

SENATE No. 2598

Senate, September 8, 2025 -- Text of the Senate amendment (Senator DiDomenico) to the House Bill establishing a charter for the city of Cambridge (House, No. 4156).

The Commonwealth of Massachusetts

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

1 SECTION 1. The following shall be the charter of the city of Cambridge:-

2 ARTICLE 1: INCORPORATION; SHORT TITLE; ETC.

3 Section 1-1: INCORPORATION

4 The inhabitants of the city of Cambridge, within the territorial limits established by law,
5 shall continue to be a municipal corporation, and 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 constitution of the commonwealth or the General Laws, it is the
16 intention and the purpose of the voters of the city of Cambridge, through the adoption of this
17 charter, to secure for themselves and their government all of the powers it is possible to secure as
18 fully and as completely as though each power were specifically and individually enumerated in
19 this charter.

20 Section 1-5: CONSTRUCTION

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

26 Section 1-6: INTERGOVERNMENTAL RELATIONS

27 Subject only to express limitations in the constitution of the commonwealth or the
28 General Laws, the city of Cambridge may exercise any of its powers or perform any of its
29 functions, and may participate in their financing, jointly or in cooperation, by contract or
30 otherwise, with the commonwealth or any agency or political subdivision of the commonwealth,
31 or with the United States government or any of its agencies. The city council shall in the
32 performance of their duties consider intergovernmental and regional relations.

33 Section 1-7: DEFINITIONS

34 The following words and phrases as used in this charter shall have the following
35 meanings unless the context clearly requires otherwise:

36 “Business day”, - any day that is not a Saturday, Sunday or legal holiday.

37 “Board of Election Commissioners”, the board of election commissioners of the city of
38 Cambridge.

39 “Charter”, the Cambridge charter and any amendments adopted thereto.

40 “City”, the city of Cambridge.

41 “City council”, the city council of the city of Cambridge.

42 “City manager”, the city manager of the city of Cambridge.

43 “Commonwealth”, - the commonwealth of Massachusetts.

44 “County”, Middlesex county.

45 “School committee”, the school committee of the city of Cambridge.

46 “Elections department”, the elections department of the city of Cambridge.

47 “General Laws”, the General Laws of the commonwealth.

48 “Multiple-member body”, any council, commission, committee, subcommittee or other
49 body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted,
50 but not including the city council or its committees, the school committee or its subcommittees
51 or an advisory committee, group or task force established by the city council.

52 “Voters”, registered voters of the city of Cambridge.

53 “Year”, a calendar year, unless otherwise specified.

54 ARTICLE 2: LEGISLATIVE BRANCH

55 Section 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

56 There shall be a city council of 9 members nominated and elected by the voters at large
57 by proportional representation as provided in article 7. The city council shall exercise the
58 legislative powers of the city.

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

62 Any registered municipal voter 18 years of age or older shall be eligible to hold the office
63 of councillor. If a councillor moves from the city during the councillor’s term, that office shall
64 immediately be deemed vacant and filled in the manner provided in section 2-14. The city
65 council shall determine whether a councillor has moved from the city or is otherwise unqualified
66 to hold office.

67 Section 2-2: GENERAL POWERS

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

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

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

77 The mayor shall:

78 (i) be recognized as the official head of the city for all ceremonial purposes and shall be
79 recognized by the courts for the purposes of serving civil process to the extent applicable by law;

80 (ii) be the presiding officer of the city council;

81 (iii) have no power of veto but shall have the same powers as any other member of the
82 city council to vote upon all measures before it;

83 (iv) appoint members of, and oversee, all committees of the council, whether standing or
84 ad hoc;

85 (v) at least once per term, together with the city manager, address the city council, school
86 committee, officers of the city and the public on the state of affairs of the city;

87 (vi) perform such other duties consistent with the office and in keeping with any general
88 or special law as provided for in article 10; and

89 (vii) serve as a member of the school committee and shall update the council regularly on
90 school committee matters.

91 During a temporary absence of the mayor, the duties of mayor shall be performed by the
92 vice mayor. If there shall be neither a mayor nor a vice mayor, the member of the city council
93 senior in length of consecutive service shall perform the duties of president, chair and mayor
94 until there is no longer an absence.

95 If there is a permanent vacancy in the office of mayor or vice mayor, the city council
96 shall elect by majority vote 1 of its members to fill such office for the unexpired term. The
97 member of the city council senior in length of consecutive service shall perform the duties of
98 mayor or vice mayor until members elect a new mayor or vice mayor.

99 Section 2-4: PROHIBITIONS

100 Except as otherwise provided by the charter and permitted by the General Laws, no
101 member of the city council shall hold any other compensated city position. No former member of
102 the city council shall hold any compensated appointed city position until 1 year following the
103 date on which the former member's service on the city council has terminated unless such
104 appointment is affirmed by 6 members of the city council. This section shall not prevent a city
105 employee who vacated a position to serve as a member of the city council from returning to the
106 same position upon the expiration of the term for which that person was elected.

107 Section 2-5: COUNCIL SALARY; EXPENSES

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

113 Subject to appropriation, the council members shall be entitled to reimbursement of their
114 actual and necessary expenses incurred in the performance of their duties.

115 Section 2-6: EXERCISE OF POWERS; QUORUM; RULES

116 Except as otherwise provided by the General Laws or by this charter, the legislative
117 powers of the city council may be exercised in a manner determined by the city council.

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

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

125 Section 2-7: APPOINTMENTS OF THE CITY COUNCIL

126 The city council shall appoint a city manager as provided for in section 3-1.

127 The city council, by the affirmative vote of a majority of members, shall appoint a city
128 auditor for an indefinite term of office. The city auditor shall be appointed solely based on
129 professional qualifications and experience. The city auditor shall keep and have charge of the
130 accounts of the city and shall from time to time audit the books and accounts of all city
131 departments. The city auditor shall have such other powers and duties as provided for auditors
132 and accountants by any general or special law and such additional powers and duties as may be
133 provided by this charter, ordinance or any other vote of the city council.

