

Proposed Charter Amendments – Transition from Mayor to Commission President

Sec. 3-7. - Supervisor of Elections.

- (a) *Appointment, tenure.* The City Manager shall serve as the Supervisor of Elections.
- (b) *Alternate Supervisor of Elections.* In the event, for any reason, the Supervisor of Elections at any time is unable to serve and perform the duties of the office, the Finance Director shall assume and perform the duties of said office and, when acting for and in the place of the Supervisor of Elections, is empowered, authorized and directed to perform all the duties of said office.
- (c) *Issuance of election certificates.* The Supervisor of Elections shall issue a certificate of election to each official elected, and **shall** issue ~~two (2) certificates, one (1) to the mayor and one (1) a certificate~~ to the commissioners; whenever any proposition is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the City Manager, and shall contain a plain statement of the facts and be signed by the Supervisor of Elections.

Sec. 3-10. - Qualifications of candidates.

- (a) *General.* Candidates to be voted for at all elections for commissioners ~~and mayor~~ shall file a statement of candidacy as set forth herein and shall meet all of the qualifications for office as set forth in Section 3-5 ~~and 3-20~~ of this Charter.
- (b) (1) *Statement of candidacy.* Any person desiring to become a candidate for commissioner ~~or mayor~~ shall at least forty-five (45) days prior to the date for the election, file with the Supervisor of Elections a statement of such candidacy in substantially the following form, to wit:

Candidate for Nomination for _____

State of Maryland, Dorchester County, to wit:

I, _____ being first sworn, hereby declare and affirm under the penalties of perjury, that I reside at _____ in the City of Cambridge, County of Dorchester, State of Maryland, and that the aforesaid address is my principal and legal residence, and has been my principal and legal residence continuously since _____, and I am a qualified voter therein; that I am a candidate for the office of _____ **Commissioner of the City of Cambridge**, to be voted upon at the election to be held on the ___ day of ___, 20___. I further certify and affirm, under the penalties of perjury, that (a) I am at least twenty-five (25) years of age (or will attain the age of twenty-five (25) years prior to the date of the election), (b) that I have been a bona fide resident of the City of Cambridge for one (1) year prior to the date of the election, and (c) that I have continuously been a bona fide resident of Ward No. ___ for at least six (6) months prior to the date of the election; and I hereby request my name be placed upon the official ballot for election for such office.

I hereby acknowledge, confirm and agree, that in addition to any other penalties which may be applicable, any person who knowingly misrepresents his/her legal residency,

and/or who knowingly makes a false statement in writing regarding his/her residency as a qualification for election, shall be guilty of perjury and shall be disqualified to hold the public office for which he/she has filed.

Signed _____

Subscribed and sworn to (or affirmed) before me this ___ day of ___, 20___

Accompanying the Statement of Candidacy shall be a copy of the documentation set forth in Section 3-5 of this Charter.

- (2) *Candidate Financial Disclosure.* Any person desiring to become a candidate for commissioner ~~or mayor~~ shall comply with all applicable financial disclosure requirements and election finance reporting requirements of the City's Ethics Code in effect at the time of said filing.
- (c) *Filing fees.* At the same time, ~~candidates for mayor shall deposit with the Supervisor of Elections the sum of \$50 and candidates for commissioner shall deposit with the Supervisor of Elections the sum of \$25, which sums shall be paid over to the City for the purpose of defraying, in whole or in part, the expenses of such election.~~
- (d) *Published notice.* Immediately upon the expiration of the time for filing such statements of candidacy, the Supervisor of Elections shall cause to be advertised in two (2) newspapers published in the City, one (1) of which shall be a daily newspaper, if there be a daily newspaper published in the City, the names of the persons who have filed statements of their candidacy and have deposited the filing fee as hereinbefore provided, designating the office for which such person is a candidate.
- (e) *Voters; challenges.* The persons who are qualified to vote at the general election shall be qualified to vote at the election run-off, if any, and challenges can be made by not more than two (2) persons to be appointed at the time of the opening of the polls by the judges of election, or such challenge shall be made in person by the candidate themselves.
- (f) *Tally of ballots; canvass.* Upon the closing of the polls, the judges of election shall immediately count the ballots and make return thereof to the Supervisor of Elections in accordance with Section 3-15 of this Charter, at the City Hall, before the noon hour of the first Monday following said election, and at said time shall return the poll books and registry books, and on the same day the Supervisor of Elections shall canvass the returns so received from all the wards or precincts or polling places wherein such election has been held and shall publish at least once in a daily newspaper, and in such other newspapers as he or she may deem proper the result of such election.
- (g) *Nominees.* All persons who satisfy all of the qualifications for candidacy shall be the candidates and the only candidates for any elected office and their names shall be placed upon the ballot at the ensuing municipal election as the candidates whose election is hereinafter provided for.

Sec. 3-13. - General elections.

