



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

April 10, 1978

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

I am writing in response to your request for an opinion as to the methods by which Proportional Representation can be eliminated as the means of voting in the City of Cambridge. Additionally, you have requested an opinion as to the means by which the Plan E Charter may be changed to accommodate a strong Mayor-City Council form of government.

As you know, the method of preferential voting known as Proportional Representation is an integral requirement of the Plan E Charter. General Laws, Chapter 43, Section 112. As such, any attempt to eliminate Proportional Representation would necessitate a change in the charter of the City.

A city charter may be amended or adopted pursuant to General Laws, Chapter 43B (the Home Rule Procedures Act).

Under the Home Rule Procedures Act, the city may adopt a new charter or revise a charter previously adopted by means of the Charter Commission route. A petition, signed by not less than fifteen percent of the voters in the city who were eligible to vote in the last preceding state election, must

be filed with the registrars of voters. The registrars must then certify the names on the petition which are checked and report the result to the city council by filing a report with the city clerk within ten days.

The city council has thirty days within which to order an election at the next regular city election, to pass on the questions of adopting or revising a charter and electing a charter commission. The order will also provide for the nomination of charter commission members. No political designations may appear on the petition or the ballot. The election must be at least sixty days after the date of the order. If the city council fails to make such order, the election shall be held at such next regular city election not less than ninety days after receipt of the certification by the registrars.

The charter commission will consist of the nine registered voters receiving the highest number of votes. However, at the election unless the voters vote favorably on the basic issue of whether a charter is to be adopted or revised, the charter commission will not come into being.

Once elected, a charter commission continues in existence until the expiration of thirty days after the election at which the adoption or revision of a charter is placed before the voters, or, if the charter commission files a report with the city council recommending no new charter or revision, until the expiration of thirty days after the filing of such report.

A charter commission may adopt its own rules governing the conduct of its meetings and proceedings.

A charter commission must hold at least one public meeting within forty-five days of its election and must make a preliminary report within eight months of its election and furnish copies of the report to the city or town clerk and the attorney general. It must also publish the report in a newspaper having a general circulation in the city. Within four weeks of the publication, the commission shall hold one or more public hearings on the report. Within four weeks after receiving the report, the attorney general must furnish to the commission a written opinion setting forth any conflicts between the proposed charter or charter revision and the constitution and laws of the Commonwealth.

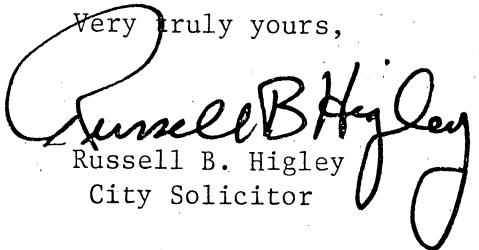
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When a charter commission submits its final report on the adoption or revision of a charter to the city council, the latter shall order the proposed adoption or revision to be submitted to the voters at the next regular city election held not less than two months after the submission of such final report. If the charter commission does not recommend the adoption or revision of a charter, however, its report will not be submitted to the voters. If a majority of the voters voting thereon, vote favorably on the adoption or revision of a charter, such charter or revision will go into effect on the date specified in such charter or revision.

Doubtless you will encounter further problems relating to this material. If you require further clarification of these procedures, please let me know.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:cag

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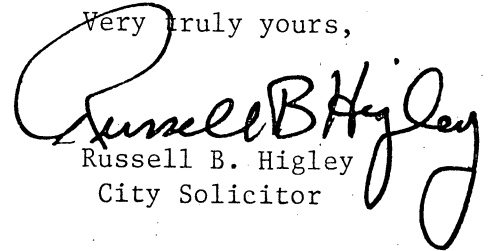
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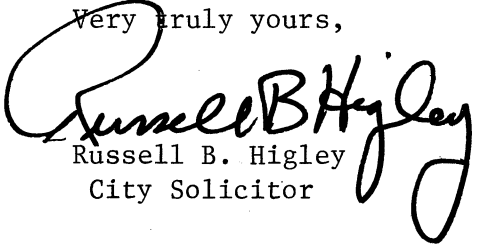
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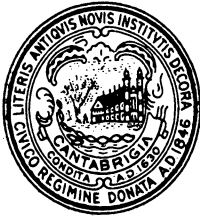
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Russell B. Higley
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OFFICE OF THE
CITY MANAGER



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Tel. 876-6800

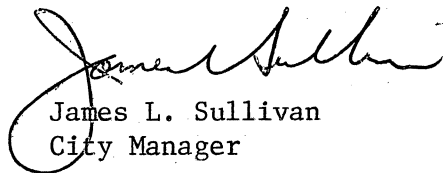
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

April 24, 1978

To the Honorable, the City Council:

In response to Awaiting Report Item No. 1, enclosed please find a copy of the opinion of the City Solicitor relative to the elimination of Proportional Representation method of voting and the alternatives available to change the Plan E form of government and to provide a strong Mayor-Council type of government.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

Response to Awaiting Report No. 1 re: elimination of Proportional Representation method of voting and the alternatives available to change the Plan E form of government.

S-167

In City Council,
April 24, 1978

4/24/78
Placed on File -