
358 positions.

359 SECTION 3-5: REMOVAL

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

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

366 ARTICLE 4: SCHOOL COMMITTEE

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

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

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

375 (c) Eligibility - Any registered municipal voter over the age of eighteen (18) shall be
376 eligible to hold the office of school committee member. If a school committee member moves
377 from the city during the member's term, that office shall immediately be deemed vacant and
378 filled in the manner provided in Section 4-6. The school committee shall determine whether a
379 member has moved from the city.

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

381 (a) Chair and Vice Chair - As soon as practical after the school committee members-
382 elect have been qualified following the regular city election, the school committee shall elect one
383 amongst their members by roll call vote one to serve as chair and one to serve as vice-chair.

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

392 (c) Temporary Absence - During a temporary absence of the chair, the duties of the
393 chair shall be performed by the vice-chair. If there shall be neither a chair or a vice-chair, the
394 member of the school committee senior in length of consecutive service shall perform the duties
395 of the chair until there is no longer an absence.

396 (d) Permanent Vacancy - If there is a permanent vacancy in the office of chair or
397 vice-chair, the school committee shall elect by majority vote one of its members to fill such
398 office for the unexpired term. The member of the school committee senior in length of
399 consecutive service shall perform the duties of chair or vice-chair until members elect a new
400 chair or a vice-chair.

401 SECTION 4-3: PROHIBITIONS

402 No member of the school committee shall hold any other compensated city position. No
403 former member of the school committee shall hold any compensated appointed city office or city
404 employment until one (1) year following the date on which that member's service on the school
405 committee terminated. This section shall not prevent a city officer or other city employee who

406 has vacated a position in order to serve as a member of the school committee from returning to
407 the same office or other position of city employment held at the time the position was vacated;
408 provided, however, no such person shall be eligible for any other municipal position until at least
409 one (1) year following the termination of service as a member of the school committee.

410 SECTION 4-4: COMPENSATION; EXPENSES

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

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

423 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

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

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

446 (d) Perform such other duties or functions authorized by state law or special act as
447 provided for in Article 10.

448 SECTION 4-6: FILLING OF VACANCIES

449 A vacancy in the School Committee shall be filed in the manner provided in Section 7-
450 15.

451 ARTICLE 5: ADMINISTRATIVE ORGANIZATION

452 SECTION 5-1: ORGANIZATION OF CITY DEPARTMENTS

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

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

467 Whenever the city manager proposes an administrative order, the city council shall hold
468 one (1) or more public hearings on the proposal giving notice by publication in a local
469 newspaper, which notice shall describe the scope of the proposal and the time and place at which
470 the public hearing will be held, not less than seven (7) nor more than fourteen (14) days

471 following the publication. An organization or reorganization plan shall become effective at the
472 expiration of sixty (60) days following the date the proposal is submitted to the city council
473 unless the city council shall, by a majority vote, within that 60-day period vote to disapprove the
474 plan. The city council may vote only to approve or to disapprove the plan and may not vote to
475 amend or to alter it.

476 SECTION 5-2: MERIT PRINCIPLES

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

482 ARTICLE 6 FINANCIAL PROCEDURES

483 SECTION 6-1: FISCAL YEAR

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

486 SECTION 6-2: CITY COUNCIL AND CITY MANAGER FINANCIAL UPDATE

487 PROCESS

488 The city council and the city manager will jointly determine each fiscal year a series of
489 financial updates regarding the financial condition of the city, revenue and expenditure forecasts,
490 and other relevant financial information, in the form of meetings or other communications, prior
491 to the submission of the city manager's proposed budget.