- (a) *Date.* On the third (3rd) Saturday in October in the year two thousand twenty ~~four~~ (2020), (2024) and every fourth (4th) calendar year thereafter, there shall be an election held in the City for the purpose of choosing commissioners ~~and the mayor~~, as hereinafter provided.
- (b) *Ballots; form.* The Supervisor of Elections shall prepare the ballots for such election. All City elections are non-partisan, and the ballots therefor shall not state the name of any political party. The ballots shall be in legible type, shall be headed "Ballot", with the names of the candidates for the respective office arranged in alphabetical order and grouped according to their ward residence, and upon each group of names shall appear the words "Vote for One." After the name of each candidate shall be a square in which the voter may make a crossmark for the candidate of his or her choice.
- (c) *Same; delivery.* The Supervisor of Elections shall deliver at each polling place the said registries of voters and a sufficient number of the said official ballots or voting machines or systems, and each qualified voter shall be provided a ballot or access to a ballot on the voting machine or system for the purpose of voting and shall be accepted by the judges or counted in canvassing the vote; provided, however, that nothing herein shall be deemed to prevent candidates for the various offices to have sample ballots, to be provided for at their own expense, for instructing the voters.
- (d) *Procedure.* If any voter cannot read or write, or is disabled by reason of any physical infirmity, he or she may ask one of the judges of election to mark his or her ballot as he or she desires. When a voter offers to vote, the judges shall ascertain by reference if his or her name is on the registry of voters; provided, however, that in any election held in the City, voting machines may be used in the same manner as provided for elections held in Dorchester County, to the extent not inconsistent with this Charter.
- (e) *Hours.* In every referendum or election run-off, the polls shall be opened at 7 a.m. and closed at 7 p.m. In all general elections, the polls shall be open and voting permitted during the hours established by the Supervisor of Elections.
- (f) In the event one (1) of the qualifying candidates receives more than fifty percent (50%) of the votes cast in the general election, said candidate shall become the elected official and no run-off shall be held.
- (g) *Election Run-off.* If none of the qualifying candidates receives more than fifty percent (50%) of the votes cast at the general election, then the two (2) candidates receiving the most votes cast shall proceed to a general election run-off to be held on the first (1st) Tuesday of December immediately following the general election. The candidate receiving the most votes cast in the run-off shall become the elected official.
- (h) The elected officials of the general election shall be sworn in at the beginning of the first (1st) City Council meeting in January immediately following the general election.

Sec. 3-14. - Judges and clerks of election.

- (a) *Appointment.* Within the thirty (30) days next preceding any general or special election, the Supervisor of Elections shall, with disregard as to the political faith, select, submit and recommend to the commissioners for appointment, subject to their approval, the number of

judges of election to be used in each ward along with persons recommended to serve as judges of election for each ward.

- (b) *Polling places.* The Supervisor of Elections shall publish in one or more newspapers published in, or of general circulation in, the City, the names of the judges and clerks of election, the polling place in each ward, or the central polling place for all wards, whichever shall be applicable, and the date and object of the election; said notice shall be published at least twice before each election and the last publication shall not be more than ten (10) nor less than five (5) days before the day of said election.
- (c) *Oaths.* Before proceeding to act, each judge and clerk of election shall make oath that he or she will, well and faithfully, without fear or favor, partiality or prejudice, perform the duties of judge or clerk, as the case may be, and in the case of a judge that he or she will deposit or account for all legal ballots in the ballot box, or within the voting machine, and no other ballot, and that he or she will make out and sign correct returns of the votes cast for each candidate and of the whole number of votes cast at said election.
- (d) *Failure to Act.* If any person who has been appointed judge or clerk of election shall fail, without good and sufficient reason to excuse him or her, to attend and act, he or she shall be guilty of a misdemeanor, and on conviction thereof before any court of law in the State of Maryland, shall be fined not more than \$500, or committed to jail for not more than sixty (60) days, or both.
- (e) *Vacancy.* If any vacancy occurs in the office of judge or clerk of election it shall, if it occurs before the day of election, be filled by appointment by the ~~mayer~~ **president of the commissioners** alone.

Sec. 3-17. - Oaths.

In addition to any officer authorized to administer oaths under the laws of the State of Maryland, ~~the mayer~~, the City Manager and any commissioner are hereby authorized to administer all official oaths and to administer an oath to any person who may desire to give testimony before the commissioners, or who may be summoned by the commissioners, on any subject, if ~~the mayer~~ or two (2) commissioners shall demand that such testimony be given on oath, and any person who shall refuse or fail to appear when summoned, or who shall refuse to answer any relevant or pertinent questions, or who shall answer falsely any question, or make any false statement on oath before the commissioners or a majority of them, ~~or before the mayer~~, shall be guilty of a misdemeanor, and on conviction thereof before any court of law shall be fined not more than five hundred dollars (\$500) or confined in the county jail for thirty (30) days, or both, in the discretion of the court having jurisdiction.

Sec. 3-18. - Organization of commissioners; oath.

On the first (1st) regularly scheduled City Council meeting in January following the certification of a general election result, the newly elected commissioners shall meet in the Council Chambers and take the oath required by Article 1, Section 9 of the Constitution of Maryland before ~~the mayer~~, the City Manager, or any officer authorized to administer oaths in the State of Maryland and any newly elected commissioner not present may take such oath as soon as practical subsequent thereto, but in no event later than thirty (30) days after the said first (1st) regularly scheduled City Council meeting in January following the certification of a general election result.

Sec. 3-19. - Same; failure to qualify; test book.

The newly elected commissioners, immediately upon taking the oath of office, shall organize and elect a president, ~~the mayor presiding but having no vote except in case of a tie.~~ If any person who has been elected commissioner shall fail to qualify as prescribed by Section 3-18 of this Charter, his or her office shall be declared to be vacant and a special election shall be ordered to fill the vacancy as provided by this Charter. The City Manager, in addition to the duties required of him or her heretofore by this Charter, shall keep a test book which shall be signed by all persons who take an oath of any kind, the said book shall also state the character of the oath taker; that is, whether as an officer or a witness, and if any officer, the title of the office shall be stated. All officers of the City, before entering upon their duties, shall take the oaths required by Article 1, Section 6, of the Constitution of Maryland and the same shall be recorded in said test book.

