



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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DONNA P. LOPEZ
CITY CLERK

February 5, 2014

TO: THE HONORABLE, THE CITY COUNCIL

FROM: DONNA P. LOPEZ, CITY CLERK 

SUBJECT: OPEN MEETING LAW COMPLAINT DATED JANUARY 30, 2014 BY JOHN HAWKINSON

Attached you will find a response to an Open Meeting Law Complaint filed by John Hawkinson on January 30, 2014 and the action taken by the City Council on said complaint.

I am requesting that the City Council vote to adopt this letter as its response and resolution.

Your kind attention in this matter is greatly appreciated.

Nancy E. Glowa
City Solicitor

Arthur J. Goldberg
Deputy City Solicitor

Vali Buland
First Assistant City Solicitor



Assistant City Solicitors

Paul S. Kawai
Elizabeth A. Lashway
Samuel A. Aylesworth
Amy L. Witts
Keplin K. U. Allwaters

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

February 11, 2014

Amy Nable, Assistant Attorney General
Director of Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Action taken by Cambridge City Council on Open Meeting Law complaint of John Hawkinson dated January 30, 2014

Dear Ms. Nable:

On behalf of the Cambridge City Council, I am writing to advise you pursuant to 940 CMR 29.05(5) of the action taken by the City Council on the Open Meeting Law complaint of John Hawkinson. A copy of Mr. Hawkinson's complaint dated January 30, 2014 (the "Complaint") is attached as Exhibit "A". Mr. Hawkinson alleges that the City Council violated the Open Meeting Law because an ad hoc committee appointed by Cambridge Mayor David P. Maher met twice without posting notice of its meetings on the Cambridge web-site where notices of meetings of public bodies are posted. The City Council denies that the ad hoc committee appointed by the Mayor was a public body subject to the Open Meeting Law posting requirements.¹

FACTS

The Cambridge City Council is composed of nine elected Councilors. Five City Councilors constitute a quorum. The Cambridge Mayor is one of the nine elected City Councilors who is chosen by the City Councilors to serve as Mayor of the City for a two-year term. See, G.L.c.43, §97. The Mayor has those powers in the City of Cambridge's Plan E form of government that are provided in state law (see generally, G.L.c.43, §§97-100). By Provisional Rule 26 of the City Council (attached as Exhibit "B"), the Mayor is

¹ If the Mayor's ad hoc committee were a public body, then this Complaint should have been directed to that body, and not to the City Council. There is no allegation in the Complaint that the City Council itself violated the Open Meeting Law.

authorized to appoint City Councilors to the several standing committees of the City Council.²

At its inaugural meeting on January 6, 2014, the nine members of the City Council elected City Councilor David P. Maher to serve as Mayor. Mayor Maher wanted to examine whether to revise the City Council's standing committee structure as one of his first orders of business. To that end, he named a six person ad hoc committee composed of three City Councilors, the City Clerk, the former City Clerk, and the Executive Assistant to the City Council. The ad hoc committee met twice, on the dates noted by Mr. Hawkinson in his Complaint, January 21 and January 27, 2014. As a courtesy, public notice was given of those meetings by postings on the bulletin board in City Hall near the City Clerk's office. Mr. Hawkinson attached copies of those public notices to his Complaint. Public notices of the meetings were not posted on the City's web-site where notices of meeting of public bodies subject to the Open Meeting Law are normally posted because the ad hoc committee was not deemed to be a public body subject to the Open Meeting Law.

The ad hoc committee fulfilled the task assigned to it by Mayor Maher in the two meetings it held. The committee reported back to Mayor Maher with recommendations that the Mayor has reviewed and forwarded to the City Council. A copy of the Mayor's communication to the City Council forwarding the ad hoc committee's recommendations dated January 29, 2014 is attached as Exhibit "C".

DISCUSSION

1. There was no Open Meeting Law violation.

Because the Mayor's ad hoc committee was not a public body subject to the Open Meeting Law, no public notice at all was required to be posted of its meetings.

"Public body" is defined in G.L.c.30A, §18 as:

a multiple-member board, commission, committee or subcommittee within...any...city..., however created, elected, appointed or otherwise constituted, established to serve a public purpose...; provided, further, that 'public body' shall not include... bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer....

