



City of Cambridge

O-22.

IN CITY COUNCIL

June 18, 2001

COUNCILLOR DAVIS

ORDERED: That the Government Operations, Rules and Claims Committee consider and report on possible internal changes to improve the City Council process for choosing a mayor without a charter change; and be it further

ORDERED: That the City Solicitor assist the Committee with an opinion as to what changes can be made without changing the Charter.

In City Council June 18, 2001.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

SEE COMMITTEE REPORT #2

City of Cambridge

GOVERNMENT OPERATIONS, RULES

AND CLAIMS COMMITTEE MEMBERS

*Councillor Jim Braude, Chair
Councillor Henrietta Davis
Vice Mayor David P. Maher
Councillor Michael A. Sullivan
Councillor Timothy J. Toomey, Jr.*

In City Council June 18, 2001

The Government Operations, Rules and Claims Committee held a public hearing on May 22, 2001, beginning at 6:10 p.m. in the Sullivan Chamber for the purpose of considering the issue of possible changes to the way that a mayor is elected in Cambridge.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Vice Mayor David P. Maher, Councillor Kathleen L. Born, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr. and City Clerk D. Margaret Drury. Also present were Donald Drisdell, Deputy City Solicitor and Rusty Drugan, Chair of the Election Commission.

Councillor Braude convened the hearing and explained the purpose. He said that he and Councillor Toomey are proposing a direct election of a mayor through a separate ballot on the same day. He requested that Mr. Drugan comment on the impact of this proposal on the logistics and cost of the municipal elections. Mr. Drugan said that there are no logistical problems and that the total additional cost would be \$10,000 to \$15,000.

Mr. Drugan said that there is another method to popularly elect a mayor in a proportional representation (PR) jurisdiction. After the nine city councillors have been elected, the same ballot could be used to continue with the quota set at one. This does produce the candidate that the majority have for, while the plurality method of a separate ballot for mayor won by the candidate with the most votes without any transfer does not guarantee that the winner is the person wanted by the majority of voters.

Councillor Braude thanked Mr. Drugan and requested that Attorney Drisdell comment on the legal issues involved in changing the way a mayor is elected.

Attorney Drisdell described the three ways to change the manner of the election of the mayor (**See Attachment**). The most complicated is a charter change by election of a charter commission. Once there is a charter commission, everything about the form of government is subject to change. Another process is a local process by which a 2/3 vote of the City Council puts the question on the ballot. It is a 4-6 month process. The third is a home rule petition, with or without a requirement that the question be placed on a local ballot.

Councillor Davis asked for further explanation of the charter commission process and Attorney Drisdell complied (**See Attachment**).

Councillor Braude then invited questions.

Lucy Conant, 30 Richard Avenue, asked if it is true that it couldn't be on the ballot until the election after the next one. Attorney Drisdell answered in the affirmative.

Nancy Walser, School Committee Member, spoke in support of continuing the conversation about changing the way the mayor is elected. She stated that it is very disruptive to start the School Committee term without a permanent mayor. The change also produces cynicism about the mayor. There is a lot of discussion of back room deals. The mayor does carry a certain amount of power. The schools are undergoing rapid change and in such a situation, it is important for the School Committee and the mayor to have a good working relationship. Please send any draft proposal to the School Committee.

Richard Clary, 15 Brookford Street, stated that Representative Alice Wolf just told him that the proposal for a weak mayor is a waste for everyone. Cambridge should have a strong mayor with power to appoint boards and commissions, and still keep a city manager. Cambridge has given up all of its power to a strong executive. One good example is the Bellis Circle controversy, where those neighbors are being completely ignored. It would also force discussion of the issue at elections.

Martha Robb, 385 Washington Street, stated that she believes that the mayor should be elected, whether it is a strong or weak mayor.

Sean Murphy, 149 Cambridge Street, spoke in support of a directly-elected mayor in any form, weak or strong. This puts it all on the table - City Councillors can say right off the bat whether they are running for mayor or not.

William Jones, Green Street, spoke in support of a popularly elected mayor. The people at Bellis Circle have nothing to do with this.

Eli Yarden, 143 Pleasant Street, stated that he wants to address the issue from the point of view of democracy. Democracy is not any particular political system, it is a principal. This proposed change is really very minor. Many people are under the impression that the executive power rests with the City Manager, but it does not. Popular election of the mayor would decrease voter apathy and lead to greater exercise by the City Council of its executive power.