134 The city council, by the affirmative vote of a majority of members, shall appoint a city
135 clerk. The city clerk shall be appointed solely based on qualifications and experience. The city
136 clerk shall have such powers and duties as provided for clerks by any general or special law and
137 such additional powers and duties as may be provided by this charter, ordinance or any other
138 vote of the city council.

139 The officers appointed under this section shall receive such salaries as set by ordinance.

140 The mayor shall be responsible for supervision of the city clerk and the city auditor. The
141 mayor may impose discipline up to and including an unpaid suspension of not more than 5 days.
142 However, removing an employee appointed by the city council shall require an affirmative vote
143 of not less than 6 council members. The mayor shall conduct annual reviews of the city clerk and
144 city auditor.

145 Section 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

146 Prior to posting and beginning the search for a department head position, the city
147 manager shall meet with the city council to discuss priorities for the department and desirable
148 qualifications and qualities of candidates for the position.

149 The city manager shall appoint, subject to confirmation by the city council under this
150 subsection, all members of multiple-member bodies for whom no other method of appointment
151 or selection is provided by administrative order or any general or special law. All members shall
152 serve terms as defined by administrative order or general or special law. Upon the expiration of
153 the term of any member of a multiple-member body, a successor shall be appointed in a like
154 manner. The city manager shall fill any vacancy for the remainder of the unexpired term of any
155 member of a multiple-member body.

156 Section 2-9: ACCESS TO INFORMATION

157 The city council may make inquiry into the affairs of the city and into the conduct and
158 performance of any city department.

159 During any meeting of the city council, the city council, through a vote of approval of
160 policy orders, may request from the city manager specific information on any municipal matter
161 within its jurisdiction. The city council, through the issuance and approval of policy orders, may
162 also, through the city manager, request department heads, chairs of a board, or city staff provide
163 information in relation to municipal services, functions and powers, or duties which are within
164 the scope of their responsibility and not within the jurisdiction of the school committee.

165 The city council and city manager shall coordinate and schedule meetings for the city
166 manager, or through the head of a department, member of a board, city staff or other designee, to
167 provide a response to a policy order. Responses to policy orders shall be provided to the city
168 council in testimonial or written form.

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

172 Section 2-10: ORDINANCES AND OTHER MEASURES

173 No ordinance shall be passed finally on the date it is introduced, except in cases of
174 special emergency involving the health or safety of the people or their property. No ordinance
175 shall be regarded as an emergency ordinance unless the emergency is defined and declared in a
176 preamble to such ordinance; provided, however, that the emergency preamble is separately voted

177 upon and receives the affirmative vote of a majority of members present. No ordinance making a
178 grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of
179 any kind or nature, shall be passed as an emergency measure, and except as provided in sections
180 70 to 71, inclusive, of chapter 164 of the General Laws and chapter 166 of the General Laws, no
181 such grant, renewal or extension shall be made other than by ordinance. An emergency measure
182 shall become effective upon adoption or at such later time as it may specify.

183 Every adopted measure shall become effective upon adoption or at such later time as it
184 may specify. An ordinance shall not be amended or repealed except by the same process by
185 which it was adopted.

186 Section 2-11: FILLING OF VACANCIES

187 Except as provided in this section, a vacancy in the city council shall be filled in the
188 manner provided in section 7-15.

189 ARTICLE 3: EXECUTIVE BRANCH

190 Section 3-1: CITY MANAGER APPOINTMENT; QUALIFICATIONS AND 191 ELIGIBILITY; TERM OF OFFICE; COMPENSATION; EVALUATION

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

197 The city manager shall be appointed on the basis of administrative and executive
198 qualifications only and need not be a resident of the city or commonwealth. No member of the
199 city council shall, during their term of office, be chosen as city manager and no person who has
200 within 2 years been elected to or served in any elective office in the city shall be chosen as city
201 manager.

202 The city manager shall hold office at the pleasure of the city council. The city council
203 shall enter into an employment agreement with the city manager for a term not to exceed 5 years,
204 provided, however, that the city manager may serve consecutive successive terms upon a vote by
205 city council to renew or extend the employment agreement. The terms of the employment
206 agreement shall be consistent with the provisions of this charter.

207 Annually, the city council shall prepare and deliver to the city manager a written review
208 of the city manager's performance in a manner provided by ordinance. Such review will include
209 goals and accountability measures.

210 The city manager shall receive such compensation as the city council shall fix by
211 contract. The city manager shall not receive any other compensation from the city other than that
212 fixed by the city council.

213 Section 3-2: POWERS AND DUTIES.

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

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

221 supervise, direct and be responsible for the efficient administration of all city activities
222 placed under the manager's control by this charter, ordinance or otherwise and all officers
223 appointed by the manager and their respective departments;

224 be responsible for the coordination of the activities of all departments under their control
225 with the activities of all other city departments, including those elected by the voters of the city
226 and those appointed by other elected officials;

227 ensure that all the provisions of the General Laws, this charter, city ordinances and other
228 votes of the city council that require enforcement by the city manager or by officers or
229 employees subject to the manager's supervision are faithfully carried out and enforced;

230 make such recommendations, from time to time, to the city council that, in the city
231 manager's judgment, are deemed necessary or desirable;

232 determine the existence of a public emergency or danger and assume responsibility for
233 the maintenance of public safety, public order and enforcement of laws relative to such public
234 emergency; provided, however, that the manager shall notify the mayor as soon as practical, but
235 within 24 hours, of such a public emergency or danger and of the actions taken; provided further,
236 that, should the public emergency continue for more than 24 hours, the city council may meet to
237 review, ratify or terminate said public emergency;

238 authorize any subordinate officer or employee to exercise any power or perform any
239 function that the city manager is authorized to exercise or perform; provided, however, that all
240 acts performed under any such delegation shall be deemed to be the acts of the city manager;

241 (vii) appoint, subject to confirmation by the city council pursuant to section 2-8(b), all
242 members of multiple-member bodies for whom no other method of appointment or selection is
243 provided by administrative order or general or special law; provided, however, that all members
244 shall serve terms as defined by administrative order or general or special law; provided further,
245 that upon the expiration of the term of any member of a multiple-member body, a successor shall
246 be appointed in a like manner; provided further, that the city manager shall fill any vacancy for
247 the remainder of the unexpired term of any member of a multiple-member body;