Sec. 3-20. - ~~Mayor; election; compensation; veto powers.~~

~~The mayor shall be nominated in the manner set forth in Section 3-16 of this Charter and shall be elected by the voters of the entire City for a term of four (4) years, or until his or her successor takes office, and the election for mayor shall be held at the same time as the commissioners, the qualifications for the office of mayor being the same as those of the commissioners as expressed in Section 3-5 of this Charter. The mayor shall receive compensation in the form of an annual salary and may receive additional compensation as set from time to time by an ordinance passed by the commissioners in the regular course of business, provided, however, that no change shall be made in the compensation for any mayor during the term for which he/she was elected. The ordinance making any change in the compensation for the mayor, either by way of increase or decrease, shall be passed prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. In addition to the powers, hereinafter vested in him/her, said mayor shall have the power to veto any ordinances passed by the commissioners. Every ordinance passed by the commissioners, before it becomes valid, shall be presented to the mayor; if he or she approved it, he or she shall sign it, but if not, he/she shall return it with his/her objections to the commissioners. If, after reconsideration thereof, four-fifths (4/5) of the commissioners vote affirmatively for said ordinance, it shall become valid. If any ordinance shall not be returned by the mayor within six (6) days after it shall have been presented to him/her, the same shall become valid.~~

Reserved

Sec. 3-21. - ~~Mayor; oath of office~~ President of the commissioners, duties.

(a) ~~Oath of office.~~ The mayor elect shall, on or before the second (2nd) Monday in January following his or her election, but not before the first (1st) day of January following his or her election, appear before the Clerk of the Circuit Court for Dorchester County and make the declaration and take the oath prescribed by the Constitution of Maryland, and, procuring from said Clerk a certificate of the declaration and oath taken by him/her as mayor, shall return the same to the commissioners.

(b) ~~General duties.~~ The mayor president of the commissioners shall be the principal representative of the City in all official and ceremonial matters, and before all federal, State,

and local governmental bodies, including serving as Resident Agent of the City. The ~~mayor~~ **president of the commissioners** shall preside over the meetings of the commissioners and shall be entitled to actively engage in any discussion that occurs during the meetings of the commissioners. The ~~mayor~~ **president of the commissioners** is authorized to declare for the City when a formal emergency begins and ends. The ~~mayor~~ **president of the commissioners** shall also perform such other duties and functions as may be authorized or required of him or her under this charter, or the amendments thereto, or by municipal ordinances.

- ~~(e) — Personnel Duties. The mayor shall have a vote along with the commissioners on the issue of termination of the employment agreement of: (1) any person who holds the position of City Manager or Acting City Manager, and (2) any Department Head employed pursuant to the employment agreement which agreement is in effect prior to the effective date of this Charter provision, and which employment agreement provides for the mayor's participation in the termination of employment.~~
- ~~(d) — Voting and veto power. Unless otherwise provided by a specific ordinance or Charter provision, the mayor shall only vote in the event of a tie vote of the commissioners. The mayor shall have the power and authority to veto ordinances passed by the commissioners, as set forth in Section 3-20 of this Charter.~~
- ~~(e) — Effective Date. The effective date of this Section shall be February 3, 2015.~~

Sec. 3-21A. - Vacancies in office of mayor.

~~If any vacancy shall happen in the office of mayor by reason of resignation, death, removal from office, change of residence, failure to qualify, or otherwise, the commissioners shall promptly order a special election to be held to fill the unexpired time for which the mayor was elected. In such cases judges of election shall be appointed, polling places shall be designated, and the notice and the date of the object of the election shall be given, the election shall be held, and the returns shall be made as provided for by Sections 3-14 and 3-15 of this Charter; provided, however, that no special election shall be held to fill a vacancy within the four (4) months next preceding the date appointed for the general election. When a vacancy exists in the office of mayor, all rights, powers and duties of the mayor shall be assumed by the president of the commissioners.~~

Reserved.

Sec. 3-23. - Salaries.

~~The compensation of all officers and employees of the commissioners shall be set from time to time by resolution passed by the commissioners, subject to the restrictions imposed upon establishing the salaries of commissioners and mayor.~~

Sec. 3-29. - Powers as to streets.

- (a) *Work authorized.* The Commissioners of Cambridge shall, and it does have the power to provide by ordinance, for locating, opening, closing, grading, graveling, surfacing, shelling, macadamizing, paving and curbing, or for regrading, regraveling, refilling, remacadamizing, repaving or recurbing, using any material or substance for such purpose, as in its discretion shall be most fit and proper, and to change, locate or relocate from time to time, as need requires, in doing any of the aforesaid street improving, any street, lane, alley or any public

thoroughfare within the corporate limits of the City of Cambridge, which street, lane, alley or any public thoroughfare or part thereof is now held by it, condemned, ceded, dedicated or opened as a public highway or thoroughfare, or which may hereafter be held by it, condemned, ceded, dedicated, located, opened, widened, straightened or altered, in any form, according to the laws and ordinances regulating the same now enacted or that may hereafter be enacted and ordained, with full power to change the grade line, width, length, course or direction of any public street or public highway within the said corporate limits, and to acquire land and property for the purpose of making any such improvement by purchase from the owners, if possible, by agreement, with the owners as to price, or by condemnation as provided by law, if unable to acquire by purchase agreement.