Ian McKinnon, 11 Suffolk Street, stated that Cambridge is a beach head for a reasonable way to elect a government, proportional representation. He agrees that the way Cambridge elects the mayor is bizarre and does color people's perception of PR.

David Leslie, 76 Dartmouth Street, Board Member for the Center for Voter Democracy, stated that the method for popular election of a mayor should be carefully chosen because some ways could make it worse. He noted the following:

- PR election strongly favors incumbents. If the same PR count of the Council election is simply extended with a quota set at one to elect the mayor, the Council election becomes a mayoral election, and this would weaken the way the voters elect the Council. Mr. Leslie stated that his preference is a second ballot for mayor with an instant run-off - votes for someone who wasn't elected get transferred. He added that election of the candidate with the highest number of votes in a single count is a plurality election. Some sort of transferable system is the most democratic method.

Robert Winters, Broadway, stated that even an instant runoff doesn't guarantee election by a majority but it is far preferable to plurality method. Plurality elections have a lot of problems. Mr. Winters gave the example of the 1968 New York Senator James Buckley, a conservative senator, was elected when he was definitely the one that the majority opposed. He is not in favor of a charter change, but he does agree that the system could be improved.

Councillor Davis suggested using a mechanism for cutoff - after a month, a member becomes mayor by default. The default could be choosing the senior member, or it could be different, for example, instant run-off of the Council ballots until one candidate is left.

Mr. Winters said that a stronger and stronger mayor means a weaker and weaker council. He likes a system with nine avenues in.

John Maguire, Spring Street, stated that in Cambridge, since 1941, nineteen individuals have served as mayor in thirty terms. Ten times the person who became the mayor was the top vote getter. He questions why voters are proposing to abandon the current system.

Judith White, 86 Briggs Street, stated that she is hearing that there are a lot of problems with the process of the nine councillors electing the mayor. She said that Cambridge citizens should look at that process. It is the first chance that the people of Cambridge have to see how their councillors work. Their first job is to elect a mayor. It is important to decide what is wrong with the process before making changes.

Lucy Conant, 30 Richard Avenue, stated that she believes that the people of Cambridge should elect their own mayor and they should have the opportunity to have a strong mayor. She feels that it is her responsibility to choose a mayor.

Charles Rhodes, Second Street, stated that the mayor should be directly elected. Cambridge's difficulty in electing a mayor is harmful to the image of Cambridge. He

said that he doesn't necessarily support making the person with the most votes for City Council.

Rebecca Ostriker, Second Street, stated that everyone is looking for clarity and efficiency and simplicity. She favors direct election of a mayor.

Councillor Davis stated that she cannot believe that Councillor Braude is naïve enough to believe that direct election of a mayor does not lead to a stronger mayor. And a strong mayor and a strong city manager is a clear recipe for disaster. With regard to strong mayor cities, look at Boston. The city council's power there is a lot of "whining" power. In Cambridge, the City Council sets policy and can accomplish its goals. She favors setting a deadline. If the public wants a charter change, so be it. That is a decision that the citizens make. It is a long and thoughtful process.

Councillor Born stated that she didn't see the last mayoral election as especially contentious, even though she was a candidate. She said that she hasn't experienced a mass movement to elect a mayor directly. She also stated that not directly electing a mayor does not mean that the system is not democratic. She pointed to the parliamentary forum of many democracies around the world.

Councillor Born said that Cambridge has three basic characteristics of its government.

- Proportional representation
- Strong City Manager
- Mayor elected by the City Councillors

She said that she doesn't see the previous mayoral elections as an utter disaster. The system is not terribly broken.

Councillor Sullivan agreed that there was not a lot of contentiousness among the three candidates for mayor in the last election. Continuity exists in the City Council through the City Manager's tenure, not the members of the City Council. Councillor Sullivan said that direct election of a mayor does increase the power of the mayor and decrease the power of the City Council. He does not support the concept of a strong mayor. Those that call for charter change should beware of risking proportional representation. He does not believe the last election for mayor was comparable to the one four years ago. In addition, if this issue were to be on the same ballot as the Community Preservation Act (CPA), the CPA would not get the attention it deserves. This issue is not ripe for further discussion.