248 (viii) pursuant to section 3-3, appoint, and may remove, subject to the civil service law
249 and any collective bargaining agreements as may be applicable, all department heads, city
250 officers and employees of city departments under the direction and supervision of the city
251 manager; provided, however, that prior to posting and beginning the search for a department
252 head position, the city manager shall meet with the city council to discuss priorities for the
253 department and desirable qualifications and qualities of candidates for the position;

254 (ix) administer personnel related matters, including bargaining with municipal
255 employees, and fix the compensation of all municipal employees appointed by the manager
256 within the limits established by appropriation and any ordinance or collective bargaining
257 agreement;

258 (x) inquire at any time into the conduct of office of any officer, employee or department
259 under the city manager's supervision;

260 (xi) prepare and submit an annual operating budget under the policy guidance of the
261 council;

262 (xii) execute contracts, subject to such prior city council approval as may be prescribed
263 by ordinance;

264 (xiii) have full jurisdiction over the rental and use of all city facilities, except school
265 buildings and grounds; provided, however, that the city manager shall be responsible for the
266 maintenance and repair of all city-owned property, including, if authorized by an ordinance
267 establishing a central city maintenance department, school buildings and grounds;

268 (xiv) ensure that a full and complete inventory of all property owned by the city, both real
269 and personal, is kept;

270 (xv) execute all deeds conveying city real property; provided, however, that any such
271 conveyance shall have been previously authorized by the vote of the city council pursuant to the
272 applicable provisions of the General Laws;

273 (xvi) be responsible for city government communications, including, but not limited to:
274 (A) developing a timely and comprehensive communication strategy; (B) coordinating the
275 announcements and messages from department heads; (C) communicating regularly via all
276 available media avenues with residents; (D) ensuring that all aspects of the city's website are kept
277 up to date; and (E) soliciting recommendations for greater communication from residents; and

278 (xvii) perform such other duties and functions as authorized, as necessary, as required or
279 as may be assigned to the office of city manager by general or special law as provided for in
280 article 10.

281 Section 3-3: APPOINTMENTS AND REMOVALS

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

285 The city manager shall appoint, and may remove, subject to the civil service law and any
286 collective bargaining agreements as may be applicable, all department heads, city officers and
287 employees of city departments under the direction and supervision of the city manager.

288 The city solicitor shall be appointed by and serve at the pleasure of the city manager. The
289 city manager shall refer to the city council and simultaneously file with the city clerk the name of
290 the person the city manager appoints as city solicitor. An appointment of the city solicitor made
291 by the city manager may be rejected by a 2/3 vote of the city council, which vote shall occur
292 within 30 days after the date on which notice of the appointment was filed with the city clerk. An
293 appointment shall take effect if the city council fails to meet the vote threshold required to reject
294 appointment or fails to act within said 30 days. City councillors may provide comments to the
295 city manager about the city solicitor's performance of work done directly for the council and the
296 city manager will incorporate those comments in the city solicitor's performance review.

297 The city manager shall report each appointment and vacancy of department heads made
298 to the city council at the next meeting thereof following such appointment or vacancy. The city
299 manager may authorize the head of a city department, for whose administration the city manager
300 is responsible, to appoint and remove subordinates in such city department, subject to the
301 provisions of this charter.

302 Except as provided in section 2-8 and by this charter, neither the city council nor any of
303 its committees nor members shall direct or request the appointment of any person to, or their
304 removal from, office by the city manager or any of their subordinates or in any manner take part
305 in the appointment or removal of officers and employees in that portion of the service of said city
306 for whose administration the city manager is responsible. Except as otherwise provided by this
307 charter, the city council and its members shall not give orders to any subordinate of the city
308 manager either publicly or privately and shall direct all requests for service through the city
309 manager. Nothing in this section shall prevent city council or its members from discussing
310 matters generally with city staff; provided, however, that the city manager is kept informed.

311 Section 3-4: ACTING CITY MANAGER

312 The city manager shall, by letter filed with the city council and a copy filed with the city
313 clerk, designate a qualified city officer, department head or administrative employee to exercise
314 the powers and perform the duties of the office during temporary absence. During the first 10
315 working days of a temporary absence of the city manager, the city council may revoke such
316 designation by a 2/3 vote and, after the expiration of 10 working days, by a majority vote,
317 whereupon it may appoint another qualified city officer, department head or employee to serve
318 as acting city manager until the city manager shall return and resume the city manager's duties.

319 Any vacancy in the office of city manager shall be filled as soon as possible by the city
320 council; provided, however, that pending such appointment the city council shall designate a
321 qualified city officer, department head, administrative employee or former city manager to
322 exercise the powers and perform the duties of the city manager on an acting basis. The

323 appointment of an acting city manager shall be for a term not to exceed 4 months; provided
324 further, that the city council may make 1 renewal, not to exceed a second 4 months.

325 The powers of a temporary or acting city manager shall be limited to matters not
326 admitting of delay; provided, however, that no acting city manager under this section shall make
327 permanent appointments or removals to department head positions.

328 Section 3-5: REMOVAL

329 Before the city manager may be removed prior to the end of the contract term, the city
330 manager shall have the right to be heard publicly at a meeting of the city council prior to the final
331 vote on the question of removal, but before and during such hearing the city council may
332 suspend the city manager from office. The action of the city council in suspending or removing
333 the city manager shall be final and all authority and responsibility for such suspension or
334 removal shall be vested in the city council.

335 ARTICLE 4: SCHOOL COMMITTEE

336 Section 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

337 There shall be a school committee which shall consist of 6 members who shall be
338 nominated and elected by the municipal voters of the city at large, and the mayor, who shall
339 serve as a member.

340 The term of office for the elected school committee members shall be 2 years, beginning
341 on the first Monday in January after the election, except when that first Monday falls on a legal
342 holiday, then the term shall begin on the following day and until the successors have been
343 qualified.

344 Any voter shall be eligible to hold the office of school committee member. If a school
345 committee member moves from the city during the member's term, that office shall immediately
346 be deemed vacant and filled in the manner provided in section 4-6. The school committee shall
347 determine whether a member has moved from the city or is otherwise unqualified to hold office.

