Cambridge Matters

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At the most recent Cambridge City Council meeting, the Commissioners unanimously directed the City Attorney to move forward with the proposed change in the City Charter to eliminate the position of a publicly elected Mayor and allow for the Commissioners to elect someone to lead them for a two-year term who will be called Mayor. They also indicated an interest in having the other commissioners serve one-year terms on a rotating basis as Vice Mayor.

There was no indication from the Commissioners that any of the other changes in the working draft from the City Attorney needed to be made. Included in the draft from the City Attorney was language that had the new regimen for selecting a mayor begin with the election in 2024. So what will the City Council to about the requirement of Section 3-21A of the City Charter that reads in part

“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.

Now the term “promptly” can be interpreted in multiple ways. Could it mean that City Council can wait a month, two months, a year, or until after the current Charter is amended in some way? That language certainly would be subject to interpretation by them, but waiting months would not, I believe, be within the normal meaning of those words. I cannot imagine that the drafters of this part of the Charter anticipated that upon the resignation of a Mayor the Commissioners would also think that this would be a great time to change the Charter about no longer having a public election of the mayor and decide to delay an election or decide not to hold one until the next term were to arrive.

Now it appears that the City Council has made up its mind about the issue of removing the mayor, which is totally within their right. Given my experience in having no success in finding anyone willing to run for Mayor, if we have an election, I do not think that what the City Council is proposing in this regard is a bad idea. Others may think it is.

I do think, however, that the simple changes suggested by the City Attorney were meant for there to be a robust discussion by the Commissioners on the implications of what was being proposed. How will the City Manager be selected without the mayor, who currently has no vote in the City Council decision to hire someone? Does allowing the mayor elected by the City Council to have a vote in selecting the City Manager give that person too much influence in that decision? Would it be better to have the other commissioners elect, and if they tie two to two then allow the mayor elected by them make the final decision?

With the election of the Mayor by the City Council, would it not be better and increase public voting to have the mayor be the person with the most votes who is elected from all of the Wards, and have him/her serve as the first Mayor for a two-year term followed by the Commissioners selecting that person for the next two years? As you will recall from the last election some of the Wards had low voter turn out and some elections were won by just a few votes. Should the Mayor be someone who barely won in his or her race or someone who obtained the most votes in his or her election? Having the vote count determine who would be Mayor would certainly encourage the candidates to campaign in their Ward and their constituents to come out and vote.

With the termination or removal of a City Manager, the proposed language from the City Attorney had that four of the five Commissioners making that decision. While I think that would give the City Manager some job security during his or her term, it would not prevent his/her contract from not being renewed as it only takes three members to approve or disapprove a contract. Currently four of the six elected officials would need to vote to terminate a City Manager. That is 67%. If it were three of five, that would be 60%. If it were four of five that would be 80%. By requiring four of five to remove a City Manager, City Council would be allowing a minority of City Council to control a particularly crucial decision. Are we sure that that is the best idea and in the best interests of the City?

With the move to only five elected officials, the issue of a mayoral veto needs to be considered. I do not recall seeing in the proposed language what happens to the veto. Presumably, it would be removed.

What other matters might be taken up for consideration since the proposed changes would not take place until 2024? At this point I am not sure, but should not other things be considered along with this notable change? For instance, we currently have language in the Charter that allows for employees that are sanctioned or terminated to appeal to the City Council. Do we really want a political body making that kind of determination when many of them do not have experience in the Human Resources area? Does this language set the City up for law suits by employees? Should some other appeal process be put in place that protects the rights of the employees instead of an appeal to the City Council? I think so.

Lurking behind all of these considerations is the fact that we have been without a full time City Manager for several months. The current Acting City Manager is doing an excellent job for us, so maybe the delay in finding someone new is not of concern. Is the City Manager selection and election process moving forward? Are we receiving applications from good people? Are they being frightened off as they are unsure as to how all of the pending issues will be resolved? Will we wait the several months that will be required at least to change the Charter and then have to wait additional months for the City to find the right City Manager?

If you have an opinion on any of these issues, you need to let the City Council and your Commissioner know what it is. Email them. Talk with them. Come to the City Council meetings and let them know what you think. If you do not do that, you will have no right to complain about what comes out of their deliberations and decisions. Hopefully, they will take a moment to slow down and hear from the community before moving forward. At this point, that does not appear to be in their plan until they have made their decision on what they want.

Thanks for reading.

Steve