OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4269
tty/TDD (617) 492-0235

DONNA P. LOPEZ
INTERIM CITY CLERK

DECEMBER 13, 2012

TO: **THE HONORABLE, THE CITY COUNCIL**

FROM: **DONNA P. LOPEZ**
INTERIM CITY CLERK

SUBJECT: **RESPONSE TO OPEN MEETING LAW COMPLAINT**

Policy Order Number Nine of December 10, 2012 requested that the City Clerk, in consultation with the Law Department, draft a response regarding an Open Meeting Law complaint for the City Council's consideration at its December 17th City Council meeting in order to comply with the December 21, 2012 deadline.

Attached you will find the response for your consideration.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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DONNA P. LOPEZ
INTERIM CITY CLERK

December 17, 2012

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 Tom Stohlman dated December 4, 2012

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 Tom Stohlman. As required, a copy of Mr. Stohlman's complaint dated December 4, 2012 is attached as Exhibit A. The complaint challenges one particular instance of the City Clerk's longstanding practice, when requested, of e-mailing City Council Orders to other City Councilors prior to the City Council's agenda being set for the meeting and asking them to inform her whether they would like their name attached to any such Orders. Mr. Stohlman alleges that this constitutes serial deliberation in violation of the Open Meeting Law. The City Council disagrees for the reasons stated herein.

On December 10, Mr. Stohlman filed a supplement to his complaint of December 4, 2012. He asked that it be considered along with the December 4 complaint. See copy attached as Exhibit B. In the supplement, he alleges that a quorum of a City Council committee violated the Open Meeting Law by creating the particular policy order he is focused on outside of a duly convened open meeting. The City Council disagrees for the reasons stated herein.

FACTS[1]

Facts Pertinent to the December 4 Complaint. The Cambridge City Council is composed of nine Councilors. Five Councilors constitute a quorum. The full City Council

[1] The City Council does not dispute the facts stated by Mr. Stohlman in his December 4 complaint describing the procedure he is challenging. However, the City Council believes that the fuller explanation of the facts stated in this section will provide a more complete picture of the matter at issue. The City Council disputes the conclusions drawn by Mr. Stohlman from the facts he stated.

usually meets weekly on Monday evenings throughout the year, except on legal holidays and not during July and August, except for one special meeting usually held at the end of July. The City Clerk creates the City Council agenda for each meeting, including materials received every week from the City Manager, from City Councilors, and from citizens who wish to communicate in writing with the City Council. The City Clerk posts the entire City Council agenda on-line each week at approximately 5:00 p.m. on the Thursday before the following Monday night public meeting, where it is available to the general public as well as to Councilors. In addition, a paper package of the entire City Council agenda is hand-delivered to each City Councilor on the Friday before the Monday meeting.

For several years it has been the practice of the City Clerk, when requested by a City Councilor, to e-mail policy orders crafted outside of a public meeting by one or more, but less than a quorum of, City Councilors to all other City Councilors before putting together the City Council agenda for the public meeting at which such policy orders are to be considered. In the e-mails, the City Clerk asks City Councilors whether they would like to have their names listed on particular policy orders. The prior City Clerk, Margaret Drury, advised Councilors in 2008 and again in 2011 via e-mail that Councilors should keep in mind that they would be in violation of the Open Meeting Law if they e-mailed fellow Councilors asking them whether they wanted to be named on a Council Order and if a quorum then was created by Councilors responding directly to the Councilor/s sending such an e-mail. Ms. Drury advised that a serial deliberation of this nature would not occur if the City Clerk sent the e-mail to the other Councilors who did not sponsor an order and if these other Councilors responded to the City Clerk, and not to each other. See e-mails of Margaret Drury dated February 7, 2008 and November 25, 2011 attached as Exhibits C and D respectively.

The particular incident complained of by Mr. Stohlman occurred in compliance with the procedure prescribed by Ms. Drury as the longstanding practice of the City Clerk's Office. As alleged by Mr. Stohlman, four City Councilors (less than a quorum) crafted a policy order concerning the appointment of a new City Manager (Policy Order O-6 of December 3, 2012). Copy attached as Exhibit E. Policy Order O-6 was given to the City Clerk, who, as requested by one of the four City Councilors who crafted the Order, forwarded it to the five other City Councilors with an e-mail asking if any would like his/her name listed on it, and if so, to respond directly to the City Clerk or her assistant. Two of the five other Councilors responded timely to the City Clerk asking that their names be added to the Policy Order, bringing the total number of Councilors listed on the Policy Order to six.