492 SECTION 6-3: BUDGETARY PRIORITIES

493 Prior to the end of the calendar year, the city council shall develop and publish budgetary
494 priorities that take into consideration the council’s policy guidance and objectives. The budget
495 developed by the city manager will outline how the proposed budget is consistent with the
496 council’s budgetary priorities

497 SECTION 6-4: SUBMISSION AND ACTION ON BUDGET

498 The city manager shall submit to the city council a proposed operating budget for all
499 departments, which shall include the school department, for the ensuing fiscal year. The city
500 manager and the superintendent of schools shall coordinate the dates and times of the school
501 committee's budget process under the General Laws. The city manager shall submit to the city
502 council a proposed capital budget for the upcoming fiscal year and a multi-year capital plan.
503 Pursuant to Section 6-2, the city council and city manager will schedule public meeting(s)
504 regarding the proposed budget. No later than the end of the fiscal year the city council shall take
505 definite action on the annual budget, by adopting, reducing, or rejecting it. If the city council
506 fails to act on an item in the proposed operating budget prior to the beginning of the fiscal year,
507 that amount shall, without any action by the city council, become a part of the appropriations for
508 the year and be available for the purposes specified. The proposed budget and final adopted
509 budget shall be made available to the public.

510 SECTION 6-5: ANNUAL AUDIT

511 The City shall conduct an annual audit pursuant to ordinance.

512 ARTICLE 7: ELECTIONS

513 SECTION 7-1: CITY ELECTION

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

516 SECTION 7-2: ELIGIBILITY OF VOTERS

517 Every citizen who (i) is at least eighteen (18) years old, (ii) is not temporarily or
518 permanently disqualified by law because of corrupt practices in respect to elections, and (iii) is a
519 resident of Cambridge registered to vote in the City, may vote in a regular municipal election.

520 SECTION 7-3: CITY OFFICES

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

524 SECTION 7-4: DIRECTOR OF ELECTIONS

525 The Director of Elections shall be the chief election official for the City of Cambridge,
526 appointed by the city manager. The Director of Elections shall be the head of the Elections
527 Department and supervise all elections. The Director of Elections need not be a registered voter
528 of the city, a resident of the city, or a registered member of any political party. The Director of
529 Elections shall advise and assist the Board of Election Commissioners in carrying out its duties.

530 SECTION 7-5: ELECTION CALENDAR

531 The Board of Election Commissioners and Director of Elections shall prepare and issue a
532 calendar of dates, times, and deadlines for the conducting of regular municipal elections. Unless

533 specified in this charter, all election related dates, times, and deadlines shall be consistent with
534 state law.

535 SECTION 7-6: PROPORTIONAL REPRESENTATION

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

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

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

550 SECTIONS 7-7 NOMINATION PAPERS

551 (a) Any registered voter of the city who is eligible for election to any elective
552 municipal body shall be entitled to have their name printed as a candidate on the official ballot to
553 be used at the regular municipal election; provided, that prior to the deadline for submission set

554 pursuant to Section 7-7(b), there shall be filed with the Elections Department nomination
555 paper(s) of their candidacy, on a form approved by the Board of Election Commissioners, with a
556 statement of candidate section signed by the candidate and notarized, and on such nomination
557 paper(s) at least fifty registered voters of the city, whose signatures shall have been certified as
558 required by law. No person shall be entitled to have their name printed as a candidate on such
559 ballot except as set forth in this section.

560 (b) Nomination papers shall be available from the Election Department at least
561 eighteen (18) weeks prior to the date of the Election, on a date and time set by the Board of
562 Election Commissioners and the Director of Elections pursuant to Section 7-5. Nomination
563 papers must be filed with the Election Department fourteen (14) weeks prior to the date of the
564 Election at 5:00 PM.