- (b) *Assessment for cost.* To have the power to assess the cost of any such work or improvement, such assessment not to exceed one-half of the cost thereof, upon any property binding upon such street, lane, alley or highway or public thoroughfare or part thereof, the amount to be assessed upon the property to be so assessed that one-fourth of the total cost shall be upon the property on one side of a street, and one-fourth of the total cost on the property on the other side of a street, the assessments to be upon the land on each side of any such street, by front foot apportionment.
- (c) *Collection of assessments.* To have the power to collect any such sum or sums of money assessed as aforesaid, in the same manner and by the same process now provided by law for the collection of city taxes from real and personal property by the Commissioners of Cambridge, who shall prescribe the time and place for the payment of any such assessment for any such improvement, and in addition to the means already provided by law for the collection of city taxes the said assessments may be collected by a suit at law either before a justice of the peace, if within such jurisdiction, or in the Circuit Court for Dorchester County, if the amount is within the jurisdiction of said court, and any judgment rendered in any suit, upon being recorded in the city manager's office of Dorchester County, shall be a first lien in priority, and take precedence over any existing lien of any kind or character, and if necessary to enforce the said lien by fieri facias, and sale thereunder, then the land and property so sold shall be free and clear of any other liens or encumbrances, except any other public taxes that may be due and owing, and out of the proceeds of sale, such other taxes shall be paid, if the proceeds of sale shall be sufficient therefor, after paying the costs and the amount of the said assessment and interest, if any.
- (d) *Work by commissioners or upon petition.* The said improvement or improvements may be made either in the discretion of the Commissioners of Cambridge, or upon petition by the owners of property on any street or streets, or part of any street or streets, that is, it may be made, if in the discretion of the Commissioners of Cambridge, such improvement is believed to be necessary, without any petition or application by owners of property, or it may be made on application by property owners, or it may be made both upon the discretion of the Commissioners of Cambridge, and also petition from property owners.
- (e) *Resolution and ordinance for improvements.* If the Commissioners of Cambridge, in its discretion shall deem it necessary to so improve any street or streets, or part of any street or streets, it shall pass a resolution declaring what improvement is to be made, giving a reasonable notice of such resolution, the said resolution to provide what part of any street or streets is to be improved, and how improved, and the estimated cost thereof, showing how much of said costs will be paid by the city and how much will be paid by the property on said

street, and after the publication of the said resolution or notice thereof, the Commissioners of Cambridge shall, by ordinance appropriate the amount to be paid by the city, and assess upon the said property, the amount to be paid by the property owner, on the property on said street, giving the time when such money shall be due and payable, and said ordinance also to contain a provision that unless cause to the contrary is shown, on or before some day therein named, that the said assessment shall, after said date, become final, and if no cause or insufficient cause is shown by said date, then the commissioners shall pass an ordinance making the said assessment final, and shall proceed to make the said improvement.

- (f) *Requirements for petition.* Such improvements may be made if the owners, or a majority of the owners, of more than one-half of the real estate in front feet, fronting or binding on each of such public highways, or thoroughfares, sought to be improved as aforesaid, shall sign and file with the Commissioners of Cambridge, a petition for such improvement to be made, and therein agreeing that the Commissioners of Cambridge shall assess the said property for one-half, that is, one-fourth on the property on the one side, and one-fourth on the property on the opposite or other side of the said street, of the cost of the same, such petition to show on its face, that it is from the owners of more than one-half of the land and property, in front feet, binding upon each side of said thoroughfare, in any block or square, or the portion of such thoroughfare dividing two blocks, or running between two blocks, that is, if any thoroughfare dividing two blocks or squares is sought to be improved, then more than one-half of the property owners, or the owners of more than one-half of the land and property in front feet, in the said two blocks, shall sign the said petition, or if a whole street is sought to be improved, or the balance of a whole street from any stated place is to be improved, then the petition must be by the owners of more than one-half of the land and property in front feet, binding on said whole street, or part of the street or thoroughfare to be improved, the said petition to state the street or thoroughfare or portion of the street or thoroughfare sought to be improved, the kind of improvement and plainly give the names of the petitioners, and the front feet of land owned by each of them, binding upon the said thoroughfare or part thereof sought to be improved.
- (g) *Publication of petition.* Should the commissioners, after the filing of any such petition, and the consideration of the same, deem that it would be publicly advantageous to such a degree, in their discretion, that the said improvement should be made, the said commissioners by resolution shall so state, and then they shall publish the said petition, including the signatures of the petitioners with the number of front feet owned by each, in some newspaper published in Cambridge, at least once in each of two successive weeks, and in said publication shall give notice to all persons having interest in the said proposed improvement, to file objections, if any they have, by a time therein named, with the commissioners, showing why, or showing cause why such improvement should not be made as asked in the said petition, and after the time named for the filing of objections, if any filed, they shall be considered after hearings, or in such manner as the commissioners shall think best, and if no objections are filed, and if filed, shall appear to the commissioners to be insufficient, then the commissioners shall further proceed toward making the said improvement, by the enacting of ordinances or of any ordinance for such purpose in the following manner:
- (h) *Manner of publication.* The commissioners shall publish in some newspaper printed in Cambridge, at least once in each of two successive weeks, as aforesaid, a notice of the aforesaid petition and the proceedings thereupon, as aforesaid, and the extent of the work to be done, the kind of improvement, with an approximate cost of the same and stating

approximately how much of the cost will be paid by the city and how much thereof by the owners of the land binding upon the proposed improved public thoroughfare, and the said notice shall require any persons who object to the said extent, nature, kind and cost of the improvement, to file such objection with the board of commissioners, on or before a certain day named in the said notice, the said notice to state, that unless the commissioners should, for cause shown, determine to the contrary that an ordinance would be later passed assessing one-half of the costs of the said public improvement upon all of the property binding upon the said public thoroughfare, and the balance of the costs thereof to be paid by the city, any objections or exceptions, as aforesaid, that may be filed, to be heard, considered and determined as the commissioners shall deem proper and after such consideration, if no cause shown, or insufficient cause shown, then the commissioners shall proceed to make the said assessment by ordinance.