348 Section 4-2: SCHOOL COMMITTEE CHAIR; VICE CHAIR

349 As soon as practical after the school committee members-elect have been qualified
350 following the regular city election, the school committee shall elect amongst their members by
351 roll call vote, 1 to serve as chair and 1 to serve as vice-chair.

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

360 Section 4-3: PROHIBITIONS

361 No member of the school committee shall hold any other compensated city position. No
362 former member of the school committee shall hold any compensated appointed city office or city
363 employment for 1 year following the date on which that member's service on the school
364 committee terminated. This section shall not prevent a city officer or other city employee who
365 has vacated a position in order to serve as a member of the school committee from returning to

366 the same office or other position of city employment held at the time the position was vacated;
367 provided, however, that no such person shall be eligible for any other municipal position for 1
368 year following the termination of service as a member of the school committee.

369 Section 4-4: COMPENSATION; EXPENSES

370 The city council may, by ordinance, establish an annual salary for the elected members of
371 the school committee. No ordinance increasing or reducing the salary of elected members of the
372 school committee shall be effective unless it has been adopted by a 2/3 vote of the city council.
373 No ordinance increasing the salary of the elected members of the school committee shall be
374 effective unless it has been adopted during the first 18 months of the term for which elected
375 school committee members are elected and unless it provides that the salary increase is to take
376 effect upon the organization of the city government following the next regular city election.

377 Subject to appropriation, the school committee members shall be entitled to
378 reimbursement of their actual and necessary expenses in the performance of their duties. The
379 actual and necessary expenses shall be defined in the rules and regulations of the school
380 committee.

381 Section 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

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

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

404 performing such other duties or functions authorized by any general or special law as
405 provided for under article 10.

406 Section 4-6: FILLING OF VACANCIES

407 Except as provided in this section, a vacancy in the school committee shall be filed in the
408 manner provided in section 7-15.

409 ARTICLE 5: ADMINISTRATIVE ORGANIZATION

410 Section 5-1: ORGANIZATION OF CITY DEPARTMENTS

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

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

425 Whenever the city manager proposes an administrative order, the city council shall hold
426 at least 1 public hearing on the proposal giving notice by publication in a local newspaper, which
427 notice shall describe the scope of the proposal and the time and place at which the public hearing
428 will be held, not less than 7 nor more than 14 days following the publication. An organization or

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

433 Section 5-2: MERIT PRINCIPLES

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

439 ARTICLE 6: FINANCIAL PROCEDURES

440 Section 6-1: FISCAL YEAR

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

443 Section 6-2: CITY COUNCIL AND CITY MANAGER FINANCIAL UPDATE

444 PROCESS

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

449 Section 6-3: BUDGETARY PRIORITIES

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

454 Section 6-4: SUBMISSION AND ACTION ON BUDGET

455 The city manager shall submit to the city council a proposed operating budget for all
456 departments, which shall include the school department, for the ensuing fiscal year. The city
457 manager and the superintendent of schools shall coordinate the dates and times of the school
458 committee's budget process under the General Laws. Pursuant to section 6-2, the city council and
459 city manager will schedule at least 1 public meeting regarding the proposed budget. Not later
460 than the end of the fiscal year, the city council shall take definite action on the annual budget by
461 adopting, reducing or rejecting it; provided, however, that the amended version shall not be for a
462 higher total budget than originally proposed, unless otherwise authorized by the General Laws. If
463 the city council fails to act on an item in the proposed operating budget prior to the beginning of
464 the fiscal year, that amount shall, without any action by the city council, become a part of the
465 appropriations for the year and be available for the purposes specified. The proposed budget and
466 final adopted budget shall be made available to the public.

467 Section 6-5: ANNUAL AUDIT

468 The city shall conduct an annual audit pursuant to ordinance.

469 ARTICLE 7: ELECTIONS

470 Section 7-1: CITY ELECTION

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

473 Section 7-2: ELIGIBILITY OF VOTERS

474 Every citizen who: (i) is 18 years of age or older; (ii) is not temporarily or permanently
475 disqualified by law because of corrupt practices in respect to elections; and (iii) is a resident of
476 the city and registered to vote in the city may vote in a regular municipal election.

477 Section 7-3: CITY OFFICES

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

481 Section 7-4: DIRECTOR OF ELECTIONS

482 The director of elections shall be the chief elections official for the city and shall be
483 appointed by the city manager. The director of elections shall be the head of the elections
484 department and supervise all elections. The director of elections need not be a registered voter of
485 the city, a resident of the city or a registered member of any political party. The director of
486 elections shall advise and assist the board of election commissioners in carrying out its duties.

487 Section 7-5: ELECTION CALENDAR

488 The board of election commissioners and director of elections shall prepare and issue a
489 calendar of dates, times and deadlines for the conducting of regular municipal elections. Unless
490 specified in this charter, all election related dates, times and deadlines shall be consistent with
491 state law.

492 Section 7-6: PROPORTIONAL REPRESENTATION

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

496 The board of election commissioners shall promulgate regulations for the city to adopt a
497 proportional representation method of electing candidates and transferring votes which may be
498 amended; provided, however, that any such regulation shall not apply to the next municipal
499 election unless it is voted and approved by the commission not later than 6 months prior to the
500 date of said election. Any regulations adopted beyond said 6-month period shall not take effect
501 until the subsequent municipal election.

502 The board of election commissioners shall have the authority to make any changes to the
503 proportional representation voting ballot and tabulation process necessary to ensure the integrity
504 and function of the election; provided, however, that proportional representation voting shall be
505 used with minimal changes are made to achieve such purpose.

506 Section 7-7: NOMINATION PAPERS

507 Any registered voter of the city who is eligible for election to any elective municipal
508 body shall be entitled to have their name printed as a candidate on the official ballot to be used at
509 the regular municipal election; provided, however, that prior to the deadline for submission set
510 pursuant to subsection (b), such registered voter shall file with the elections department
511 nomination papers for their candidacy, on a form approved by the board of election
512 commissioners, which shall include a statement of candidacy signed by such registered voter and
513 notarized and the signatures of not less than 50 registered voters of the city, which shall have

514 been certified as required by law. No person shall be entitled to have their name printed as a
515 candidate on such ballot except as set forth under this section.