565 SECTIONS 7-8 INVALID NOMINATION PAPERS

566 Use of any other nomination papers other than those forms approved by the Board of
567 Election Commissioners under Section 7-7 shall be invalid. Each nomination paper's statement
568 of candidate section must be signed by the candidate and notarized before registered voters are
569 permitted to sign nomination papers. No voter may sign the nomination papers of more than one
570 candidate for election as a member of any elective body; and if a voter signs nomination papers
571 of more than one such candidate their signature shall be invalid on all such papers except the one
572 first acted upon by the Board of Election Commissioners. Nomination papers that are not timely
573 filed by the deadline set by Section 7-7(b) shall be invalid. Nomination papers that were not
574 properly signed by the candidate and notarized prior to the collection of registered voter
575 signatures shall be invalid. Nomination papers that otherwise do not follow or conform with state

576 laws and regulations or Board of Election Commissioners' rules, regulations, or policies shall be
577 invalid.

578 SECTIONS 7-9 SUBMISSION OF BALLOTS QUESTION PETITIONS

579 Notwithstanding state law or the provisions of this charter, the deadline for the
580 submission of ballot questions to be on the ballot for regular municipal elections shall be ninety
581 (90) days prior to the date of the Election, on a date and time set by the Board of Election
582 Commissioners and the Director of Elections.

583 SECTIONS 7-10 BALLOTS; FORM AND CONTENTS

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

588 SECTIONS 7-11 ARRANGEMENT OF NAMES; NUMBER OF BALLOTS

589 Ballots used in elections to such a body or office by proportional representation shall be
590 printed in as many lots as there are candidates for election thereto. In the first lot the names of
591 the candidates shall appear in the alphabetical order of their surnames. In the second lot the
592 names shall appear in the same order except that the first name in the first lot shall be placed last.
593 In each succeeding lot the order shall be the same as that of the lot preceding, except that the first
594 name in that preceding lot shall be placed last. Sets of ballots to be used at the several polling
595 places shall be made up by combining ballots from the different lots in regular rotation, so that
596 no two successive voters shall receive ballots from the same lot, and so that each candidate's

597 name shall appear first and in each other position substantially the same number of times on the
598 ballots used.

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

601 Immediately preceding an election by the method of proportional representation, the
602 Board of Election Commissioners shall designate a central counting place where ballots used
603 under such method shall be brought together and tabulated publicly. The Director of Elections, or
604 their designee, shall act as director of the count. The Director of Elections shall employ a
605 sufficient staff of assistants and make suitable arrangements for the counting of the ballots.
606 Before performing their official duties, a director of the count designated by the Director of
607 Elections and all assistants shall be sworn before the City Solicitor, the City Clerk, the Director
608 of Elections, or any officer qualified to administer oaths, which shall be recorded. During the
609 absence or disability of the director of the count, an assistant may be designated to perform the
610 duties of the director.

611 SECTIONS 7-13 USE OF BALLOT BOXES; PROCEDURE

612 The Board of Election Commissioners shall provide each precinct with separate ballot
613 boxes for ballots counted by machine and auxiliary ballots. Auxiliary ballots include any ballots
614 cast by a voter with overvotes that are not corrected by the voter at the polls, or any other ballots
615 that are ejected from the machine or otherwise unable to be counted by machine at the polling
616 place. As soon as the polls have closed and all closing procedures at the polling place have been
617 followed, the ballots that have been counted by machine may be removed from the ballot box
618 and sealed in a ballot carrier to be transferred to the central counting place. The auxiliary ballot

619 box must be sealed without removing any ballots and transported to the central counting place by
620 a police officer, together with other election materials as required by state law. Proper receipts
621 shall be required in connection with the transmission of ballot boxes, ballots, records and copies
622 of records. The Board of Election Commissioners shall develop procedures to tally auxiliary and
623 write-in ballots according to voter intent and add the ballots to the official results, in accordance
624 with the requirements of any voting technology in use.

625 SECTIONS 7-14 RECOUNT OF BALLOTS

626 Recounts of the ballots cast for city council or school committee shall take place in the
627 manner provided in Massachusetts General Laws Chapter 54, Sections 134 through 137, except
628 that any petition shall be submitted on or before five o'clock in the afternoon of the third business
629 day following the public announcement by the director of the count of the result of the vote for
630 such body or office and shall be on a form approved by the Board of Election Commissioners
631 and be signed by fifty or more voters of the City. If a recount of the ballots cast in such an
632 election shall in fact take place, it shall be conducted according to the rules prescribed for the
633 original count as nearly as is practicable.