The Division of Open Government (the "DOG") recognizes two separate tests for determining whether an entity falls within the broad definition of "public body" and is therefore subject to the Open Meeting Law. One test is whether the entity was informally

² Provisional Rule 26 creates seventeen standing committees: the Ordinance Committee, the Finance Committee, the Claims Committee, the Government Operations and Rules Committee, the Community Health Committee, the Environment Committee, the Neighborhood and Long Term Planning Committee, the Housing Committee, the Economic Development, Training, and Employment Committee, the Public Safety Committee, the Human Services Committee, the Civic Unity Committee, the Public Facilities, Art and Celebrations Committee, the Transportation, Traffic and Parking Committee, the Cable TV Telecommunications and Public Utilities Committee, the Veterans' Committee and the University Relations Committee.

appointed by an individual official to advise that official on decisions for which he or she has sole responsibility. If so, the entity is not a public body subject to the Open Meeting Law. See, Connelly v. School Committee of Hanover, 409 Mass. 232 (1991). However, if the official created the entity because he or she was required to do so by law or at the direction of a governing body such as a City Council, then the entity will likely be subject to the Open Meeting Law. In the case of the Mayor's ad hoc committee, the Mayor exercised his discretion to create a temporary working group to make recommendations to him on matters that he would then transmit to the City Council. The Mayor is an individual official, and is not himself subject to the Open Meeting Law. The Mayor had sole responsibility to decide whether to create the ad hoc committee to make recommendations to him. Therefore, the Mayor's ad hoc committee, created by him alone at his discretion to advise him, was not a "public body" subject to the Open Meeting Law meeting notice posting requirements based on this test.

Although the ad hoc committee was not a public body based on the above test alone, in addition, the ad hoc committee was not a public body based on the second test employed by the DOG to determine whether a multiple member entity is a public body. The second test has three parts. For a multiple-member entity to be a public body subject to the Open Meeting Law (assuming that the Connelly exemption described above does not apply), the entity must: 1. be within government; 2. be a body empowered to act collectively; and 3. serve a public purpose. OML 2011-42; OML 2012-20; and OML 2013-56. It is not disputed that the ad hoc committee served a public purpose in that it reviewed the City Council committee structure. It is not clear that the ad hoc committee was "within government", as it was made up of both elected officials and City staff as well as a member of the public. However, in any event, the ad hoc committee did not meet the second part of the test and therefore was not subject to the Open Meeting Law because it was not empowered to act collectively. The DOG has based determinations that entities were not empowered to act collectively on factors such as whether the entities had a quorum requirement, took formal votes, and made formal recommendations to a public body. Here, the ad hoc committee did not have a quorum requirement, did not take formal votes, and made its recommendations to an individual, the Mayor, as opposed to a public body. Because the ad hoc committee did not act collectively, as that term is construed by the DOG, for that reason alone it is not a public body subject to the Open Meeting Law.

Therefore, the ad hoc committee was not a public body because it was advisory to a single public official (falling within the Connelly exemption) and, even if it did not fall within that exemption, it is not a public body because it is not empowered to act collectively as that term has been construed by the DOG.

No further action is necessary. The Complaint fails because the ad hoc committee did not hold a meeting, or fail to post required notices, in violation of the Open Meeting Law.

2. The remedy requested by Mr. Hawkinson is inappropriate.

Even if the Complaint is found to have merit, the remedies requested in the Complaint are inappropriate. The Complaint is misdirected at the City Council because

there are no allegations that the City Council itself violated the Open Meeting Law. Also, Mr. Hawkinson appears to misunderstand that the Complaint is directed to a public body for a response at this time. The request for relief from the Attorney General's office in the form of two \$1,000 fines is inappropriate because this Complaint is not before the Attorney General. Also, there is no basis to allege any intentional violation of law that might support the imposition of any fine.

As required by 940 CMR 29.05(5), the City Council reviewed the allegations of this Open Meeting Law complaint within fourteen business days of its filing. At its meeting of February 10, 2014, the City Council voted to adopt this letter as its response and resolution. Mr. Hawkinson is being informed of the City Council's action by copy of this letter.