516 Nomination papers shall be available from the elections department not less than 18
517 weeks prior to the date of the election, on a date and time set by the board of election
518 commissioners and the director of elections pursuant to section 7-5. Nomination papers shall be
519 filed with the elections department not later than 14 weeks prior to the date of the election at 5:00
520 PM.

521 Section 7-8: INVALID NOMINATION PAPERS

522 Use of any nomination papers other than those forms approved by the board of election
523 commissioners under section 7-7 shall be invalid. Each nomination paper's statement of
524 candidate section must be signed by the candidate and notarized before registered voters are
525 permitted to sign nomination papers. No voter may sign the nomination papers of more than 1
526 candidate for election as a member of any elective body; and if a voter signs nomination papers
527 of more than 1 such candidate their signature shall be invalid on all such papers except the first
528 acted upon by the board of election commissioners. Nomination papers that are not timely filed
529 by the deadline set by section 7-7(b) shall be invalid. Nomination papers that were not properly
530 signed by the candidate and notarized prior to the collection of registered voter signatures shall
531 be invalid. Nomination papers that otherwise do not follow or conform with state laws and
532 regulations or board of election commissioners' rules, regulations, or policies shall be invalid.

533 Section 7-9: SUBMISSION OF BALLOT QUESTION PETITIONS

534 Notwithstanding any general or special law or the provision of this charter to the
535 contrary, the deadline for the submission of a ballot question to be on the ballot for a regular

536 municipal election shall be 90 days prior to the date of the election at which such question is to
537 be submitted; provided, however, that if the ninetieth day falls on a weekend, holiday or other
538 date where city offices are closed, the deadline for submission shall be on the next following
539 regular business day.

540 Section 7-10: BALLOTS; FORM AND CONTENTS

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

545 Section 7-11: ARRANGEMENT OF NAMES; NUMBER OF BALLOTS

546 Ballots used in elections to such a body or office by proportional representation shall be
547 printed in as many lots as there are candidates for election thereto. In the first lot the names of
548 the candidates shall appear in the alphabetical order of their surnames. In the second lot the
549 names shall appear in the same order except that the first name in the first lot shall be placed last.
550 In each succeeding lot the order shall be the same as that of the lot preceding, except that the first
551 name in that preceding lot shall be placed last. Sets of ballots to be used at the several polling
552 places shall be made up by combining ballots from the different lots in regular rotation, so that
553 no 2 successive voters shall receive ballots from the same lot, and so that each candidate's name
554 shall appear first and in each other position substantially the same number of times on the ballots
555 used.

556 Section 7-12: CENTRAL COUNTING PLACE OF BALLOTS; DIRECTOR OF THE
557 COUNT

558 The board of election commissioners shall designate a central counting place where
559 ballots used under such method shall be brought together and tabulated publicly. The director of
560 elections, or their designee, shall act as director of the count. The director of elections shall
561 employ a sufficient staff of assistants and make suitable arrangements for the counting of the
562 ballots. Before performing their official duties, a director of the count designated by the director
563 of elections and all assistants shall be sworn before the city solicitor, the city clerk, the director
564 of elections or any officer qualified to administer oaths, which shall be recorded. During the
565 absence or disability of the director of the count, an assistant may be designated to perform the
566 duties of the director of the count.

567 Section 7-13: USE OF BALLOT BOXES; PROCEDURE

568 The board of election commissioners shall provide each precinct with separate ballot
569 boxes for ballots counted by machine and auxiliary ballots. Auxiliary ballots shall include any
570 ballots cast by a voter with overvotes that are not corrected by the voter at the polling place, or
571 any other ballots that are ejected from the machine or otherwise unable to be counted by machine
572 at the polling place. As soon as polling places have closed and all closing procedures at the
573 polling place have been followed, the ballots that have been counted by machine may be
574 removed from the ballot box and sealed in a ballot carrier to be transferred to the central
575 counting place. The auxiliary ballot box shall be sealed without removing any ballots and
576 transported to the central counting place by a police officer, together with other election
577 materials as required by state law. Proper receipts shall be required in connection with the
578 transmission of ballot boxes, ballots, records and copies of records. The board of election
579 commissioners shall develop procedures to tally auxiliary and write-in ballots according to voter

580 intent and add the ballots to the official results, in accordance with the requirements of any
581 voting technology in use.

582 Section 7-14 RECOUNT OF BALLOTS

583 Recounts of ballots cast for city council or school committee shall take place in the
584 manner provided in sections 134 through 137, inclusive, of chapter 54 of the General Laws,
585 except that any petition shall be submitted at or before 5:00 PM of the third business day
586 following the public announcement by the director of the count of the result of the vote for such
587 body or office and shall be on a form approved by the board of election commissioners and
588 signed by not less than 50 voters of the city. If a recount of the ballots cast in such an election
589 shall take place, such recount shall be conducted according to the rules prescribed for the original
590 count.

591 Section 7-15: VACANCY

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

596 All choices marked for candidates who have already been elected or who have become
597 ineligible shall be disregarded.

598 The ballots shall be sorted each to the earliest choice marked on it for any of the eligible
599 candidates.

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

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

605 The process shall continue until 1 candidate is credited with more ballots than all the
606 other undefeated candidates together, at which point that candidate shall be declared elected to
607 the vacant seat.

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

610 If the candidate declared elected to the vacant seat declines the office, is not eligible and
611 willing to serve, is no longer eligible for office or fails to take the oath of office pursuant to this
612 section, then the vacancy recount process under this section shall continue until the next
613 candidate who is eligible and willing to serve is declared elected to the vacant seat.

614 If no regularly nominated candidate remains who is eligible and willing to serve, the
615 vacancy shall be filled for the unexpired term by a majority vote of the remaining members of
616 the body with the vacancy. If the remaining members fail to fill such a vacancy within 30 days,
617 the mayor shall appoint a qualified voter of the city to fill the vacancy following an advertising
618 period for interested candidates.

