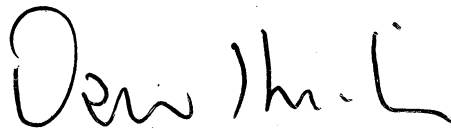


To the Honorable, the Cambridge City Council
From David Hoicka and Ted Darling
May 28, 1998

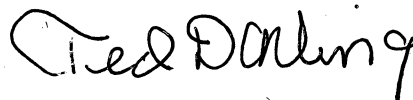
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This method provides simple public votes for Mayor. Every Councillor has a chance at being Mayor or Vice-Mayor, depending on the popular vote. And the jobs rotate, so no-one has a lock on any position.

To have effective government in Cambridge, we need to stop criminalizing City Councillors, and give them the tools to do their job. Giving appointment of boards and commissions to the Council, and changing the election of Mayor, will help. Cambridge twice asked the legislature to change the statute, to give the City Manager more money. Clearly the legislature can give City Council more power, if asked.



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David Hoicka is a member of Save Central Square, and a candidate for State Representative.

Ted Darling is President of the Rindge Alumni Association, and a former candidate for State Representative.

Another City Charter Statute Which Needs Revision for Mayoral Election

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, § 97 (1998)

§ 97. City Council to Exercise All Legislative Powers; Organization.

The city council shall have and exercise all the legislative powers of the city, except as such powers are reserved by this chapter to the school committee and to the qualified voters of the city.

The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be temporary chairman until the mayor or vice-chairman has qualified. Thereupon the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected, and they may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided, that a majority of all the members elected to the city council are present and have qualified. If the office of mayor or vice-chairman becomes vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term; provided, that no such vacancy shall be filled so long as there is any vacancy in the council.

HISTORY: 1938, 378, § 15

Summary of "cookie cutter"
Statutory Plans A-F for City Government

1. Direct election of Mayor. Under the "cookie cutter" charters enacted by the legislature, several provide for direct election of a mayor:

- In Plan A, the mayor is quite powerful, making all appointments to departments and boards without confirmation by City Council, and having veto power over Council actions. See MGL c. 43 § 46 - 55.
- In Plan B, the mayor is directly elected, but makes appointments subject to city council approval. The mayor still has veto powers. See MGL c. 43 § 56 - 63.
- In Plan F, the mayor is directly elected, and has veto power. The mayor makes appointments to boards without confirmation by city council. See MGL c. 43 § 117 - 127.

2. Election by City Council, and hybrid election plan

Plan E. What Cambridge has now. See MGL c. 43 § 93 - 116.

Under Plan D, like Plan E, the "cookie cutter" charters provide for election of a mayor by the city council. The mayor has no veto power. Plan E also provides for a city manager.

However, Plan D, unlike Plan E, provides in case of disagreement or delay by city council, "*the member of the city council who received the highest number of votes at the preceding municipal election shall become mayor and the member who received the next highest number of votes at said election shall become vice-chairman*". See MGL c. 43 § 79 - 92A.

3. Other Plans

Plan C's "cookie cutter" charter is anomalous. In Plan C, a 5 member city council divides 5 functions: "a mayor, who shall be the commissioner of administration; a commissioner of finance; a commissioner of health; a commissioner of public works and a commissioner of public property." Each is directly elected. In addition, the city council selects a president of the council. The mayor has no veto power. See MGL c. 43 § 64 - 78.

David Hoicka
Ted Darling

30.

CITY OF CAMBRIDGE
AUDITING DEPT.
CITY CLERK
To the Honorable City Council,

May 28, 1998

Charter Reform to Change Election of Mayor:

Cambridge's out-of-date, 58-year old Plan E charter, punitively restricts the powers of the City Council, and needs to be revised.

1. Criminalized conduct. As previously noted, the Charter criminalizes normal and reasonable behavior by City Councillors, such as giving job referrals to Cambridge residents. Innocent behavior such as that can give Councillors fines, imprisonment, and restrictions against ever holding office in the city again.

2. Appointment of Boards. Also, due to a peculiarity of the Plan E form of government, one sentence gives appointment power for boards and commissions to a non-elected City Manager – contrary to the democratic standards for all federal, state, and most other local governments, and comparable to the extreme restrictions placed on Washington DC with all its problems of crime, drugs and malfeasance.

3. Election of Mayor. Similarly, one sentence of Cambridge's 58-year old charter also limits the selection and power of the Mayor, removing the choice for a Mayor from the citizens:

"the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members". See MGL c. 43 § 97, annexed.

We need to make election for Mayor directly accountable to the voters. There are two main statutory alternatives for selection of mayor: (1) separate direct election of the mayor, and (2) election in the same ballot for city council.

On the one hand, under the Plan A, B and F Charters, a strong Mayor is directly elected by the voters, on a separate ballot from the weaker city council.

On the other hand, Plan D, provides for one election for city council, like Cambridge's Plan E. Selection of Mayor, however, may be different – including the option, that the person who gets the most votes out of city council elections may become Mayor, and second most votes becomes Vice-Mayor.

Our Proposal. We propose a modification of the Plan D form of Mayoral election: The person who gets the most votes for City Council, becomes Mayor. The Mayor cannot serve twice in 5 years – requiring rotation in the job.

In a twist, we propose the Councillor last elected in the counting scheme, becomes Vice-Mayor (and cannot serve twice in 5 years). This gives even the least powerful Councillor a chance at more recognition.

Consent Communication #30 4105

A communication was received from
David Hoicka, transmitting a letter
on Charter Reform to Change Election
of Mayor.

In City Council June 1, 1998

PLACED ON FILE