Very truly yours,

Donna P. Lopez
City Clerk

cc. John Hawkinson
P.O. Box 397103
Cambridge, MA 02139-7103

John A. Hawkinson, freelance news reporter
Courier: 84 Massachusetts Avenue, Room 557
Postal: Box 397103
Cambridge, MA 02139-7103
617-797-0250, jhawk@MIT.EDU

January 30, 2014

2014 JAN 30 PM 4 33

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
The Honorable Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA 02139
By HAND

Dear Mayor Maher and City Councillors:

This is an Open Meeting Law complaint pursuant to 30A MGL §23, regarding meeting announcements not being posted on the City's web site. As this Council is new, I would like to hope that there is as much transparency as possible going forward, and therefore I reluctantly file this complaint.

I recognize that an attempt was made to conduct this ad hoc committee in the light of day, but that attempt has fallen short. I am keenly conscious that four members of the Council do not constitute a quorum, and therefore could meet without notice to the public. But if a notice is going to be posted, and a committee is to meet, in this day and age, failing to post notice of the meeting on the City's web site is not excusable.

Description of alleged violation

The Mayor created a "Special Ad-hoc Committee" for the purpose of "discussing quorums for council committees as well as the number and size of committees and how many will serve on said committees," and noticed two meetings of this committee by posting to the City Council bulletin board inside Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, MA. The meetings were on Jan. 21 and Jan. 27, 2004, and were noticed on Jan. 14 and Jan. 23, respectively.

The creation and membership of this committee were not otherwise announced.

It is the practice of the City that notices of City Council committees meetings are also posted online, at <http://www2.cambridgema.gov/cityClerk/HearingSchedule.cfm?fullYear=Y&>. These two meetings were not noticed on-line.

Cambridge City Hall is not open "at all hours," so pursuant to 940 CMR §29.03(2)(b)(a) the City has elected to the option of "public bodies may post notice of meetings on the municipal website;" The City has filed its notice of alternative posting with the Commonwealth's Division of Open Government as of April 14, 2011, and has a posted paper notice stating that "Notices of all public meetings of all public bodies of the City of Cambridge and the Cambridge public schools are posted on the respective organization's specific website as follows: ... City of Cambridge: www.cambridgema.gov."

These meetings should have been noticed on the City's web site, and they were not. Oral conversation with the City Clerk this morning confirms they were not noticed online, and the Clerk believes they are not required to be, referring me to the Law Department. To the extent that the City believes it can post notices on a bulletin board and not on the Internet, this is an intentional violation. It is also a very poor practice.

Proposed remedy

The City Council and Clerk's Office should amend their procedures to ensure that no notices are posted to the City Council Bulletin Board without also appearing online.

The Attorney General's office should fine the City \$1,000 each for these two violations, pursuant to 940 CMR §29.07(3)(d).

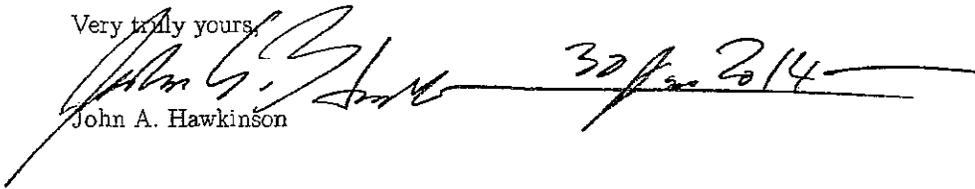
Because the Open Meeting Law and the Public Records Law are joined at the hip, and because it is

"longstanding City policy that the City does not waive Public Records response fees,"¹ despite the Secretary of the Commonwealth's recommendation otherwise, the AG should offer to waive the City's fines if the City's Law Department, which processes most substantial public records requests in the City, agrees to waive subsequent public records response fees up to the dollar value of the fine.

Closing

Thank you for your consideration.

Very truly yours,


John A. Hawkinson

30 Jan 2014

Enclosure:

1. Jan. 14 and Jan. 23, 2004 meeting notices.
2. Mass AGO's OML Complaint form.

¹E-mail communication from Arthur Goldberg, Deputy City Solicitor, on June 4, 2012.

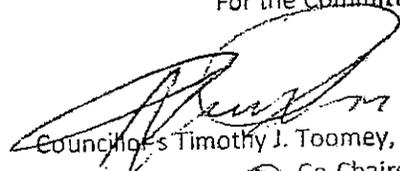


CITY OF CAMBRIDGE • OFFICE OF THE CITY COUNCIL

January 14, 2014

The Mayor's Special Ad-hoc Committee to discuss quorums for council committees as well as the number of members who will serve on said committees will meet on Tuesday, January 21st at 12:00 noon in the Mayor's office.