619 Section 7-16: PRESERVATION OF BALLOTS

620 The ballots cast for the city’s municipal elections shall be preserved by the board of
621 election commissioners until the term of office of the members of the body or of the officer
622 elected thereby has expired, and shall be available for examination during regular city business
623 hours, under supervision by the director of elections, on written application signed by not less
624 than 100 registered voters of the city. Such application shall name not more than 3
625 representatives of the applicants to make such examination.

626 Section 7-17: PUBLICATION OF STATEMENTS REGARDING BALLOTS CAST

627 Not more than 30 days after a municipal election, the elections department shall have
628 available upon request election data, electronic records or other public records related to the
629 municipal election, including, but not limited to, the number of first-choice ballots cast for each
630 candidate at each precinct and such other information in regard to the ballots as the elections
631 department may deem of interest regarding the results of the election. Ballot data showing the
632 ranking on each ballot in each precinct shall be available provided that sharing the data does not
633 violate voter privacy.

634 Section 7-18: APPLICABILITY OF GENERAL LAWS RELATING TO ELECTIONS

635 All municipal elections held by the city shall be subject to all General Laws relating to
636 elections and corrupt practices so far as applicable and not inconsistent with this charter.

637 Section 7-19: APPLICABILITY OF SPECIAL ACTS

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

641 ARTICLE 8: PUBLIC ENGAGEMENT, PARTICIPATION AND COMMUNICATION

642 Section 8-1: PUBLIC ENGAGEMENT AS AN ESSENTIAL PART OF CIVIC

643 INFRASTRUCTURE

644 The city shall treat public engagement as an integral part of effective and trusted
645 governance. The city shall treat engagement as a multi-channel endeavor including, but not
646 limited to, face-to-face meetings, virtual interactions and other online communications. The
647 departments of city government shall encourage collaboration in public engagement efforts with
648 other government jurisdictions and authorities, anchor institutions, community-based
649 organizations, civic groups and individual residents.

650 Section 8-2: RESIDENT INITIATIVE MEASURES

651 Initiative procedures shall be initiated by the filing with the elections department of a
652 proposed initiative petition on a form prepared by the city. The petition shall be addressed to the
653 city council or the school committee, shall contain a request for the passage of a particular
654 measure which shall be set forth in full in the petition and shall be physically signed by a number
655 of voters which is equal to 5 per cent of the total number of registered voters as of the date of the
656 most recent city election. The petition shall be accompanied by an affidavit signed by 10 voters
657 and containing their residential addresses stating they will constitute the petitioners committee
658 and be responsible for circulating the petition and filing it in proper form. Voters will be required
659 to provide the number and street of their residence along with their signature on the form.
660 Signatures to an initiative petition need not all be on 1 paper. The elections department shall
661 certify the voter signatures not more than 14 days after the final day of filing; provided, however,
662 that the petition shall be considered filed whenever the persons responsible for its filing notify

663 the board in writing that the filing is complete; provided further, that before receiving such
664 notice, the board may, but shall not be required to, certify signatures on the sheets of the petition
665 already filed. If the number of certified voter signatures on the petition equals 5 per cent of the
666 total number of registered voters as of the date of the most recent city election, the board of
667 election commissioners shall attach to the petition a certificate showing the results of the
668 elections department's examination and shall send the petition to the city clerk and mail a copy
669 of the certificate to the petitioners committee.

670 Immediately following certification of the signatures by the board of election
671 commissioners and receipt of the petition with the certificate, the city clerk shall deliver a copy
672 of the petition to the city solicitor. Not more than 21 days after receipt of a copy of the petition,
673 the city solicitor shall advise the city council or the school committee in writing whether the
674 measure as proposed may lawfully utilize the initiative process and whether, in its present form,
675 it may be lawfully adopted by the council. If the opinion of the city solicitor is that the measure
676 is not in proper form or may not be lawfully adopted by the city council or the school committee,
677 the city solicitor shall state in the reply the reasons for this opinion in full and mail a copy of the
678 opinion to the petitioners committee.

679 If the opinion of the city solicitor is that the petition is in a proper form and may be
680 lawfully adopted by the city council or the school committee, not more than 60 days following
681 the city solicitor's opinion, the city council or the school committee shall act with respect to each
682 initiative petition by passing it without change, by passing a measure which is stated to be in lieu
683 of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an
684 initiative measure shall be considered to be a rejection of the initiative measure. If the city
685 council or school committee fails to act with respect to any initiative measure that is presented to

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

690 Thirty days after the date an initiative petition has been rejected by the council or school
691 committee, a supplemental initiative petition may be filed with the elections department, but only
692 by persons constituting the original petitioners committee. The elections department shall certify
693 the voter signatures not more than 14 days after the final day of filing; provided, however, that
694 the supplemental petition shall be considered filed whenever the persons responsible for its filing
695 notify the board in writing that the filing is complete; provided further, that before receiving such
696 notice, the board may, but shall not be required to, certify signatures on the sheets of the
697 supplemental petition already filed. The supplemental initiative petition shall be physically
698 signed by a number of additional voters which is equal to 15 per cent of the total number of
699 registered voters as of the date of the most recent city election. If the number of signatures to the
700 supplemental petition is found to be sufficient by the elections department, such petition shall be
701 placed on the ballot at the next municipal election held not less than 90 days from the date of
702 certification.

703 The ballots used when voting on a measure proposed by the voters pursuant to this
704 section shall contain a question in substantially the following form:

705 Shall the following measure, which was proposed by an initiative petition, take effect?

706 [Insert a fair, concise summary prepared by the city solicitor.]

707 YES _____ NO _____

708 For any measure to be effective under initiative petition, not less than 33 per cent of the
709 registered voters as of the date of the most recent city election shall vote at the election upon
710 which an initiative is submitted to the voters.

711 If a majority of the votes cast on the question, or other affirmative percent as required by
712 the General Laws or this charter, is in the affirmative and if the 33 per cent voter participation
713 requirement is met, the measure shall be deemed to be effective immediately, unless a later date
714 is specified in the measure.