- (i) *Front foot assessments.* The commissioners shall by ordinance assess the land and property binding upon the proposed improved thoroughfare, by front foot, the amount necessary to pay at least one-half of the cost of the improvement, the cost of the said improvement being stated in the ordinance, the number of front feet of land assessed, and the amount appropriated by the commissioners from the city treasury to pay the cost of the remaining half of the improvement, to be provided as hereinafter set forth, when the assessment shall be due and payable, and that after the assessment is in arrear and unpaid, to provide for enforcing the collection of the same, the ordinance to state the kind of improvement that has been determined to be made, and before the said ordinance shall become effective, it shall be published in some newspaper published in Cambridge, for at least twice in ten days, following the date of the ordinance, with an order nisi which shall state the time when the said ordinance shall be finally passed or become entirely effective, unless good cause or reason to the contrary be shown to the commissioners on or before the time named in the said order nisi, for cause to be shown, and if no sufficient cause to the contrary shall be made to appear to the commissioners, they shall on or after the time named in the order nisi, pass an order as part of the said ordinance, making it effective from the date of the said final order.
- (j) *Right of appeal; bond.* Provided that any person in interest, who shall feel aggrieved by the passage of any such ordinance, whether the said ordinance is passed in consequence of the action of the Commissioners of Cambridge in making any of said improvements, without petition having been filed, and by virtue of the power and authority herein conferred upon it, or whether the said improvement is made as the result and consequence of a petition filed by the property owners as hereinbefore set forth, in either event, or in the event that both of said proceedings have been had to procure the said improvement, within fifteen days from the date of the said final order, shall have the right to appeal from the said final order to the Circuit Court for Dorchester County, the said appellant to execute an appeal bond, in the penalty of two hundred [dollars] (\$200.00) payable to the State of Maryland, for the use of the Commissioners of Cambridge, conditioned, that if the appellant shall not prosecute his appeal with effect, then the said bond and the said appellant to be liable for all the costs, expenses and damage to the City of Cambridge, on account of the said appeal, but if the said appeal should be prosecuted with effect, then the said bond to be void, and should the said appeal be taken it shall be noted upon the records of the commissioners, and the said appeal bond filed with them, the clerk to the commissioners shall make a copy of all the proceedings and send the same, with the said bond, to the clerk of the circuit court, who shall place the case upon either the civil appeal or the civil trial docket of the circuit court, whichever the court shall

direct, and in order to prevent delay, the court may hear the matter of the appeal in recess, so as to determine the rights of the matter, the said appeal to transfer to the said court all the proceedings, which shall be subject to review by the court, and the clerk of the court shall, after the action of the court on the appeal, as soon as possible, certify to the clerk to the commissioners, the judgment of the court in the case, which certificate shall be recorded immediately after the said ordinance, or final order passing the same, and immediately after the entries showing that the appeal was taken. No appeal shall be heard by the court, or transmitted to the court, unless the said bond of \$200. 00 is first filed with the clerk to the commissioners, who shall have the right to determine the sufficiency or the financial sufficiency of the sureties or surety thereon. After the said period of fifteen days from the date of the said final order, there shall be no right to appeal. The said final order of the commissioners making the said ordinance effective shall not have to be published.

- (k) *Payment of cost; borrowing power.* The commissioners may pay the cost of the said improvement, that is the part of the cost to be paid by the city, out of any unappropriated money in the city treasury, at the time the said improvement is made, or if no such money is available, then the commissioners shall issue a certificate of indebtedness, for the purpose of raising the amount of money required to be paid by the city for the said improvement, and any such certificate of indebtedness shall be a binding obligation upon the municipal corporation of Cambridge, as in the case of obligations created by legally authorized bond issues of the said corporation, and power and authority is hereby granted to and conferred upon the Commissioners of Cambridge, to borrow such money in addition to and in excess of the limitations anywhere fixed in the Charter limiting the power of the commissioners to borrow money, this power and authority to borrow money for the said improvements being in addition to the powers now vested in the Commissioners of Cambridge to borrow money upon the faith and credit of the City of Cambridge, but if any such money is borrowed, then provision for its payment shall be made in the next succeeding budget, and levy to be made by the Commissioners of Cambridge, for the repayment of the said money that may be so borrowed, together with the interest thereon, the said commissioners shall have the power to fix the amount of the principal and the rate of interest of the said certificates, the times when the principal and interest shall be due and payable, and where payable, the time of maturity of the said certificate when it shall be entirely paid, which time shall not be more than five years from its date and the said certificate shall show upon its face, that it was issued on account of and to pay for the certain particular public improvement hereinbefore described, giving the number and the date of the ordinance for the said improvement, and stating what public thoroughfare the money was raised by the certificate to improve, and the said commissioners shall provide by a levy of taxes, at the time of making the regular annual levy, for the payment and retirement of the said certificate and all interest thereon, with the right to the commissioners to retire the said certificate before its maturity, by the payment of the principal sum and interest to the time of payment, the commissioners not to pay any interest from the date of the said payment of the certificate in full and the time when the certificate would mature on its face, that is, the commissioners shall have the right to redeem the said certificates at any time before the maturity of the same, and the money for such purpose may be from other sources than that specially levied, if there should be any money from any other source that would be available. And provided that at no time shall the total amount of such certificates that is, the aggregate principal sums of all outstandings, exceed the sum of ten thousand dollars (\$10,000.00) and the credit hereby given or the power to borrow money for the said purpose

hereby granted by the said means and manner, and for the said purpose, shall be in addition to the rights and powers of the commissioners to borrow money upon the faith and credit of the City of Cambridge, existing heretofore, before June 1, 1924, by which they are legally authorized and empowered to borrow money for all purposes. In the selling or negotiating of the said certificates of indebtedness, the commissioners may advertise the said certificates for sale by public bid, or they may negotiate the same without any public sale, doing it direct as regular negotiable paper. Any such certificates shall be signed by the ~~mayor~~ **president of the commissioners**, the corporate seal shall be attached, attested by the clerk to the commissioners; there shall be no coupons on the certificates, but it shall recite on its face when the interest and the principal shall be due and payable, and where payable.