For the Committee,


Councilor's Timothy J. Toomey, Jr. & E. Denise Simmons

Co-Chairs

2014 JUN 15 AM 8 45
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

City of Cambridge

CORRECTED NOTICE

January 23, 2014

The Mayor's Special Ad-hoc Committee to discuss quorums for council committees as well as the number and size of committees and how many will serve on said committees will meet on Monday, January 27, 2014 at 4:00 PM in the Mayor's Office.

For the committee,

Councillors Timothy, J. Toomey, Jr. and E. Denise Simmons
Co-Chairs



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: John Last Name: Hawkinson

Address: Box 397103

City: Cambridge State: MA Zip Code: 02139

Phone Number: +1 (617) 797-0250 Ext. _____

Email: jhawk@MIT.EDU

Organization or Media Affiliation (if any): (freelance news reporter)

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): City Council, City of Cambridge

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: Jan. 14-21, 23-27

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Meeting announcements not posted on the Internet.

The Mayor created a "Special Ad-hoc Committee" for the purpose of "discussing quorums for council committees as well as the number and size of committees and how many will serve on said committees," and noticed two meetings of this committee by posting to the City Council bulletin board inside Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, MA. The meetings were on Jan. 21 and Jan. 27, 2004, and were noticed on Jan. 14 and Jan. 23, respectively.

It is the practice of the City that notices of City Council committee meetings are also posted online, at <http://www2.cambridgema.gov/cityClerk/HearingSchedule.cfm?fullYear=Y&>. These two meetings were not noticed online.

These meetings should have been noticed on the City's web site, and they were not. Oral conversation with the City Clerk confirms they were not noticed online, and she does not believe they are required to be.

Cambridge City Hall is not open "at all hours," so pursuant to 940 CMR 29.03(2)(b)(a) the City has elected to the option of "public bodies may post notice of meetings on the municipal website;" The City has filed its notice of alternative posting with the Commonwealth's Division of Open Government as of April 14, 2011, and has a posted paper notice stating that "Notices of all public meetings of all public bodies of the City of Cambridge and the Cambridge public schools are posted on the respective organization's specific website as follows: ... City of Cambridge www.cambridgema.gov."

See letter for full text.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The City Council and Clerk's Office should amend their procedures to ensure that no notices are posted to the City Council Bulletin Board without also appearing online.

The Attorney General's office should fine the City \$1,000 each for these two violations, pursuant to 940 CMR 29.07(3)(d).

See letter for full text.

Review, sign, and submit your complaint

Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: *[Signature]* Date: 30 Jun 2014

For Use By Public Body Date Received by Public Body: For Use By AGO Date Received by AGO:



CITY OF CAMBRIDGE 4

OFFICE OF THE MAYOR

David P. Maher
Mayor

TO: City Clerk Donna Lopez
FROM: Mayor David Maher
DATE: 1/29/14

Please place the attached communication regarding the Ad-Hoc Committee on Communications and Reports from Other City Officers for the meeting of Monday, February 3.

-DM

2014 JAN 30 PM 2 31
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS



CITY OF CAMBRIDGE OFFICE OF THE MAYOR

David P. Maher
Mayor

1/29/14

Dear Colleagues-

I would like to thank Councillor Simmons and Councillor Toomey for co-chairing the Ad-Hoc Committee reviewing City Council committees. I also want to thank the members of the committee, Councillor Kelley, City Clerk Donna Lopez, Executive Secretary to the City Council Sandra Albano, former City Clerk Margaret Drury and City Solicitor Nancy Glowa for her legal guidance.

The committee focused their discussion on the following:

- The number and scope of City Council committees
- The number of members on each committee.
- The issue of instituting quorums for committees.

I am recommending that the Council adopt the attached draft of the changes to the City Council Rules #26 relating to committees.

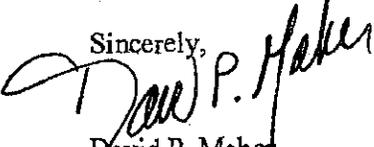
As a result of these changes the overall number of committees will be reduced from seventeen to eleven, membership will be increased on several committees and we would begin to require quorums for all committee meetings.

The Ad-Hoc Committee also looked at the issue of late resolutions. I am recommending to the Council a change to the rules that would eliminate the need for suspension of the rules to submit a late resolution if filed after the meeting agenda is closed on Thursdays but filed before resolutions are voted at the meeting.