Policy Order O-6 of December 3 was included by the Clerk in the Council's meeting agenda. The meeting agenda for the December 3 meeting could not be posted on-line on Thursday evening, November 29, because City Hall suffered a power outage along with a large portion of Cambridge in the late afternoon that day. The meeting agenda was posted on-line early Friday morning instead. The posted agenda contained Policy Order O-6 with the list of six Councilors who wanted their names to appear on it. At that time, City Councilors and any member of the general public with access to the internet could learn for the first time which Councilors' names appeared on any of the policy orders to be considered at the December 3 Council meeting. Later on Friday November 30, the paper packages with the meeting agendas were delivered to each Councilor personally.

The City Council deliberated on Policy Order O-6 at its meeting of December 3. At the beginning of the meeting, there were many members of the public who spoke to Policy Order O-6, both for and against. Later at the meeting, many Councilors spoke at length about the merits of Policy Order O-6. After the deliberation ended, Councilors voted on Policy Order O-6, with eight in favor and one against. Two subsidiary motions concerning Policy Order O-6 were made at the meeting and voted on by the Councilors as well.

As illustrated by the vote on Policy Order O-6, whether or not a Councilor is listed on a Policy Order is not an accurate indicator of how a Councilor will vote on the matter after deliberation at a Council meeting. The vote on Policy Order O-6 shows that the absence of a Councilor's name from a policy order does not mean that the Councilor whose name is absent is against the policy order. Two Councilors whose names were not on Policy Order O-6 voted in favor of it. Conversely, the presence of a Councilor's name on a Policy Order does not mean the Councilor will vote in favor of it. Attached is a copy of Policy Order O-10 from September 10, 2012 which lists all nine Councilors on it. On the bottom of the page, there is a City Clerk attestation that the Order was adopted by the affirmative vote of six members. Copy attached as Exhibit F. Policy Order O-5 of April 23, 2012 lists six Councilors. Copy attached as Exhibit G. As indicated on the attached record of the vote, that Order passed on a five to two vote with one abstention; one of the listed Councilors was recorded on a roll call vote as abstaining on the Order, even though he had asked that his name appear on it. Additionally, Amended Order O-5 of January 23, 2012 lists all nine Councilors, yet one listed Councilor voted against it. Copy attached as Exhibit H.

Policy Order O-6 was not discussed or decided by a quorum of Councilors until the public meeting on December 3.

Facts Pertinent to the December 10 Supplemental Complaint.[2] In the supplemental complaint, Mr. Stohlman refers to Policy Order O-7 of March 19, 2012 which among other things orders that the City Council's Government Operations and Rules Committee begin developing succession plans for the City Manager position. The Government Operations and Rules Committee is a standing City Council committee composed of five City Councilors, David Maher, Leland Cheung, Denise Simmons, Tim Toomey, and Minka vanBeuzekom. Mr. Stohlman alleges that a quorum of the Government Operations and Rules Committee, being three of the five of its members, crafted Policy Order O-6 outside of an open meeting in violation of law. The four Councilors who crafted Policy Order O-6 were Councilors Maher, Cheung, Toomey and Reeves. Councilor Reeves is not a member of the Committee.

By vote of the full City Council on Policy Order O-13 of September 24, 2012, the City Council voted in part "that all meetings of the Government Operations and Rules Committee dealing with the subject of the selection of a City Manager shall be considered a committee of the whole." A copy of Policy Order O-13 of September 24, 2012 is attached as Exhibit I. That

[2] Although the December 10 supplemental complaint is technically defective for not being submitted on the required Open Meeting Law Complaint Form, it is responded to here in the hope that it will be resolved quickly along with the original December 4 complaint, which was on the required form. However, in making this response, the City Council does not waive any of its rights.

vote meant that on the subject of the selection of a City Manager, the City Council had transformed the Government Operations and Rules Committee into a committee comprised of all nine City Councilors.

DISCUSSION

1. The City Clerk's practice of contacting City Councilors about policy orders does not constitute serial deliberation in violation of the Open Meeting Law.

Contrary to Mr. Stohlman's allegations, the City Clerk's and City Council's practice regarding the distribution of policy orders to be considered at the City Council's public meeting does not constitute deliberation in violation of the Open Meeting Law. G.L.c.30A, §18 defines "Deliberation" as:

> an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

a. A quorum of Councilors did not communicate with each other on public business within its jurisdiction.

