HOUSE DOCKET, NO. 4734 FILED ON: 5/21/2025

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:
Marjorie C. Decker	*25th Middlesex*	*5/21/2025*
Steven Owens	*29th Middlesex*	*5/28/2025*
Mike Connolly	*26th Middlesex*	*7/1/2025*

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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:

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

ARTICLE 1: INCORPORATION; SHORT TITLE; ETC.

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

This document shall be known and may be cited as the "Cambridge Charter."

SECTION 1-3: DIVISION OF POWERS

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

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

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

SECTION 1-7: DEFINITIONS

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

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

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

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

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

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

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

(g) Commonwealth - the Commonwealth of Massachusetts.

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

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

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

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

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

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

ARTICLE 2: LEGISLATIVE BRANCH

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

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

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

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

SECTION 2-2: GENERAL POWERS

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2-4: PROHIBITIONS

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

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

SECTION 2-5: COUNCIL SALARY; EXPENSES

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

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

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

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

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

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

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

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

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

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

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

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

SECTION 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

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

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

SECTION 2-9: ACCESS TO INFORMATION

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

(b) Policy Orders:

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

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

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

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

SECTION 2-10: ORDINANCES AND OTHER MEASURES

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

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

SECTION 2-11: FILLING OF VACANCIES

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

ARTICLE 3: EXECUTIVE BRANCH

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

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

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

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

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

(d) Annual Performance Review – 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. Such review will include goals and accountability measures.

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

SECTION 3-2: POWERS AND DUTIES.

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

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

General:

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

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

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

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

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

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

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

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

Appointment, Personnel, Hiring, and Bargaining:

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

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

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

Financial:

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

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

Property, Facilities, and Procurement:

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

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

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

Communication:

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

Additional Duties:

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

SECTION 3-3: APPOINTMENTS AND REMOVALS

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

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

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

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

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

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

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

SECTION 3-4: ACTING CITY MANAGER

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

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

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

SECTION 3-5: REMOVAL

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

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

ARTICLE 4: SCHOOL COMMITTEE

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

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

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

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

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

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

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

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

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

SECTION 4-3: PROHIBITIONS

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

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

SECTION 4-4: COMPENSATION; EXPENSES

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

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

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

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

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

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

SECTION 4-6: FILLING OF VACANCIES

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

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY DEPARTMENTS

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

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

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

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

SECTION 5-2: MERIT PRINCIPLES

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

ARTICLE 6 FINANCIAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

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

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

SECTION 6-3: BUDGETARY PRIORITIES

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

SECTION 6-4: SUBMISSION AND ACTION ON BUDGET

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

SECTION 6-5: ANNUAL AUDIT

The City shall conduct an annual audit pursuant to ordinance.

ARTICLE 7: ELECTIONS

SECTION 7-1: CITY ELECTION

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

SECTION 7-2: ELIGIBILITY OF VOTERS

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

SECTION 7-3: CITY OFFICES

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

SECTION 7-4: DIRECTOR OF ELECTIONS

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

SECTION 7-5: ELECTION CALENDAR

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

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

SECTION 7-6: PROPORTIONAL REPRESENTATION

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

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

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

SECTIONS 7-7 NOMINATION PAPERS

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

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

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

SECTIONS 7-8 INVALID NOMINATION PAPERS

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

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

SECTIONS 7-9 SUBMISSION OF BALLOTS QUESTION PETITIONS

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

SECTIONS 7-10 BALLOTS; FORM AND CONTENTS

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

SECTIONS 7-11 ARRANGEMENT OF NAMES; NUMBER OF BALLOTS

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

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

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

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

SECTIONS 7-13 USE OF BALLOT BOXES; PROCEDURE

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

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

SECTIONS 7-14 RECOUNT OF BALLOTS

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

SECTIONS 7-15 VACANCY

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

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

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

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

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

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

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

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

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

SECTIONS 7-16 PRESERVATION OF BALLOTS

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

SECTIONS 7-17 PUBLICATION OF STATEMENTS REGARDING BALLOTS CAST

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

SECTIONS 7-18 APPLICABILITY OF GENERAL LAWS RELATING TO ELECTIONS

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

SECTIONS 7-19 APPLICABILITY OF SPECIAL ACTS

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

ARTICLE 8: PUBLIC ENGAGEMENT, PARTICIPATION, AND COMMUNICATION

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

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

SECTION 8-2 RESIDENT INITIATIVE MEASURES

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

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

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

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

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

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

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

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

YES_____ NO _____

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

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

SECTION 8-3 REFERENDUM MEASURES

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

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

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

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

YES_____ NO _____

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

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

SECTION 8-4 INELIGIBLE MEASURES

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

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

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

(c) The City budget as a whole.

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

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

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

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

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

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

(j) Memorial resolutions.

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

SECTION 8-5 SUBMISSION OF OTHER MATTERS TO VOTERS

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

SECTION 8-6: CONFLICTING PROVISIONS

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

ARTICLE 9: GENERAL PROVISIONS

SECTION 9-1. CHARTER CHANGES

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

SECTION 9-2. SEVERABILITY

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

SECTION 9-3. SPECIFIC PROVISION TO PREVAIL

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

SECTION 9-4. RULES AND REGULATIONS

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

SECTION 9-5. PERIODIC REVIEW OF CHARTER

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.

SECTION 9-6. PERIODIC REVIEW OF ORDINANCES

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

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

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

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

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

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

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

SECTION 9-8. NUMBER

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

SECTION 9-9. REFERENCES TO GENERAL LAWS

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

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

SECTION 9-10. COMPUTATION OF TIME

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

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

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

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

SECTION 9-12. CERTIFICATE OF ELECTION OR APPOINTMENT

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

SECTION 9-13. LIMITATION ON OFFICE HOLDING

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

SECTION 9-14. ENFORCEMENT OF CHARTER PROVISIONS

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

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

ARTICLE 10: TRANSITION PROVISIONS

SECTION 10-1 CONTINUATION OF EXISTING LAWS

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

SECTION 10-2 EXISTING OFFICIALS AND EMPLOYEES

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

SECTION 10-3 CONTINUATION OF GOVERNMENT

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

SECTION 10-4 CONTINUATION OF OBLIGATIONS

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

SECTION 10-5 TRANSFER OF RECORDS AND PROPERTY

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

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