The issue of late policy orders was discussed by the Ad-Hoc Committee and needs further discussion. My recommendation is to refer the issue to the Government Operations Committee. In the meantime, I am urging my colleagues to refrain from submitting late policy orders, unless the matter is urgent or time sensitive. If a member is submitting a late policy order a copy of the order should be given to Sandra Albano who will insure proper distribution to the City Council, the City Clerk, and the public.

Please be advised that these proposed changes need to be placed on the Calendar under Unfinished Business for a period of at least seven days before the Council takes final action. Thank you to all my colleagues for their patience as we continue to work through this process.

Sincerely,


David P. Maher
Mayor, City of Cambridge

The standing committees of the City Council shall be as follows:

ORDINANCE COMMITTEE – A committee of the whole consisting of the Mayor and eight City Councillors – the quorum shall be three members.

Purposes

- To consider the merit of any ordinance presented to the City Council and to consider the form and legality thereof;
- To consider all legal matters for which no other provision is made; and
- To represent general interests of the city before committees of the General Court when so authorized by a vote of the City Council.

FINANCE COMMITTEE – A committee of the whole consisting of the mayor and eight City Councillors – the quorum shall be three members.

Purposes

- To consider all matters relating to the financial interests of the city, including the city budget, sources of city revenue, appropriations and loans, and city bonding capacity;
- To work with the City Manager and other officers of the city for the financial benefit the city; and
- To work with citizen groups and committees that might be formed from time to time to consider the financial health of the city.

GOVERNMENT OPERATIONS, RULES AND CLAIMS COMMITTEE - A committee of five City Councillors – the quorum shall be two members.

Purposes

- To consider matters relating to the effective delivery of city services, the functions and operation of city government and city departments; and to consider the rules of the City Council and its committees and to recommend amendments and changes thereto;
- To consider matters relating to the hiring and evaluation of employees who report to the City Council;
- To consider claims that have been filed against the city.

ECONOMIC DEVELOPMENT AND UNIVERSITY RELATIONS COMMITTEE
– A committee of five City Councillors – the quorum shall be two members.

Purposes

- To consider all issues regarding the relationship between the city, educational institutions, and other partners within the city, to develop policies and programs that will enhance economic development in the city and expand employment opportunities for Cambridge residents;
- To develop policies that will facilitate the regular and timely exchange of

information between institutions, partners in the community, and the city administration and City Council, and monitor implementation;

- To review and evaluate agreements between the city and institutions for payments made by institutions in lieu of property taxes, develop policies to ensure that the agreements are fair and equitable, and monitor implementation;
- To monitor and improve existing employment programs.

HOUSING COMMITTEE - A committee of five City Councillors – the quorum shall be two members.

Purposes

- To develop policies for the maintenance and development of housing, with an emphasis on the needs of low income and working people;
- To coordinate with city and other agencies as necessary toward this goal;
- To monitor implementation.

CIVIC UNITY COMMITTEE - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To promote civic unity
- To consider matters relating to the civil rights, human rights, race and class relations and other aspects of civic unity in the City of Cambridge;
- To work with city and other agencies that deal with these issues;
- To respond to incidents or concerns that are brought to the attention of the City Council relating to civil and human rights, race and class relations and other aspects of civic unity and to bring in the appropriate agencies, departments or legal services to assist in responding to such incidents; and
- To develop needed policies and legislation in this area.

HEALTH AND ENVIRONMENT COMMITTEE - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To consider and monitor matters relating to the health of the citizens of Cambridge and to improve city policies relating to health programs;
- To consider matters relating to the physical environment of the city including without limitation issues relating to air and water quality, solid and hazardous waste, visual quality and the environmental impact of development and the sustainability of our physical environment.

HUMAN SERVICES COMMITTEE AND VETERANS' COMMITTEE - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To develop and support policies assuring a broad human service delivery system to be provided by the city, other levels of government, and non-profit and private agencies for children, youth, families, single adults and senior citizens of all backgrounds;
- To study policies, overall planning, and the delivery of human services to Cambridge people;
- To make recommendations to the City Council to improve the scope and quality of these services and to locate new sources of funding;
- To consider all matters affecting veteran services and benefits of the City.