Sec. 3-39. - City manager.

- (a) *Creation of office.* The office of city manager is hereby created.
- (b) *Appointment and qualifications of city manager.* The city manager shall be appointed by a majority vote of the city commissioners upon recommendation of a search committee for a term and under conditions as may be agreed to by the city commissioners.
- (1) S/he shall be selected solely on the basis executive and administrative qualifications with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office hereinafter set forth.
 - (2) The minimum educational requirement for the city manager is a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field. Candidates for the position shall also have a minimum of five (5) years of experience as a city/county manager or assistant city/county manager.
 - (3) If an acceptable candidate is not found meeting the requirements in (b)(2) above, the city commissioners may consider candidates with a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field who also have a minimum of five (5) years experience as a department head of a significant governmental line or staff function or in a management position in a significant business or corporate entity.
 - (4) At the time of any appointment as a city manager, the appointee need not be a resident of the city or state. Within one (1) year from his/her appointment, the city manager shall reside within the city limits as his/her principal residence. The residence requirement for a city manager may be delayed or waived by city commissioners based on extenuating circumstances as may be presented to and approved by a majority vote of the city commissioners, or as set forth in a binding employment agreement. An acting city manager appointed under this law shall not be required to live in the City of Cambridge as a condition of the appointment.
 - (5) No ~~mayor or city commissioner~~ **elected official of the city** shall receive such appointment as city manager or acting city manager during the term for which the ~~mayor or commissioner~~ shall have been elected, or within one year after the expiration of the ~~mayor's or commissioner's~~ term.

- (6) The search for a city manager shall be conducted by a search committee made up of five (5) individuals appointed by the city commissioners, who shall be appointed within thirty (30) days of the enactment of this legislation and thereafter within thirty (30) days of the city manager position becoming vacant. The ~~mayor~~ **president of the commissioners** shall chair and be a voting member of the search committee. The search committee may obtain additional assistance and resources in the search process upon a majority vote of the city commissioners. The individuals appointed by the city commissioners as members of the search committee shall be residents of the city or of Dorchester County, or be owners of businesses located in the city, or be persons who live elsewhere but have a second home in the city or Dorchester County who possess considerable expertise related to the search process.
- (c) *Removal from office.*
- (1) The city manager shall hold office subject to the vote to remove him or her by four (4) of the ~~six (6)~~ **five (5) commissioners**, ~~elected officials of the city the mayor and the city commissioners as a body~~ which vote shall be made at an official meeting of the city commissioners duly called and advertised. The final resolution of removal may be made effective immediately, or at any time after five (5) days from the date on which a copy of the preliminary resolution required in subsection (c)(2) below is delivered to the city manager, subject to the right of the city manager to a hearing as set forth in subsection (c)(3) herein below.
- (2) To institute the removal process, the city commissioners must adopt by the affirmative vote of a majority of its members, a preliminary resolution that sets forth in detail the reasons for removal. A copy of the resolution shall be delivered promptly to the city manager and the ~~mayor~~ **president of the commissioners**.
- (3) The city manager shall ~~have~~ the right to a private or a public hearing on the removal resolution, which right ~~must be exercised~~ by him/her making written request for same to the ~~mayor and city commissioners as a body~~, within five (5) days of receipt of said resolution. This hearing shall be held at a meeting of the ~~mayor and city commissioners as a body~~ not sooner than fifteen (15) days, nor later than, thirty (30) days after the request is filed. The city manager may also file with the ~~city commissioners~~; a written reply not later than five (5) days before any scheduled hearing.
- (4) Nothing herein shall prevent the city manager from accepting the proposed removal or termination of his/her contract without a hearing.
- (5) If the city manager requests a hearing pursuant to subsection (c)(3) hereinabove, the ~~city commissioners~~ may, by majority vote, suspend with pay the city manager from duty pending the outcome of the removal hearing and consistent with the terms of the city manager's employment agreement.
- (6) The suspension or removal of the city manager shall not be subject to any administrative appeal that is afforded to classified employees of the city.
- (7) If a city manager becomes disabled, is temporarily absent from the city for a length of time that may interfere with the efficient running of the city, is suspended, removed, or resigns, or completes his or her term as may be agreed to in his or her contract of employment and is not reappointed, or prior to the appointment of the first city manager

under this Charter, the city commissioners may appoint an acting city manager. Any acting city manager shall hold office for a period of time not to exceed six (6) months, subject to the affirmative vote by a majority of the ~~mayer and city~~ commissioners, ~~with the mayer having a vote~~, to remove the acting city manager or to extend his/her term. No notice of removal or hearing as allowed for a city manager under subsection (c)(1)(2) and (3) above is required for removing an acting city manager. If an acting city manager is removed, the city commissioners may appoint his or her replacement. An acting city manager shall possess the qualifications set forth in subsections (b)(1), and (b)(2) or (b)(3) above.