634 SECTIONS 7-15 VACANCY

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

639 (a) All choices marked for candidates who have already been elected or who have
640 become ineligible shall be disregarded.

641 (b) The ballots shall be sorted each to the earliest choice marked on it for any of the
642 eligible candidates.

643 (c) If any candidate received more than half of the ballots which show any preference
644 among the eligible candidates, they shall be declared elected to the vacant seat.

645 (d) If no candidate receives more than half of such ballots, the candidates lowest on
646 the poll shall be declared defeated one after another. After each candidate is defeated, their
647 ballots shall be transferred among the continuing candidates.

648 (e) The process shall continue until one candidate is credited with more ballots than
649 all the other undefeated candidates together, when they shall be declared elected to the vacant
650 seat.

651 (f) If the candidate is eligible and willing to serve, the city clerk shall administer the
652 oath of office to the person within fifteen (15) days after certification and the person shall serve.

653 (g) If the candidate who is eligible declines the office, is not eligible and willing to
654 serve, is no longer eligible for office, or fails to take the oath of office within the time period set
655 forth in this section, then the vacancy recount process under this section shall continue until the
656 next candidate who is eligible and willing to serve is declared elected to the vacant seat.

657 (h) In the event where no regularly nominated candidate remains who is eligible
658 and/or willing to serve, the vacancy shall be filled for the unexpired term by a majority vote of
659 the remaining members of the body with a vacancy. If the remaining members fail to fill such a
660 vacancy within thirty days after, the vacancy shall be filled by the appointment by the mayor of
661 any qualified voter of the city, after an advertising period for interested candidates.

662 SECTIONS 7-16 PRESERVATION OF BALLOTS

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

669 SECTIONS 7-17 PUBLICATION OF STATEMENTS REGARDING BALLOTS CAST

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

677 SECTIONS 7-18 APPLICABILITY OF GENERAL LAWS RELATING TO
678 ELECTIONS

679 All municipal elections held by the City shall be subject to all general laws relating to
680 elections and corrupt practices so far as applicable and not inconsistent with this charter.

681 SECTIONS 7-19 APPLICABILITY OF SPECIAL ACTS

682 All special acts relating to elections which are in force at the time this charter is adopted
683 and are not inconsistent with the provisions of this charter, shall continue in full force until
684 amended or repealed.

685 ARTICLE 8: PUBLIC ENGAGEMENT, PARTICIPATION, AND COMMUNICATION

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

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

694 SECTION 8-2 RESIDENT INITIATIVE MEASURES

695 (a) Commencement: Initiative procedures shall be started by the filing with the
696 Elections Department of a proposed initiative petition on a form prepared by the city. The
697 petition shall be addressed to the city council or the school committee, shall contain a request for
698 the passage of a particular measure which shall be set forth in full in the petition, and shall be
699 physically signed by a number of voters which is equal to 5% per cent of the total number of
700 registered voters as of the date of the most recent city election. The petition shall be
701 accompanied by an affidavit signed by ten (10) voters and containing their residential addresses
702 stating they will constitute the petitioners committee and be responsible for circulating the
703 petition and filing it in proper form. Voters will be required to provide the number and street of

704 their residence along with their signature on the form. Signatures to an initiative petition need not
705 all be on one (1) paper. The Elections Department shall have fourteen days (14) from the last day
706 of submission to certify the voter signatures. If the number of certified voter signatures on the
707 petition equals 5% per cent of the total number of registered voters as of the date of the most
708 recent city election, the Board of Election Commissioners shall attach to the petition a certificate
709 showing the results of the Elections Department's examination and shall send the petition to the
710 city clerk. A copy of the certificate shall also be mailed to the petitioners committee.