NEIGHBORHOOD AND LONG TERM PLANNING, PUBLIC FACILITIES, ART AND CELEBRATIONS COMMITTEE - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To enhance the quality of life in Cambridge as it relates to the livability of neighborhoods, public art and art projects, and public celebrations;
- To consider all matters relating to land use planning, sustainability, open space, public facilities and public buildings, industrial and commercial development, especially as they relate to linkage and neighborhood protection, and other long range planning;
- To consider matters related to the appearance of squares and neighborhoods of the city and their upkeep, and public planting.

PUBLIC SAFETY - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To consider all matter affecting the public safety of Cambridge citizens; and
- To review matters relating to the performance, organization, and effectiveness of the police and fire departments, the Inspectional Services Department as it relates to public safety issues, and the Police Review Board.

TRANSPORTATION AND PUBLIC UTILITIES COMMITTEE - A committee of four City Councillors – the quorum shall be two members.

Purposes

- To consider and recommend to the City Council policies on matters affecting transportation, traffic and parking;
- To monitor transportation proposals and services of all kinds which affect Cambridge;
- To develop policies which promote a multi-modal and environmentally friendly traffic and transportation program which will balance the needs of residents and employees at a minimal cost to the environment.
- To consider issues relating to utilities and telecommunications, and consumer protection issues related therein.

(ADOPTED ON JANUARY 6, 2014)

PROVISIONAL RULES OF THE CITY COUNCIL

2014-2015

These rules, after adoption by the City Council, shall be published and made available to the public.

Rule 1. At all meetings of the City Council five (5) Councillors shall constitute a quorum for the transaction of business.

DUTIES AND POWERS OF THE CHAIR.

Rule 2. On the first Monday of January, following the regular municipal election, the City Council shall by a majority vote of all the members elected, elect a mayor from its own members who shall preside at all meetings of the City Council and perform such other duties as are prescribed in section one hundred (100) of Chapter 43 of the General Laws, and any acts in amendment thereof or supplementary thereto. The City Council shall, in like manner, elect a Vice-Chairman who shall also be called Vice-Mayor.

Rule 3. The Mayor shall take the chair at the hour to which the City Council has adjourned and call the members to order. In the absence of the Mayor, the Vice-Chairman of the City Council shall preside and, in the absence of both, a temporary chair shall be chosen, who shall serve during the absence of both Mayor and Vice-chair.

Rule 4. The Mayor shall preserve decorum and order, and may speak to points of order, in preference to other members. The Mayor shall decide all questions of order, subject to an appeal to the City Council, regularly seconded. If the ruling of the Chair is questioned, no other business shall be in order until the question on the appeal shall have been decided; the question shall be put as follows: "Shall the decision of the chair stand as the judgment of the City Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the votes are to the contrary.

Rule 5. The Mayor shall declare all votes. If any member doubts the vote, the chair without further debate upon the question, shall require the members voting in the affirmative and negative, respectively, to be counted; the Mayor shall declare the results, but no such declaration shall be made unless a quorum of the City Council has voted.

be accepted and made part of the record of the meeting. The opportunity for the public to make oral comments on items discussed at working/roundtable meetings shall be at the regular meeting at which the item may be considered for action by the City council.

Rule 23D. Each consent agenda is voted on in its entirety, with no discussion. By request of a single City Councillor, item(s) may be removed for separate vote. Upon such request, the item will be moved to the appropriate section of the agenda. Placement of items on the City Manager's Consent Agenda shall be determined by the City Manager. Placement of items on the Communications Consent Agenda shall be at the discretion of the City Clerk.

Rule 23E. The City Clerk shall include the written statement of the mission and goals or priorities of the City Council and the City Manager with the materials prepared for the agenda of the City Council for its weekly meeting.

Rule 24. The seats of the members of the City Council shall be determined by the City Clerk in consultation with the members; no member shall change his seat but by permission of the Chair.

COMMUNICATIONS AND COMMITTEES

Rule 25. All communications, petitions, or resolutions addressed to the City Council, which require action by the City Council at its meeting shall be filed with the City Clerk. The City Clerk shall place all new communications on the agenda for the next regular City Council meeting. Upon receipt of a communication that is a substantially unchanged copy of a previously submitted communication, the City Clerk shall not place the communication on the agenda and shall transmit said communication to the Mayor. Any communication, petition, or resolution that does not meet the agenda deadline specified in Rule Twenty shall be held over for the subsequent City Council agenda unless it is of an emergency nature.

