

Massachusetts House of Representatives Draft Bill Summary

Bill #: H.4156

Title: An Act establishing a charter for the city of Cambridge

Sponsor: Rep. Marjorie C. Decker

Committee: Joint Committee on Municipalities and Regional Government

Hearing Date: June 24, 2025

Current Law:

The Cambridge Charter is based on Chapter 43 of the Massachusetts General Laws, also called a Plan E Charter, which describes a city government of a city council, a mayor elected from its membership, a city manager, and at-large proportional election.

Section 96 of Chapter 43 of the MGL states that the city council shall consist of seven or nine members.

Section 104 of Chapter 43 of the MGL states that the city manager shall make appointments to city offices with no mention of the city council.

Section 103 of Chapter 43 of the MGL states that the city manager shall serve in perpetuity at the pleasure of the city council.

Section 103 of Chapter 43 of the MGL states that the city manager may appoint the head of some department to serve as acting city manager until an absence or until a new city manager is appointed, with no timeline.

Section 110 of Chapter 43 of the MGL states that nomination papers for elected office candidacy must be signed by at least fifty, but no more than one hundred, registered voters.

Section 110 of Chapter 43 of the MGL states that nomination papers for elected office candidacy must be signed and submitted twenty-eight days prior to the date of election.

Sections 134 through 137 of Chapter 54 of the MGL detail the proper process of an election recount.

Summary:

The following is a non-inclusive list of amendments and changes made by H.4156.

- The entire document makes clerical, grammatical, and non-substantive changes, such as renumbering to fit additions and subtractions, rephrasing, and changes in capitalizations, punctuations, and correcting spelling errors.
- Article 1
 - o Adds language concerning city incorporation, title, division of powers, powers of the city, construction, and intergovernmental affairs
 - o Adds definitions
- Article 2
 - o Specifies the city council size as nine
 - o Requires a State of the City address to be conducted by the mayor at least once per term
 - o Articulates the order of succession in the case of temporary absence or permanent vacancy of the mayor to be the vice mayor and then the longest consecutively serving city councilor available
 - o Prohibits city councilors from holding any other compensated city position until one year following their tenure, provided no exemption is provided by six councilors or the former councilor is not returning to a previously held position prior to election
 - o States that no change in city councilors' compensation may be implemented in the same year it was voted for, nor may it be voted on during lame duck periods
 - o Delineates the responsibilities of the city auditor to keep all accounts of the city and more
 - o Requires the mayor to conduct annual reviews of the city clerk and city auditor
 - o Mandates a city council confirmation for the city manager's appointments to multiple-member bodies
 - o Clarifies the process of issuing emergency ordinances, including clear communication of its nature and the prohibition of grants, renewals, and extensions as emergency ordinances
- Article 3
 - o Specifies the term of the city manager to be a maximum of five years, with the option for renewal by the city council
 - o Fleshes out the responsibilities of the city manager
 - o Adds language concerning the city solicitor, who shall provide legal advice and representation to the entire city, be appointed by the city manager, and be subject to rejection by a 2/3 vote of the city council
 - o Allows the city manager to appoint a qualified city official to serve as acting city manager in the event of a temporary absence, subject to rejection by a 2/3 vote of the city council, at which point the appointment will fall to the city council
 - o Empowers the city council to appoint an acting city manager in the event of a permanent vacancy for a period of no longer than four months, with the option for one four-month renewal
- Article 4
 - o Article 4 significantly elaborates on the construction, responsibilities, and nature of the school committee

- States that the school committee shall be composed of six members above the age of eighteen with two-year terms and the mayor
- Requires the selection of a school committee chair and vice chair from among its members, the former of which shall preside over meetings, appoint subcommittee membership, and decide questions of order
- Articulates the order of succession in the event of temporary or permanent absence of the chair to be the vice chair and then the longest consecutively serving member available
- Prohibits school committee members from holding any other compensated city position until one year following their tenure, unless the former committee member is returning to a position held prior to election
- Empowers the city council to provide such compensation for the school committee by majority vote
- Delineates the powers of the school committee to be as defined by the Massachusetts General Laws
- Article 5
 - Specifies that no administrative order may originate from the city council, which may reorganize, consolidate, or abolish a city department, or establish an entirely new department
 - Mandates a public hearing on all administrative orders
 - Empowers the city council to vote to approve or disapprove a reorganization plan, but not amend or alter it
 - Reaffirms meritocratic hiring practices
- Article 6
 - Clarifies the fiscal year to begin on July 1 and end on June 30
 - Requires the city manager to submit and act on the annual budget in the order as follows: jointly conduct a series of financial updates with the city council, submit a proposed operating budget that is consistent with the city council's priorities, submit a multi-year capital plan, and schedule public meeting(s) regarding the proposal
 - Authorizes the city council to adopt, reduce, or amend the proposed city budget and multi-year capital plan
 - Mandates an annual audit of the city
- Article 7
 - Clarifies the eligibility to vote for elected office as being eighteen years old, not disqualified by law, and a current resident of Cambridge
 - States that all city offices are nonpartisan and directs no election documentation to include any reference to political party affiliation.
 - Establishes the Director of Elections and Board of Election Commissioners, who shall prepare the election calendar and promulgate the regulations by which the city elects candidates for office through a single transferable vote form of ranked choice voting
 - Requires at least fifty registered voters' signatures for a candidate for elected office to be placed on the ballot
 - Sets the nomination paper submission deadline to be fourteen weeks prior to the election date
 - Prohibits voters from signing the nomination papers of more than one candidate for election as a member of any elective body

- Sets the deadline for submission of a ballot question petition to be ninety days prior to the election date
- Specifies that the names of candidates for election shall be arranged alphabetically
- Empowers the Director of Elections and Board of Election Commissioners to conduct the counting of ballots, staff qualified assistants to oversee the counting, utilize ballot boxes in each precinct, and recount ballots as necessary in accordance with Chapter 54, Sections 134 through 137 of the MGL.
- Allows for the recount of ballots to fill a vacancy in the city council or school committee by disregarding the ballots for incumbents and the recently ineligible and eliminating the candidate with the fewest votes on the poll until one candidate obtains more ballots than all other undefeated candidates together, unless one candidate has more than half on the first ballot, at which point they are elected
- Requires the preservation of ballots, with the option for review by three representatives if a petition of at least 100 registered voters is filed, for the entirety of the term for which the election concerned
- Article 8
 - Allows for resident initiative measures, which may request the passage of a particular measure, if petitioned by five percent of the total number of registered voters as of the most recent municipal election
 - Articulates the process by which resident initiative measures are considered, including the formation of a ten-member petitioners committee, referral to the city solicitor, referral to the city council for passage, amendment, or rejection, and the option for a supplemental initiative petition if signed by fifteen percent of the total number of registered voters
 - Requires a voter participation rate of thirty-three percent for any measure under Article 8 to be effective
 - Allows for referendum measures, which may repeal some measures passed by the city council or school committee, if petitioned by fifteen percent of the total number of registered voters, with a largely similar process to the resident imitative measures
- Article 9
 - Declares the charter to be editable, severable, and publicly available
 - Mandates a periodic review of ordinances by the city council at least once per decade
- Article 10
 - States that existing laws, officials, employees, government structures, obligations, records, and property shall be continued between charter changes

Notes: Approved unanimously by a vote of the Cambridge City Council during meeting dated April 14, 2025