711 (b) Referral to Solicitor: Immediately following certification of the signatures by the
712 Board of Election Commissioners and receipt of the petition with the certificate, the city clerk
713 shall deliver a copy of the petition to the city solicitor. Within twenty-one (21) days after receipt
714 of a copy of the petition, the city solicitor shall advise the city council or the school committee in
715 writing whether the measure as proposed may lawfully utilize the initiative process and whether,
716 in its present form, it may be lawfully adopted by the council. If the opinion of the city solicitor
717 is that the measure is not in proper form or may not be lawfully adopted by the city council or the
718 school committee, the reply shall state the reasons for this opinion in full, and a copy of the
719 opinion of the city solicitor shall be mailed to the petitioners committee.

720 (c) Action on Petitions: If the opinion of the city solicitor is that the petition is in a
721 proper form and may be lawfully adopted by the city council or the school committee, within
722 sixty (60) days, the city council or the school committee shall act with respect to each initiative
723 petition by passing it without change, by passing a measure which is stated to be in lieu of the
724 initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative
725 measure shall be considered to be a rejection of the initiative measure. If the council or school
726 committee fails to act with respect to any initiative measure that is presented to it within sixty

727 (60) days after the date it has been notified by the city solicitor that it is in proper form and may
728 be lawfully adopted by the city council or school committee, the initiative measure shall be
729 considered to have been approved on the sixty-first (61) day. If an initiative measure is rejected,
730 the city clerk shall promptly give notice to the petitioners committee, by certified mail.

731 (d) Supplementary Petitions: Thirty (30) days after the date an initiative petition has
732 been rejected by the council or school committee, a supplemental initiative petition may be filed
733 with the Elections Department, but only by persons constituting the original petitioners
734 committee. The Elections Department shall have fourteen days (14) from the last day of
735 submission to certify the voter signatures. The supplemental initiative petition shall be physically
736 signed by a number of additional voters which is equal to 15% per cent of the total number of
737 registered voters as of the date of the most recent city election. If the number of signatures to the
738 supplemental petition is found to be sufficient by the Elections Department, it shall be placed on
739 the next municipal election held not less than ninety (90) days from the date of certification.

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

742 Shall the following measure, which was proposed by an initiative petition as described in
743 the city charter, take effect? (Here, insert a fair, concise summary prepared by the city solicitor.)

744 YES _____ NO _____

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

748 (g) Time of Taking Effect: If a majority of the votes cast on the question, or other
749 affirmative percent as required by general laws or this Charter, is in the affirmative and if the
750 33% per cent voter participation requirement is met, the measure shall be deemed to be effective
751 immediately, unless a later date is specified in the measure.

752 SECTION 8-3 REFERENDUM MEASURES

753 (a) Commencement: Within twenty (20) days after the final passage of a measure by
754 the city council or the school committee, a proposed referendum petition may be submitted to the
755 Election Department on a form prepared by the City. The petition shall be addressed to the city
756 council or the school committee, shall contain a protest and request for rescission of a particular
757 measure which shall be set forth in full in the petition, and shall be physically signed by a
758 number of voters which is equal to 15% percent of the total number of registered voters as of the
759 date of the most recent city election. The petition shall be accompanied by an affidavit signed by
760 ten (10) voters and containing their residential addresses stating they will constitute the
761 petitioners committee and be responsible for circulating the petition and filing it in proper form.
762 Voters will be required to provide the number and street of their residence along with their
763 signature on the form. Signatures to a referendum petition need not all be on one (1) paper. The
764 Elections Department shall have fourteen days (14) from the last day of submission to certify the
765 voter signatures. If the number of certified voter signatures on the petition equals 15% per cent
766 of the total number of registered voters as of the date of the most recent city election, the Board
767 of Election Commissioners shall attach to the petition a certificate showing the results of the
768 Elections Department's examination and shall send the petition to the city clerk.