715 Section 8-3: REFERENDUM MEASURES

716 Not more than 20 days after the final passage of a measure by the city council or the
717 school committee, a proposed referendum petition may be filed with the elections department on
718 a form prepared by the city. The petition shall be addressed to the city council or the school
719 committee, contain a protest and request for rescission of a particular measure which shall be set
720 forth in full in the petition and be physically signed by a number of voters which is not less than
721 15 per cent of the total number of registered voters as of the date of the most recent city election.
722 The petition shall be accompanied by an affidavit signed by 10 voters and containing their
723 residential addresses stating they will constitute the petitioners committee and be responsible for
724 circulating the petition and filing it in proper form. Voters will be required to provide the number
725 and street of their residence along with their signature on the form. Signatures to a referendum
726 petition need not all be on 1 paper. The elections department shall certify the voter signatures not
727 more than 14 days after the final day of filing; provided, however, that the referendum petition
728 shall be considered filed whenever the persons responsible for its filing notify the board in
729 writing that the filing is complete; provided further, that before receiving such notice, the board

730 may, but shall not be required to, certify signatures on the sheets of the referendum petition
731 already filed. If the number of certified voter signatures on the petition equals not less than 15
732 per cent of the total number of registered voters as of the date of the most recent city election, the
733 board of election commissioners shall attach to the petition a certificate showing the results of
734 the elections department's examination and shall send the petition to the city clerk.

735 Upon submission of the referendum petition to the city clerk, the measure for which the
736 petition was submitted shall be suspended from taking effect and the city council or the school
737 committee, as the case may be, shall reconsider such measure or part thereof not more than 20
738 days after said submission and certification. The city council or school committee shall act with
739 respect to each referendum petition by upholding its passage, passing a measure which is stated
740 to be in lieu of the rescission requested in the referendum petition or rescinding the measure.
741 Failure to act within said 20-day period shall constitute rejection of the referendum petition. If
742 such measure or part thereof is not entirely rescinded within said 20-day period, the board of
743 election commissioners shall submit the same to a vote of the registered voters of the city at the
744 next regular municipal election not less than 90 days after the expiration of said 20-day period.

745 The ballots used when voting on a measure proposed by the voters under this section
746 shall contain a question in substantially the following form:

747 Shall the following measure, which was protested against by a referendum petition be
748 rescinded and not take effect? [Insert a fair, concise summary prepared by the city solicitor.]

749 YES _____ NO _____

750 For any measure to be effective under referendum petition, not less than 33 per cent of
751 the registered voters as of the date of the most recent city election shall vote at the election upon
752 which an initiative is submitted to the voters.

753 If a majority of the votes cast on the question, or other affirmative percent as required by
754 the General Laws or this charter, is in the affirmative and if the 33 per cent voter participation
755 requirement is met, the measure shall be deemed rescinded and void effective immediately,
756 unless a later date is specified in the measure.

757 Section 8-4: INELIGIBLE MEASURES

758 The following matters shall not be subject to the initiative measure process under section
759 8-2 or the referendum measure procedures under section 8-3:

760 Proceedings relating to the internal organization or operation of any elected body.

761 An emergency measure adopted in conformity with this charter.

762 The city budget as a whole.

763 Votes for the temporary borrowing of money in anticipation of revenue.

764 An appropriation of any sum of money, for any purpose, amounting to less than 1 per
765 cent of the total annual budget of the city.

766 Any appropriation for the payment of the city's debt or debt service.

767 An appropriation of funds to implement a contract or collective bargaining agreement.

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

771 Any proceedings providing for the submission or referral of a matter to the voters at an
772 election.

773 Memorial resolutions.

774 Any zoning petition that is subject to the city's zoning petition process.

775 Section 8-5: SUBMISSION OF OTHER MATTERS TO VOTERS

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

782 Section 8-6: CONFLICTING PROVISIONS

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

785 ARTICLE 9: GENERAL PROVISIONS

786 Section 9-1: CHARTER CHANGES

787 This charter may be replaced, revised or amended in accordance with any procedure
788 made available under the constitution of the commonwealth or the General Laws.

789 Section 9-2: SEVERABILITY

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

794 Section 9-3: SPECIFIC PROVISION TO PREVAIL

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

797 Section 9-4: RULES AND REGULATIONS

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

806 Section 9-5: PERIODIC REVIEW OF CHARTER

807 Not later than July 1, in each year ending in a 2, the city council shall provide for a
808 review to be made of the city charter by a special committee to be established by ordinance. All
809 members of the special committee shall be voters of the city not holding elective office. The
810 special committee shall file a report with the city council within 1 year of its appointment
811 recommending any changes to the city charter which it deems necessary or desirable, unless an
812 extension is authorized by vote of the city council. Action on any proposed charter changes shall
813 be as authorized by the constitution of the commonwealth or the General Laws.

814 Section 9-6: PERIODIC REVIEW OF ORDINANCES

815 Not less than once a decade, the city council shall review some or all of the city's
816 ordinances for possible revision. The review of city ordinances shall be under the supervision of
817 the city solicitor.

818 Section 9-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
819 BODIES

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

825 Each appointed multiple-member body shall determine its own rules and order of
826 business within the bounds of any applicable ordinance that created it. Each multiple-member
827 body shall provide for the keeping of agendas, minutes and related submissions of its

828 proceedings. All such documents shall be a public record and certified copies shall be placed on
829 file in the office of the city clerk within 15 days of approval.

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

833 A majority of the members of an appointed multiple-member body shall constitute a
834 quorum. Unless some other provision is made by the multiple-member body's own rules while a
835 quorum is present, except on procedural matters, a majority of the full membership of the body
836 shall be required to vote on a matter representing an exercise of the powers of the multiple-
837 member body; provided, however, that a vote to meet in executive session shall require a
838 majority of the full multiple-member body.

839 Unless otherwise allowed by law, regulation ordinance or this charter, all members of
840 multiple-member bodies shall be residents of the city at all times during that member's term of
841 office. If a member of a multiple-member body moves from the city during the term for which
842 appointed, such seat shall immediately be deemed vacant and filled pursuant to section 2-8.