Councillor Braude stated that he agrees that discussion should continue in committee. He does believe that it is more democratic to popularly elect a mayor. He said that he believes that that PR should also be looked at - it is healthy to consider whether changes should be made to the organization of the government. He said that he believes that if citizens were asked, the majority of them would choose to elect their own

mayor. He believes that the more power that people have over their elected officials, the better. The government works for the people.

He also supports direct election of the mayor on the grounds of efficiency - the committee system is extremely important, the Council should not waste the first three months with no committee structure while it tries to choose a mayor.

Councillor Sullivan said that if efficiency is the issue, the question of increasing length of the Council term should be looked at. Much time is wasted when elections take place every two years.

Councillor Born said that here we have a city that everyone works to live in, a strong tax base, financial health, affordable housing, excellent services. What is wrong with the form of government that gets these results?

Councillor Braude stated that there is a colossal disengagement in this system of government.

Councillor Sullivan said that in Boston, with a strong mayor, the voter turnout is worse. Lower voter turnout is a national trend. The Cambridge voter turnout is higher than that of the surrounding communities.

It was agreed without objection that this matter should remain in committee.

Councillor Braude thanked all those present for their attendance.

The meeting was adjourned at 7:45 p. m.

For the Committee,


Councillor Jim Braude, Chair

	CHARTER COMMISSION	SPECIAL ACT	LOCAL AMENDMENT
Legal Authority	Mass Const. Amend Art. 2 Sec.3 MGL Ch 43B Sec.3-9	Mass Const Amend Art. 2 Sec.8	Mass Const Amend Art 2 Sec.4 MGL Ch 43B Sec.10
Process	1. Petition filed at Election Commission by 15% of voters eligible to vote in last election 2. Certification by Election Commission and report to Council within 10 days 3. City Council orders that question be put on ballot for next regular election on or after 60 days from order date. 4. Candidates for charter commission file nomination papers signed by 100 voters. 5. If a majority of the votes favor charter reform, the 9 candidates with the most votes are elected to the commission. 6. Within 16 mos. of its election, commission prepares preliminary report, publishes in newspaper and sends to A.G. 7. Within 4 weeks of publication, commission holds public hearings and AG gives written opinion of any conflicts. 8. Within 18 mos. of its election commission submits final report to Council for vote on proposed revisions at the first regular city election at least 2 mos after submission to Council	1. By majority vote the City Council adopts an order petitioning the General Court to revise the charter as specified in its proposed home rule legislation.. 2. General Court enacts special legislation revising the charter.	1. By a 2/3 vote the City Council may propose charter amendments or vote on amendments suggested to it in writing by the Mayor, City Manager, member of the City Council or by petition of 100 registered voters. 2. No later than 3 mos after petition is filed with the City Clerk, the City Council must order a public hearing. 3. Hearing must be held no later than 4 mos after filing of petition and must be advertised at least 7 days in advance in newspaper. 4. City Council must take final action on petition no later than 6 mos after petition was filed. 5. After Council's 2/3 vote of approval, petition goes to AG and becomes effective 4 weeks after submission to AG. 6. Proposal for charter amendment goes on ballot for first city election held at least 2 mos after effective date.

LOCAL AMENDMENT	SPECIAL ACT	LOCAL AMENDMENT	CHARTER COMMISSION	LOCAL AMENDMENT
Length of Process	2 1/2 years	At local level, could be as short as 1 week for adoption of Council order on home rule petition, plus length of time for enactment by state legislature and possibly voter approval.	4-5 months	4-5 months minimum
Other	Charter commission is not limited to consideration of amendments proposed in original petition, it can recommend whatever it chooses, from total change to tiny revision.	No clear legal authority on whether voters must approve the charter revision, but putting the revision on the ballot is "traditional" according to Mass Practice	Cannot be used for any change in charter relating to the composition, mode of election or appointment or terms of office of the legislative body or city manager.	

STUCK ON LIFE

2435

Committee Report #2

A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Jim Braude, Chair of the Government Operations, Rules and Claims Committee for a meeting held on May 22, 2001 for the purpose of considering the issue of possible changes to the way that a mayor is elected in Cambridge.

In City Council June 18, 2001

Report Accepted

PLACED ON FILE

Order #22 adopted

8-822-6859