769 (b) Action on Petition: Upon submission to the city clerk of the referendum petition
770 and the Board of Election Commissioners certification, the measure for which the petition was
771 submitted shall be suspended from taking effect; and the city council or the school committee, as
772 the case may be, shall have twenty (20) days to immediately reconsider such measure or part
773 thereof. The city council or school committee shall act with respect to each referendum petition
774 by upholding its passage, passing a measure which is stated to be in lieu of the rescission
775 requested in the referendum petition, or by rescinding the measure. Failure to act within twenty
776 (20) days shall constitute rejection of the referendum petition. If such measure or part thereof is
777 not entirely rescinded within twenty (20) days after the date of submission of the referendum
778 petition and certificate of the Board of Election Commissioners to the city clerk, the Board of
779 Election Commissioners shall submit the same to a vote of the registered voters of the city, at the
780 next regular municipal election not less than ninety (90) days after said twentieth day.

781 (c) Form of Question: The ballots used when voting on a measure proposed by the
782 voters under this section shall contain a question in substantially the following form:

783 Shall the following measure, which was protested against by a referendum petition as
784 described in the city charter, be rescinded and not take effect? (Here, insert a fair, concise
785 summary prepared by the city solicitor.)

786 YES _____ NO _____

787 (d) Required Voter Participation: For any measure to be effective under referendum
788 petition, at least 33% per cent of the registered voters as of the date of the most recent city
789 election shall vote at the election upon which an initiative is submitted to the voters.

790 (e) Time of Taking Effect: If a majority of the votes cast on the question, or other
791 affirmative percent as required by general laws or this Charter, is in the affirmative and if the
792 33% per cent voter participation requirement is met, the measure shall be deemed rescinded and
793 void effective immediately, unless a later date is specified in the measure.

794 SECTION 8-4 INELIGIBLE MEASURES

795 None of the following shall be subject to the initiative and referendum procedures
796 outlined in Section 8-2 and Section 8-3:

797 (a) Proceedings relating to the internal organization or operation of any elected body.

798 (b) An emergency measure adopted in conformity with the Charter.

799 (c) The City budget as a whole.

800 (d) Votes for the temporary borrowing of money in anticipation of revenue.

801 (e) An appropriation of any sum of money, for any purpose, amounting to less than 1
802 per cent of the total annual budget of the City.

803 (f) Any appropriation for the payment of the City's debt or debt service.

804 (g) An appropriation of funds to implement a contract or collective bargaining
805 agreement.

806 (h) Proceedings relating to election, appointment, removal, discharge, employment,
807 promotion, transfer, or demotion of employees or appointed or elected officials or members of
808 multiple-member bodies or any other personnel action.

809 (i) Any proceedings providing for the submission or referral of a matter to the voters
810 at an election.

811 (j) Memorial resolutions.

812 (k) Any zoning petition that is subject to the city's zoning petition process.

813 SECTION 8-5 SUBMISSION OF OTHER MATTERS TO VOTERS

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

820 SECTION 8-6: CONFLICTING PROVISIONS

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

823 ARTICLE 9: GENERAL PROVISIONS

824 SECTION 9-1. CHARTER CHANGES

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

828 SECTION 9-2. SEVERABILITY

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

833 SECTION 9-3. SPECIFIC PROVISION TO PREVAIL

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

836 SECTION 9-4. RULES AND REGULATIONS

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

845 SECTION 9-5. PERIODIC REVIEW OF CHARTER

846 Not later than July 1, in each year ending in a 2, the City Council shall provide for a
847 review to be made of the city charter by a special committee to be established by ordinance. All
848 members of the special committee shall be voters of the city not holding elective office. The
849 special committee shall file a report with the City Council within 1 year of its appointment

850 recommending any changes to the city charter which it deems necessary or desirable, unless an
851 extension is authorized by vote of the City Council. Action on any proposed charter changes
852 shall be as authorized by the Massachusetts constitution or general laws.