Rule 26. The Mayor shall appoint the standing committees of the City Council. The Mayor shall appoint a chair for each committee and may at his or her discretion appoint co-chairs for the committees that consist of at least five members. The Mayor may appoint additional members to committees designated as three-member committees in the Rules but shall not appoint fewer than five members to committees designated in the Rules as five member committees. The clerk or his/her designee shall staff each committee and where deemed appropriate, the chair may request additional staff help through the City Manager.

Each committee shall meet regularly to review matters referred to it by the City Council or to take up other matters within its domain. To the extent possible, matters of policy shall be referred to the appropriate committee, so that careful study and consideration can be given to the subject matter. Where appropriate, the committee shall work with other committees of the City Council to assure the coordination of related aspects within the purview of those committees. The committee shall make policy and other recommendations to the City Council as a whole for discussion, consideration and adoption. The committee may monitor implementation of City Council policies related to the subject matter within its purview as authorized by the City Council. If so authorized by the City Council, the committee may represent policy interests related to its subject matter at committees of the General Court of Massachusetts.

It is the goal of the City Council to involve citizens actively in the work of city government through these committees. All committees shall work with community and neighborhood groups and committees on issues that relate to these groups' mandates and interests. The committee staff shall keep lists of interested parties and shall keep citizens informed of the meetings and deliberations of the committees.

The standing committees of the City Council shall be as follows:

ORDINANCE COMMITTEE – A committee of the whole consisting of the mayor and eight City Councillors.

Purposes

- To consider the merit of any ordinance presented to the City Council and to consider the form and legality thereof;
- To consider all legal matters for which no other provision is made; and
- To represent general interests of the city before committees of the General Court when so authorized by a vote of the City Council.

FINANCE COMMITTEE – A committee of the whole consisting of the mayor and eight City Councillors.

Purposes

- To consider all matters relating to the financial interests of the city, including the city budget, sources of city revenue, appropriations and loans, and city bonding capacity;
- To work with the City Manager and other officers of the city for the financial benefit the city; and
- To work with citizen groups and committees that might be formed from time to time to consider the financial health of the city.

CLAIMS COMMITTEE - A committee of three City Councillors.

Purposes

- To consider claims that have been filed against the city and make recommendations on these claims to the City Council which shall give final approval of the disposition of these claims; and to consider and make recommendations on issues related to litigation of claims that may be referred to the City Council by the City Manager.

GOVERNMENT OPERATIONS AND RULES COMMITTEE - A committee of five City Councillors.

Purposes

- To consider matters relating to the effective delivery of city services, the functions and operation of city government and city departments;
- To consider matters relating to the hiring and evaluation of employees who report to the City Council;
- To consider the rules of the City Council and its committees and to recommend amendments and changes thereto.

COMMUNITY HEALTH COMMITTEE - A committee of three City Councillors.

Purposes

- To consider matters relating to the health of the citizens of Cambridge;
- To monitor and improve city policies relating to health programs.

ENVIRONMENT COMMITTEE - A committee of three City Councillors

Purposes

- To consider matters relating to the physical environment of the city including without limitation issues relating to air and water quality, solid and hazardous waste, visual quality and the environmental impact of development and the sustainability of our physical environment.

NEIGHBORHOOD AND LONG TERM PLANNING - A committee of three City Councillors.

Purposes

- To enhance the quality of life in Cambridge as it relates to the livability of neighborhoods;
- To consider all matters relating to land use planning, sustainability and other long range planning;
- To work with city and other agencies and other City Council committees on issues related to industrial and commercial development, especially as they relate to linkage and neighborhood protection.

HOUSING COMMITTEE - A committee of five City Councillors.

Purposes

- To develop policies for the maintenance and development of housing, with an emphasis on the needs of low income and working people;
- To coordinate with city and other agencies as necessary toward this goal;
- To monitor implementation.

**ECONOMIC DEVELOPMENT, TRAINING, AND EMPLOYMENT COMMITTEE –
A committee of three City Councillors.**

Purposes

- To develop policies to enhance the employability of Cambridge residents, especially of young people, and to enhance employment opportunities for Cambridge residents, especially youth;
- To work with the city and other agencies, other City Council committees, the School Department, the Cambridge Chamber of Commerce, the Private Industry Council, and other private sector groups, to develop policies and programs that will enhance economic development in the city and expand employment opportunities for Cambridge residents;
- To monitor and improve existing employment programs.