843 Section 9-8: NUMBER

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

846 Section 9-9: REFERENCES TO GENERAL LAWS

847 All references to General Laws contained in the charter refer to the General Laws of the
848 commonwealth and are intended to refer to and to include any amendments or revisions to such

849 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision
850 or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

851 Section 9-10: COMPUTATION OF TIME

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

859 Section 9-11: OATHS OR AFFIRMATIONS FOR THE OFFICE OF CITY COUNCIL
860 AND SCHOOL COMMITTEE

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

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

871 Section 9-12: CERTIFICATE OF ELECTION OR APPOINTMENT

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

878 Section 9-13: LIMITATION ON OFFICE HOLDING

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

885 Section 9-14: ENFORCEMENT OF CHARTER PROVISIONS

886 It shall be the duty of the city manager to see that the charter is faithfully followed and
887 complied with by all city departments and city employees. Whenever it appears to the city
888 manager that a city department or city employee is failing to follow this charter, the city manager
889 shall, in writing, cause notice to be given to that department or employee directing compliance
890 with the charter. If it shall appear to the city council that the city manager is not following the
891 charter, it shall, by resolution, direct the attention of the city manager to those areas in which it
892 believes there is a failure to comply with the charter. The procedures under chapter 231A of the

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

896 ARTICLE 10: TRANSITION PROVISIONS

897 Section 10-1: CONTINUATION OF EXISTING LAWS

898 All ordinances, resolutions, rules, regulations and votes of the city council, which are in
899 force at the time this charter is adopted and are not inconsistent with the provisions of this
900 charter, shall continue in full force until amended or repealed. All prior special acts and General
901 Laws adopted by the city, which are in force at the time this charter is adopted and are not
902 inconsistent with the provisions of this charter, shall continue in full force until amended or
903 repealed. The city council, city manager and school committee shall exercise those additional
904 powers as authorized under any general or special law in a manner not inconsistent with the
905 provisions of this charter, including those powers under chapter 43 of the General Laws. All
906 ordinances, resolutions, rules, regulations, votes of the city council, special acts and adopted
907 General Laws are to be read harmoniously with the provisions of this charter. Where provisions
908 of this charter, as amended, sharply conflict with city ordinances, rules, regulations, orders,
909 special acts and acceptances of the General Laws, the provisions of this charter shall govern. All
910 provisions of city ordinances, rules, regulations, orders and administrative actions not superseded
911 by this charter shall remain in force.

912 Section 10-2: EXISTING OFFICIALS AND EMPLOYEES

913 Any person holding a city office or employment under the city shall retain such office or
914 employment and shall continue to perform the duties of the office until provision shall have been

915 made in accordance with this charter for the performance of the said duties by another person or
916 department. No person in the permanent full-time service or employment of the city shall forfeit
917 pay grade or time in service. Each such person shall be retained in a capacity as similar to the
918 person's former capacity as is practical.

919 Section 10-3: CONTINUATION OF GOVERNMENT

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

924 Section 10-4: CONTINUATION OF OBLIGATIONS

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

931 Section 10-5: TRANSFER OF RECORDS AND PROPERTY

932 All records, property and equipment whatsoever of any office, board, commission,
933 committee or department or part thereof, the powers and duties of which are assigned in whole or
934 in part to another city office, board, commission or department, shall be transferred forthwith to
935 such office, board, commission or department.

936 SECTION 2. All ordinances, resolutions, rules, regulations, orders, special acts or
937 acceptances of General Laws of the city of Cambridge and votes of the city council of the city of
938 Cambridge in force at the time the charter established under to section 1 takes effect and that are
939 not inconsistent with said charter shall continue in full force and effect. If any provision of the
940 charter established under section 1 conflicts with any ordinances, resolutions, rules, regulations,
941 orders, special acts or acceptances of General Laws of the city or votes of the city council of the
942 city of Cambridge, the charter provisions shall govern.

943 SECTION 3. All persons appointed or elected to offices, boards, commissions and
944 agencies in the city of Cambridge on the effective date of this act shall continue to perform the
945 duties thereof until they are reappointed or re-elected or until successors to their respective
946 positions are appointed or elected or until their duties have been transferred and assumed by
947 another city office, board, commission or agency.

948 SECTION 4. Any person holding an office or a position in the administrative service of
949 the city of Cambridge or any person holding permanent employment under the city on the
950 effective date of this act shall retain their office, position or employment and shall continue to
951 perform the duties of their respective office, position or employment until provision has been
952 made for the performance of those duties by another person or agency; provided, however, that a
953 person in the permanent service of the city shall not forfeit their pay grade or time in the service
954 of the town as a result of the adoption of the city charter under section 1. Nothing in this section
955 shall provide a person holding an administrative office or position or a person serving in the
956 employment of the city on the effective date of this act with any greater rights or privileges with
957 regard to that person's continued service or employment with the city than that person had before

958 the effective date of this act. Nothing in this section shall impair the rights of any person under
959 an individual employment contract or collective bargaining agreement.

960 SECTION 5. All records, property and equipment of an office, board, commission,
961 committee or agency or part thereof of the city of Cambridge, the powers and duties of which are
962 assigned in whole or in part to another city office, board, commission or agency by this act shall
963 be transferred to the office, board, commission or agency as so assigned.

964 SECTION 6. All official bonds, recognizances, obligations, contracts and other
965 instruments entered into or executed by, on behalf of or to the city of Cambridge before the
966 effective date of this act and all taxes, assessments, fines, penalties and forfeitures incurred or
967 imposed or due or owing to the city of Cambridge shall be enforced and collected and all writs,
968 prosecutions, actions and causes of action, except as herein otherwise provided, shall continue
969 without abatement and remain unaffected by the adoption of the charter in section 1 and no legal
970 act done by or in favor of the city shall be rendered invalid by reason of the passage of this act.

971 SECTION 7. This act shall be submitted to the voters of the city of Cambridge for
972 acceptance at the next biennial city election occurring not less than 35 days after the effective
973 date of this act in the form of the following question: "Shall An Act establishing a charter for the
974 city of Cambridge be accepted?" Below the question shall appear a summary of the composition
975 and mode of selection of the legislative and executive branches and school committee or, if a
976 change of none of these is involved, the most significant proposed change or changes. If a
977 majority of votes are cast in the affirmative, the charter shall take effect on January 1 of the year
978 immediately following the date of the vote for adoption, but not otherwise.

979 SECTION 8. Section 7 shall take effect upon its passage.