- (d) *Powers and duties of the city manager.* The city manager shall be the chief executive officer of the city and head of the administrative branch of the city, and may head one or more departments, and shall be responsible to the ~~mayer and city~~ commissioners as a body, for the proper administration of all affairs of the city. S/he shall serve as the chief personnel officer for the city, which shall include all matters regarding human resources. Subject to sufficient appropriations, the city manager may appoint an assistant director of human resources to assist him or her in these responsibilities and may appoint a finance director. To these ends the city manager shall have the power and shall be required to:
- (1) With the exception of the city attorney, who shall be appointed, suspended, or removed, directly by the ~~mayer and city~~ commissioners as a body, appoint and, when necessary for the good of the city, suspend or remove any department head with the advice and consent of the city commissioners. The city manager may hire, suspend or remove any classified employee pursuant to the city's adopted merit system, or may authorize any department head to exercise these powers with respect to subordinates within that department head's department, with the prior approval of the city manager.
 - (2) With the exception of the city attorney and his/her office, direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law; create, consolidate, separate, or combine offices, positions, departments, or units under his/her jurisdiction, with the approval of the city commissioners. Notwithstanding the exclusion of the city attorney from supervision and oversight by the city manager, the city attorney shall closely coordinate his/her activities with the city manager, respond to reasonable requests of the city manager, and keep the city manager apprised of and discuss with him/her city priorities, status of assignments, litigation, special needs, and issues of importance to the city that fall under the duties and responsibilities of the city attorney.
 - (3) Be the chief financial officer of the city and:
 - (i) Ensure that all public moneys belonging to or under the control of the city, except as otherwise provided herein, are properly accounted for;
 - (ii) Certify all financial reports developed for the ~~mayer and city~~ commissioners as a body and have custody of all bonds and notes of the city;
 - (iii) Review all reports of a finance director regarding the collection of taxes, special assessments, license fees, liens, and all other revenues (excluding utility revenues) of the city, and all other revenues for whose collection the city is responsible;

- (iv) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;
- (v) With the assistance of a finance director, prepare the city budget and capital program annually and submit them to the ~~mayor and city~~ commissioners as a body with a message describing the important features and be responsible after adoption for the administration and implementation of the final budget and any capital program approved by ~~city~~ the commissioners to achieve the goals of the city;
- (vi) On a regular and ongoing basis, keep the ~~mayor and city~~ commissioners as a body advised of the financial condition and future needs of the city, and make such recommendations as may be deemed desirable;
- (vii) Recommend to the ~~mayor and city~~ commissioners as a body from time to time, a standard schedule of pay for each appointed office and position in the city service, including minimum, intermediate, and maximum rates;
- (4) Recommend to the ~~mayor and city~~ commissioners as a body from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;
- (5) Attend all meetings of the ~~city~~ commissioners unless excused, and take part in the discussion of all matters coming before the ~~city~~ commissioners. The city manager shall be entitled to notice of all regular and special meetings of the ~~city~~ commissioners;
- (6) Supervise the city procurement process including purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the city services; and report said actions on an ongoing basis to the ~~mayor and city~~ commissioners as a body pursuant to subsection (d)(3)(vi) above. Nothing herein is to be construed as limiting the ~~city~~ commissioners from establishing by resolution reasonable and customary upper limits beyond which the city manager must obtain approval for said purchase and contracts;
- (7) See that all laws, provisions of this charter and acts of the ~~city~~ commissioners, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, including contract employees, are faithfully executed and duly enforced;
- (8) Investigate the affairs of the city or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed;
- (9) Devote his/her entire time to the discharge of all official duties;
- (10) In collaboration with any finance director, submit to the ~~mayor and city~~ commissioners as a body and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year. Included in the report shall be the accomplishments of the various agencies and the city;
- (11) Make such other reports as the ~~mayor and city~~ commissioners as a body may require concerning operations;

- (12) Make recommendations to the ~~mayor and city~~ commissioners ~~as a body~~ concerning the affairs of the city and facilitate the work of the ~~mayor and city~~ commissioners ~~as a body~~ in developing policy;
 - (13) Provide staff support services for the ~~mayor and city~~ commissioners ~~as a body~~;
 - (14) Assist the ~~mayor and city~~ commissioners ~~as a body~~ in the development of long term goals for the city and strategies to implement those goals;
 - (15) Encourage and provide staff support for regional and intergovernmental cooperation;
 - (16) Promote partnerships among the ~~mayor, city~~ commissioners, staff, and citizens in developing public policy and building a sense of community;
 - (17) Assure that a record of all the proceedings of the ~~city~~ commissioners is kept in the minute book as they occur. S/he shall within six (6) days after an ordinance has been passed record the same fully and at length in the ordinance book, and shall duly and promptly record and enter in the general record books all papers, documents, contracts and orders which the Charter or the ordinances or the directions of the ~~city~~ commissioners require to be recorded therein. S/he may appoint one or more staff persons as city clerk/deputy clerk under his/her direction and authority to perform these duties, with the advice and consent of the ~~city~~ commissioners;
 - (18) Be the public information official for the city, except for matters involving the Cambridge Police Department. With regard to any matters involving the police department, the chief of police shall designate the spokesperson for the department. The police department shall cooperate and coordinate with the city manager regarding information being provided to the public by the department;
 - (19) Hold regular meetings with the department heads;
 - (20) Serve as the supervisor of elections for the city;
 - (21) Perform such other duties as are specified in this charter and may be required by the ~~mayor and city~~ commissioners ~~as a body~~, not inconsistent with the city charter, law, or ordinances.
- (e) *Non-interference with appointments or removals.* Except for the purpose of inquiry, the ~~mayor and city~~ commissioners shall deal with the administration of the city solely through the city manager and ~~neither the mayor, nor any city~~ no commissioner, shall give orders to any subordinates of the city manager, either publicly or privately.
- (f) *Emergencies.* In the event an emergency is declared by the ~~mayor~~ president of the commissioners pursuant to section 3-21(~~b~~) of this Charter, the city manager may award contracts and make purchases for the purpose of meeting said emergency, subject to appropriations not to exceed an amount established by a resolution of the ~~city~~ commissioners. In so doing, the city manager shall meet during the period of the emergency on a regular and ongoing basis as needed with the ~~mayor and city~~ commissioners and collaborate with them in addressing the challenges that present themselves during the emergency. The city manager shall also file promptly after the emergency ends with the ~~mayor and city~~ commissioners ~~as a body~~, a certificate showing an itemized account of all expenditures during the emergency.

