



# City of Cambridge

O-1.

IN CITY COUNCIL

September 10, 2001

MAYOR GALLUCCIO  
 COUNCILLOR BORN  
 COUNCILLOR BRAUDE  
 COUNCILLOR DAVIS  
 COUNCILLOR DECKER  
 VICE MAYOR MAHER  
 COUNCILLOR REEVES  
 COUNCILLOR SULLIVAN  
 COUNCILLOR TOOMEY

ORDERED: That the City Clerk is hereby directed to treat sponsorship of each resolution which expresses congratulations, best wishes, condolences, get well wishes, birthdays, etc. as follows:

1. Name of the person who first submits the resolution goes first.
2. Before the 3:00 p.m. order deadline, names are added in order in which members subsequently submit the same resolution.
3. After 3:00 p.m. all other names are added in alphabetical order.
4. If the resolution is submitted as a late resolution at the meeting, all other member's names are added in alphabetical order.
5. Any member who does not desire to be listed as a sponsor of a particular resolution of this type shall so inform the City Clerk and that member's name shall be removed; and be it further

ORDERED: That said procedure shall be in effect as a standing order of the City Council until such time as it is changed by further City Council action.

In City Council September 10, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

*D. Margaret Drury*

D. Margaret Drury  
 City Clerk

August 14, 2013

Government Operations Committee  
Cambridge City Council  
795 Massachusetts Avenue  
Cambridge MA 02139

To the Honorable, the City Council:

This letter is written as a comment upon the Attorney General's determination that the format of the minutes of the Cambridge City Council does not comply with the Open Meeting Law.

The Open Meeting Law as revised in 2009 defines "minutes" as "the written report of a meeting created by a public body required by Section 22 (a) [of Chapter 30A Open Meeting Law] and Section 5A [Records of meetings of boards and commissions; contents] of Chapter 66 [Public Records] for meeting minutes and records. The requirements of these sections are as follow:

Section 22. (a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject (emphasis added), a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

Section 5A. The records, required to be kept by sections eleven A of chapter thirty A, nine F of chapter thirty-four and twenty-three B of chapter thirty-nine, shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town, in the case of municipal boards, such records need not include a verbatim record of discussions at such meetings.

Robert's Rules of Order specify that . . ."the minutes should contain mainly a record of what was *done* at the meeting, not what was *said* by the member" (emphasis in original).

As currently prepared, the written record of each City Council meeting (i.e., the material that would be designated the "minutes" by Section 22 (a)) already includes (1) all required information as to the date, time, place, and attendees, (2) the

summary record of the meeting listing all of the items on the agenda including a brief summary of the content of each item and the official actions taken, with the vote noting how many councillors voted for and against; (3) complete copies of all of the items considered at the meeting, including who sponsored orders and resolutions and who voted for and against, with separate copies of any proposed amendments, and the outcome and vote for the proposed amendment; and (4) a list of all documents and exhibits used at the meeting, generally accompanied by copies of these items. This written record is sufficient to provide a clear understanding of what was *done* at the meeting.

The Section 22 (a) requirement for a summary of the discussions on each subject does not appear in Section 5A. Section 22 (a) does not specify that the summary of discussion required is “a summary of the discussion with sufficient detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred.” (Emphasis added.) That language appears in the Determination of the Attorney General, MIO 2013-76. Depending on how the requirement for a summary of the discussion is interpreted, it could become a major burden on financial and/or staff time resources, while adding little to the current ability of members of the public not in attendance to have a clear understanding of what occurred at the meeting.

Members of the public who did not attend the meeting and desire to have a clear understanding of what was *said* at the meeting may view the complete video copy of the meeting, which is available on the City’s website. Obviously, a video of the complete discussion will provide members of the public with a better understanding of what was said than a short and unavoidably subjective written summary can provide.

The question then becomes whether a written record accompanied by a readily available video of the discussion can satisfy the requirement of Section 22 (a). This is a question that is difficult for the City of Cambridge to answer without more dialogue with the Attorney General’s Office. For example, after a great deal of dialogue about whether Cambridge really needed to post the agenda at the Cambridge Police Station to satisfy the revised Open Meeting Law notice requirement for meeting information to be posted in a manner “conspicuously visible to the public at all hours,” the Attorney General’s Office determined that notices on the website meet that requirement.

The material submitted to the Attorney General in response to the complaint did not include a video excerpt of the portion of the meeting pertaining to the particular complaint, but rather a video of the entire meeting, which could have been confusing to anyone unused to searching Cambridge City Council meeting videos for a particular item. I do not believe that the City knows whether some sort of change to the video ( e.g., a search function) and/or a reference on the written record to where the discussion of the item can be found on the video) would satisfy the requirement for providing a member of the public with a readily available way to understand

what was said at a meeting. The City of Somerville uses links from each item on its internet record of the meeting to the video discussion of that topic. Given the amount of financial and staff resources that the City has devoted to making this information available on line, along with the patently obvious superiority of a video of the discussion to a written summary to fulfill the intent of the summary of discussion requirement of the Open Meeting Law as set out in the Determination of the Attorney General, use of the video along with clear directions or links from the written portion of the record enable quick access to the discussion, would best serve the public interest.

Some other municipalities without the level of internet city council meeting records and video recordings of the meeting enjoyed by Cambridge and Somerville are now attaching stenographic transcripts of the meeting to their record of the meeting. Obviously, a full transcript would meet the requirement for sufficient information to enable a member of the public who did not attend the meeting to have a clear understanding of what occurred. However, transcripts, which are generally used for quasi-judicial boards in which a complete and accurate record is a due process requirement, are an expensive solution to a requirement that should be able to be met by the readily available video version.

Finally, it is theoretically possible for the City Clerk's Office to continue to struggle to fulfill this unfunded mandate to provide an additional level of written summaries of the discussion as a part of the record. This is the solution of some smaller cities and towns, mostly places with smaller meeting agendas and without the busy committee meeting schedule of the Cambridge City Council, or with a fulltime clerk of committees. While "summaries of the discussions on each subject" sounds like a short and quick task, the Clerk will assure you that it is anything but. Is a summary of a discussion accurate if it does not include at least some reference to comments of all members who spoke on the issue? Must an issue presented be attributed to the councillor who raised it? Is a particular description of an item sufficiently balanced?

This task had added a disproportionate amount of staff time to an already extremely busy City Clerk's Office, without any increase in the amount of information available to the public. I am confident that the City Council will seek a productive outcome that better serves the intent of the law and the ability of the Clerk's Office to continue to provide the high level of service that the City Council and the public expect and deserve.

Thank you for the opportunity to comment on this issue.

Very truly yours,

Margaret Drury