

Unfortunately, because of its peculiar 1938 charter, the "Peoples Republic" of Cambridge does not follow the model of other democratic federal, state – or even other local governments. Thus, in Cambridge, an unelected City Manager, who is not directly accountable to the voters, has the power to make appointments which affect our lives and the future of Cambridge. Cambridge's City Council is even precluded from an "*advise and consent*" role by criminal penalty. (see discussion about §107, above). Appointments to boards and commissions should clearly and properly be the job of elected officials such as City Council.

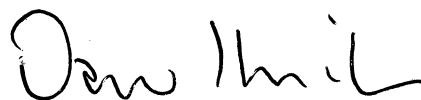
- *On the one hand*, many in Cambridge agree that the City Manager has worked diligently on financial management for the City of Cambridge. For example, the City has money in the bank and a good bond rating. The garbage is picked up, and the streets are swept.
- *On the other hand*, a review of commissions and boards appointed by the City Manager shows that approximately half the appointments have expired without new appointments. Some appointments expired more than a decade ago.
- Further, although we have more than 90,000 talented people in Cambridge, the same names repeatedly show up on the commissions and boards, to the exclusion of numerous other Cambridge residents who want to participate in government.

Clearly, the City Manager has concentrated on what he feels he does best, working on financial management for the City, to the neglect of keeping commissions and boards current.

Transferring authority to making appointments to boards and commissions to City Council will provide the tools to City Council to do their job, as well as electoral accountability, without affecting the City Manager's financial management.

This Charter statute, MGL c. 43 § 104, enacted by the legislature, can readily be amended by the legislature to be fairer to the Cambridge City Council. For example, a home rule petition sponsored by Cambridge's four state representatives and three senators, could surely be brought to bear to better empower Cambridge's own City Council, by changing this outmoded statute.

Therefore, I respectfully propose we open a dialogue on all sides in the City of Cambridge to review this draconian, 58-year old charter, to sponsor new remedial legislation to empower the City Council, provide for appointments to boards and commissions by the Council, and give the Council the tools to get the job done which they were elected to do.



David Hoicka, 547-4000

City Charter Statute Which Needs Revision – Boards and Commissions

ANNOTATED LAWS OF MASSACHUSETTS

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*** THIS DOCUMENT IS CURRENT THROUGH FEBRUARY 4, 1998 ***

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 43. CITY CHARTERS

PLAN E.--GOVERNMENT BY A CITY COUNCIL INCLUDING A MAYOR ELECTED
FROM ITS NUMBER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES
ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION.

Mass. Ann. Laws ch. 43, § 104 (1998)

§ 104. Duties, Powers and Rights of City Manager.

Except as otherwise specifically provided in this chapter, it shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; and to make such recommendations to the city council concerning the affairs of the city as may to him seem desirable; to make reports to the city council from time to time upon the affairs of the city; and to keep the city council fully advised of the city's financial condition and its future needs. He shall prepare and submit to the city council budgets as required of the mayor by section thirty-two of chapter forty-four and, in connection therewith, may, to the extent provided by said section thirty-two in the case of a mayor, require the submission to him, by all departments, commissions, boards and offices of the city, of estimates of the amounts necessary for their expenses. He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council. The city manager shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan, by the mayor, board of aldermen, common council and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are by this chapter conferred upon the school committee or are otherwise provided for thereby.

HISTORY: 1938, 378, § 15

City Manager Robert W. Healy announces volunteer opportunities for Cambridge residents to serve on City of Cambridge boards and commissions. Membership opportunities are available on the following boards and commissions:

- Advisory Board of Environmentally Desirable Practices
- Affirmative Action Advisory Committee
- Affordable Housing Trust Board
- Animal Commission
- Arts Council
- Board of Zoning Appeal
- Board of Survey
- Cambridge Housing Authority (Elderly applicants preferred)
- Cambridge Redevelopment Authority
- Central Square Advisory Committee
- Commercial Parking Control Committee
- Commission on the Status of Women
- Consumer Advisory Committee
- Disabilities Commission
- Half Crown Neighborhood Conservation District Commission
- Harvard Square Advisory Committee
- Historical Commission
- Human Rights Commission
- Human Services Commission
- Library Board of Trustees
- Mid Cambridge Neighborhood Conservation District Commission
- Peace Commission
- Planning Board
- Police Review & Advisory Board (East Cambridge applicants needed)
- Public Art Committee
- Public Health Commission Board
- Recycling Advisory Committee
- Traffic Board
- Water Board

Interested persons should send a letter of interest and/or resume by JANUARY 15TH to:

Robert W. Healy
City Manager
795 Massachusetts Ave.
Cambridge, MA 02139

For more information, contact the City Manager's Office at 349-4300 (email: lisap@ci.cambridge.ma.us).

David Hoicka

10 Lopez Street

Cambridge, MA 02139

January 14, 1999

1999 JAN 21 P 4: 18

To the Honorable, the Cambridge City Council,

**Expired Terms on Cambridge Boards and Commissions
Should be Opened to the Public for New Members,
and Charter Amended**

1. Appoint New Members. On several occasions recently I have written to the Cambridge City Council regarding the many expired appointments to Boards and Commissions in Cambridge. Some of these terms expired years ago. I have also suggested that the City Charter be amended to place authority for such appointments in the City Council, as an elected body.¹

In a close-knit community like Cambridge, uncompensated positions on Boards and Commissions fill a valuable role. With so many capable citizens available, it is important to open up these opportunities regularly, upon expiration of their term, and not simply roll over appointments of individuals whose terms expired years ago.

Many Commissioners and Board Members have served the City capably and with diligence for many years. It is time to open the process to the many other capable Cantabrigians, and appoint new members to the boards, not simply reappointing existing and former members.

2. Amend City Charter. Further, the Charter needs to be reformed to prevent this from happening in the future. Cambridge's out-of-date, 58-year old Plan E charter, punitively restricts the powers of the City Council, from making these appointments, and needs to be revised. Under the Plan E form of government, the unelected City Manager derives appointment power for boards and commissions from only one sentence:

"He [the city manager] shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter." See MGL c. 43 §104, annexed.

By comparison, in federal, state, and other municipal governments, the elected executive officer, president, governor, mayor or city council makes appointments. Generally, these appointments constitutionally have to be approved by congress, the legislature, an elected governors council, or the like. In most other Massachusetts cities and towns, boards and commissions are appointed by an elected mayor or city council – or else people are elected directly to boards and commissions by the voters.

¹ See May 14, 1998 letter to the City Council, "Charter Reform to Enhance City Council and Voter Powers With Council Appointment of Boards and Commissions".

Consent Communication #17

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A communication was received from David Hoicka, regarding expired terms on Cambridge Boards and Commissions that should be opened to the public for new members and charter amended.

In City Council January 25, 1999

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