- (g) *Bond.* The city manager shall furnish a surety bond to be approved by the city commissioners, said bond to be conditioned on the faithful performance of all the duties of the city manager. The premium of the bond shall be paid by the city.
- (h) *Compensation.* The city manager shall receive such compensation as the city commissioners shall fix pursuant to the terms of any contract of employment entered into between the city and the city manager as provided for in a formal employment agreement. The city manager's compensation shall not be reduced unless such a contingency is included in any formal employment agreement and all city employees' compensation is reduced. Any reduction will be covered by the terms of the formal employment agreement.
- (i) *Personnel duties.*
- (1) All subordinate officers and employees of the offices, departments, and agencies of the city shall be appointed by the city manager. Subject to the provisions of any adopted merit system, all subordinate officers and employees may be removed by the city manager, or by the department head with the prior approval of the city manager.
 - (2) Pending any changes pursuant to paragraph (3) below, the city employee manual and personnel policies in effect on the date of enactment of this Charter Amendment shall remain in full force and effect.
 - (3) Upon the hiring of a city manager and periodically thereafter as may be needed, one of his/her duties shall be a review of the City of Cambridge Personnel Policies, which shall include convening the Cambridge Personnel Review Committee to assist in determining if any changes in the city's personnel policies need to be made, and, if so, to make recommended changes for the city commissioners to consider.
- (j) *Savings clause.* If any section, subsection, or sentence, clause, or phrase of this Charter is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this Charter. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this Charter in which case the provisions of this Charter shall govern.
- (k) *Effective date.* The effective date of this Charter Resolution shall be February 3, 2015.

Sec. 3-43. - Municipal utilities commission; establishment, powers.

The Commissioners of Cambridge shall have the authority and power, by appropriate ordinance, to establish a municipal utilities commission for said city and to fix and determine and, from time to time, modify and amend, the powers and duties of said commission, the number and method of appointment of the members thereof and their qualifications, terms of office and compensation. Said commission shall consist of the ~~mayer~~ **president of the commissioners** and two residents of Cambridge not otherwise employed by the Commissioners of Cambridge who shall be appointed as provided in said ordinance. The city engineer and the manager of any utility acquired or constructed pursuant to section 3-44 shall also serve as members of said commission, provided such membership shall be ex officio, without vote and without additional compensation. The Commissioners of Cambridge may, by any such ordinance, transfer and delegate to said commission, responsibility in whole, or in part, for the administration, management, operation, maintenance, repair and expansion of any water supply and distribution system constructed or acquired by the city, any sanitary or storm water sewer system or systems and any sewage disposal

plant so acquired or constructed, and any other municipal public service utility so acquired or constructed. Said delegation may include:

- (1) The right, without reference to any other law or ordinance, to employ and discharge necessary administrative, clerical, operating and maintenance personnel and to prescribe the terms and conditions of such employment and the compensation and duties of such employees;
- (2) The right and duty, without reference to any other law or ordinance, to purchase and store an adequate quantity of all supplies, materials and equipment, including needed automobiles and trucks, necessary to the efficient and continuous operation, repair and extension of the systems under the control of said commission;
- (3) The right to lease or acquire separate offices and secure storage space for the employees and property under the control of the commission;
- (4) The right to establish and maintain, in its name, separate books of account and financial records as well as separate bank deposit accounts for all funds received and disbursed by the commission, together with the right to employ independent accountants to audit said books of account and records at regular intervals and the right to pay from the funds so received any and all obligations incurred by the commission in the operation, maintenance or extension of any utility as well as any and all obligations incurred by the city under any indenture or trust or other agreement securing any indebtedness with respect to the acquisition or construction of any utility under the control of the commission;
- (5) The right to promulgate and enforce reasonable rules and regulations for the prompt collection or payment of all rates, service charges or fees for the service of, or connection with, any utility under the control of the commission, including the allowance of discounts for prompt payment, the discontinuance of service after reasonable notice for overdue accounts and the filing and prosecution, in the name of the city, of claims in any appropriate court;
- (6) The obligation to prepare and, from time to time revise, schedules of rates, fees or charges to be established, imposed, and charged for the services of, or connection with, any utility under the control of the commission, and to submit such schedules, with appropriate explanations, to the Commissioners of Cambridge for adoption and, after such adoption, to bill all persons served by any such utility on the basis of the schedules so adopted; provided, however, that the Commissioners of Cambridge may, by resolution or trust indenture, or otherwise, covenant to adopt, in whole or in part, schedules of rates, fees or charges recommended by a consultant to the commission, or to a trustee or other person representing the holders of bonds issued by the Commissioners of Cambridge to finance the acquisition or construction of any such utility in which event the obligation of the commission hereunder shall be deemed to be modified by, and subject to, said covenant;
- (7) The obligation to prepare and submit to the Commissioners of Cambridge, at least thirty (30) days before the beginning of each fiscal year of the city, an operating financial statement of the commission for the preceding fiscal year, together with a budget for the ensuing fiscal year, such documents to show any available free net earnings or surplus

for credit to the general funds of the city for appropriation for the ensuing fiscal year requested from the city and to be accompanied by sufficient supporting schedules to enable the Commissioners of Cambridge to determine the financial and operating status of the utilities under the control of the commission and its program of capital improvements.

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