PUBLIC SAFETY COMMITTEE - A committee of three City Councillors

Purposes

- To consider all matter affecting the public safety of Cambridge citizens; and
- To review matters relating to the performance, organization, and effectiveness of the police and fire departments, the Inspectional Services Department as it relates to public safety issues, and the Police Review Board.

HUMAN SERVICES COMMITTEE - A committee of three City Councillors.

Purposes

- To develop and support policies assuring a broad human service delivery system to be provided by the city, other levels of government, and non-profit and private agencies for children, youth, families, single adults and senior citizens of all backgrounds;
- To study policies, overall planning, and the delivery of human services to Cambridge people;
- To make recommendations to the City Council to improve the scope and quality of these services and
- To locate new sources of funding;

CIVIC UNITY - A committee of three City Councillors.

Purposes

- To promote civic unity
- To consider matters relating to the civil rights, human rights, race and class relations and other aspects of civic unity in the City of Cambridge;
- To work with city and other agencies that deal with these issues;
- To respond to incidents or concerns that are brought to the attention of the City Council relating to civil and human rights, race and class relations and other aspects of civic unity and to bring in the appropriate agencies, departments or legal services to assist in responding to such incidents; and
- To develop needed policies and legislation in this area.

PUBLIC FACILITIES, ART AND CELEBRATIONS COMMITTEE - A committee of three City Councillors

Purposes

- To consider matters of open space, public facilities and public buildings, including historical sites, and matters that are related to public works;
- To consider matters related to the appearance of squares and neighborhoods of the city and their upkeep, and public planting;
- To consider matters related to public art, public development arts projects and public celebrations.

TRANSPORTATION, TRAFFIC AND PARKING - A committee of three City Councillors.

Purposes

- To consider and recommend to the City Council policies on matters affecting transportation, traffic and parking;
- To monitor transportation proposals and services of all kinds which affect Cambridge;
- To develop policies which promote a multi-modal and environmentally friendly traffic and transportation program which will balance the needs of residents and employees at a minimal cost to the environment.

CABLE TV TELECOMMUNICATIONS AND PUBLIC UTILITIES COMMITTEE - A committee of three City Councillors.

Purposes

- To consider issues relating to cable television, telecommunications, and public utilities and consumer protection issues related therein;
- To recommend policies to facilitate effective communication by the City Cable office to the City Council City agencies and the general public.

VETERANS' COMMITTEE - A committee of three City Councillors.

Purpose

- To consider all matters affecting veteran services and benefits of the City.

UNIVERSITY RELATIONS COMMITTEE – A committee of five City Councillors.

Purposes

- To consider all issues regarding the relationship between the city and the educational institutions located in Cambridge.
- To develop policies that will facilitate the regular and timely exchange of information between these institutions and the city administration and City Council, and monitor implementation.
- To work with the city and the institutions on the development and exchange of written long-term planning documents on land use, growth and development.
- To review and evaluate agreements between the city and institutions for payments made by institutions in lieu of property taxes, develop policies to ensure that the agreements are fair and equitable, and monitor implementation.
- To further the development of mutually beneficial partnerships between the educational institutions and the city relative to education, philanthropy, the arts and other matters of mutual concern.

Rule 27. Every committee of the City Council to which any subject may be referred shall report on the subject within a reasonable time from the time of referral. In the case that the chairman of any committee shall fail for thirty (30) days from the time any subject has been referred to it to call a meeting of the committee, a majority of the committee may call a meeting of said committee. Notice of all committee meetings must be given at least forty-eight (48) hours before the time of the meeting.

Rule 28. Minutes shall be kept of all committee proceedings. All minutes, reports, and papers shall be submitted to the City Council by the clerk of Committees at the request of the chairman or a majority of the committee thereof. Recommendations of each committee shall be made to the City Council for consideration and adoption.

Rule 29. The Councillor first named thereto shall be the chair of any committee of which he/she is a member, and in case of his/her resignation or inability to serve, another member of the committee shall be named by the Mayor.

MEMBERS LOBBY

Rule 30. No person will be admitted within the rail in the Sullivan Chamber or in Members' Lobby connected with said chamber at any meeting of the City Council except upon permission of the Mayor.