853 SECTION 9-6. PERIODIC REVIEW OF ORDINANCES

854 At least once a decade, the city council shall review some or all of the city's ordinances
855 for possible revision. The review of city ordinances shall be under the supervision of the city
856 solicitor.

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

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

865 (b) Meeting Documents and Submissions - Each appointed multiple-member body
866 shall determine its own rules and order of business within the bounds of any applicable
867 ordinance that created it. Each multiple-member body shall provide for the keeping of agendas,
868 minutes and related submissions of its proceedings. All such documents shall be a public record
869 and certified copies shall be placed on file in the office of the city clerk within 15 days of
870 approval.

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

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

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

885 SECTION 9-8. NUMBER

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

888 SECTION 9-9. REFERENCES TO GENERAL LAWS

889 All references to General Laws contained in the charter refer to the General Laws of the
890 Commonwealth of Massachusetts and are intended to refer to and to include any amendments or
891 revisions to such chapters or sections or to the corresponding chapters and sections of any

892 rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the
893 adoption of this charter.

894 SECTION 9-10. COMPUTATION OF TIME

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

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

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

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

914 SECTION 9-12. CERTIFICATE OF ELECTION OR APPOINTMENT

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

921 SECTION 9-13. LIMITATION ON OFFICE HOLDING

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

928 SECTION 9-14. ENFORCEMENT OF CHARTER PROVISIONS

929 It shall be the duty of the city manager to see that the charter is faithfully followed and
930 complied with by all city departments and city employees. Whenever it appears to the city
931 manager that a city department or city employee is failing to follow this charter, the city manager
932 shall, in writing, cause notice to be given to that department or employee directing compliance
933 with the charter. If it shall appear to the city council that the city manager personally is not
934 following the charter, it shall, by resolution, direct the attention of the city manager to those
935 areas in which it believes there is a failure to comply with the charter. The procedures made

936 available in Chapter 231A of the General Laws may be used to determine the rights, duties,
937 status or other legal relations arising under this charter, including any question of construction or
938 validity which may be involved in such determination.

939 ARTICLE 10: TRANSITION PROVISIONS

940 SECTION 10-1 CONTINUATION OF EXISTING LAWS

941 All ordinances, resolutions, rules, regulations and votes of the city council, which are in
942 force at the time this charter is adopted and are not inconsistent with the provisions of this
943 charter, shall continue in full force until amended or repealed. All prior special acts and general
944 laws adopted by the city, which are in force at the time this charter is adopted and are not
945 inconsistent with the provisions of this charter, shall continue in full force until amended or
946 repealed. The city council, city manager, and school committee shall exercise those additional
947 powers as authorized under state law and special act in a manner not inconsistent with the
948 provisions of this charter, including those powers delineated under Massachusetts General Laws
949 cChapter 43 of the General Laws inclusive. All ordinances, resolutions, rules, regulations, votes
950 of the city council, special acts, and adopted general laws are to be read harmoniously with the
951 provisions of this charter. Where provisions of this charter, as amended, sharply conflict with
952 city ordinances, rules, regulations, orders, special acts and acceptances of laws of the
953 commonwealth, the provisions of this charter shall govern. All provisions of city ordinances,
954 rules, regulations, orders and administrative actions not superseded by this charter shall remain
955 in force.

956 SECTION 10-2 EXISTING OFFICIALS AND EMPLOYEES

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

963 SECTION 10-3 CONTINUATION OF GOVERNMENT

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

968 SECTION 10-4 CONTINUATION OF OBLIGATIONS

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

975 SECTION 10-5 TRANSFER OF RECORDS AND PROPERTY

976 All records, property and equipment whatsoever of any office, board, commission,
977 committee or department or part thereof, the powers and duties of which are assigned in whole or

978 in part to another city office, board, commission or department, shall be transferred forthwith to
979 such office, board, commission or department.