As stated above, a quorum of Councilors did not communicate with each other with regard to Policy Order O-6 and therefore did not deliberate on it. In accordance with its longstanding practice, with regard to Policy Order O-6 and some of the other policy orders on the agenda, Councilors communicated only with the City Clerk with regard to whether they wanted their names to appear on the orders when the orders were placed on the meeting agenda. They did not communicate with each other. They did not learn which other Councilors had their names placed on Policy Order O-6 until the same time as that information was made public by the City Clerk posting the meeting agenda on-line the last business day before the scheduled meeting. This was in accordance with instruction from the prior City Clerk who had advised the Council that this practice was in accord with the Open Meeting Law. Therefore, there was no deliberation between or among a quorum of the Council prior to the meeting.

b. The distribution of the meeting agenda with Policy Order O-6 did not express the opinion of Councilors on the Policy Order.

As stated in the definition quoted above, it is not a "deliberation" when a meeting agenda is distributed to a quorum of members as long as "no opinion of a member is expressed." Because, as stated above, the inclusion of a Councilor's name on a policy order is not an indication of how that Councilor is going to vote on the order at the public meeting, it is not the expression of an opinion on the matter. The only thing the inclusion of a Councilor's name indicates is that the Councilor supports bringing the policy order forward at the public meeting. The examples stated above illustrate that the absence of Councilors' names from a policy order

does not mean that they will vote against it, and the presence of Councilors' names does not mean that they will vote for it.

2. The Supplemental Complaint fails because a quorum of the Government Operations and Rules Committee did not craft Policy Order O-6.

In his supplemental complaint, Mr. Stohlman erroneously asserts that a quorum of the Government Operations and Rules Committee crafted Policy Order O-6. As stated in the facts above, by formal vote in September 2012 the Government Operations and Rules Committee was made a committee of the whole City Council when it was dealing with the selection of a City Manager. That meant that the Committee was comprised of all nine City Councilors, and that therefore a quorum of the Committee was five City Councilors. "Quorum" is defined in G.L.c.30A, §18 as "a simple majority of the members of the public body...." Less than a quorum, being four City Councilors, crafted Policy Order O-6, so there was no violation.

Mr. Stohlman also erroneously assumes that the four City Councilors were acting as members of the Government Operations and Rules Committee when they crafted Policy Order O-6. Mr. Stohlman's basis for this assumption is Policy Order O-7 of March 19, 2012, which states that the Committee should develop "succession plans" for the City Manager. However, that Order does not state that any City Councilors who present a policy order regarding appointment of a new City Manager must be deemed to be doing so only as members of the Committee. Policy Order O-7 of March 19, 2012 does not prohibit City Councilors from acting as members of the City Council when submitting policy orders to the City Council, including an order concerning a new City Manager. Mr. Stohlman ascribes an unjustifiably strict meaning to Policy Order O-7 of March 19, 2012 which the City Council rejects. The facts that one of the four City Councilors who crafted Policy Order O-6 is not a regular member of the Government Operations and Rules Committee, and that two of the regular members of the Committee were not involved with crafting Policy Order O-6, indicate that the four Councilors who did craft Policy Order O-6 did not view themselves as working together as part of the five-member standing Committee. The four City Councilors who crafted Policy Order O-6 were neither a quorum of the Committee of the whole, nor of the City Council.

3. Even if the practices complained of were violations of the Open Meeting Law, the Councilors' adoption of Policy Order O-6 should stand because the issue was fully heard and debated at the public meeting on December 3.

Even if the Policy Order sponsorship process used for years by the City Council were to constitute a serial deliberation in violation of the Open Meeting Law, or a quorum of the Government Operations and Rules Committee crafted Policy Order O-6 outside of an open meeting, the remedy requested by Mr. Stohlman of requiring the City Council to re-vote the issue of whether Richard Rossi should be the next Cambridge City Manager is inappropriate and unnecessary. It appears that Mr. Stohlman requests a re-vote because of his mistaken belief that the issue was discussed and decided by a quorum of the City Council, or a quorum of the Government Operations and Rules Committee, outside of a public meeting. As stated above, neither a quorum of the City Council nor a quorum of the Government Operations and Rules Committee discussed the issue before the public meeting. Also, the mere presence of six of the

Councilors' names on Policy Order O-6 does not mean that the issue was decided by those six Councilors. As stated above, the presence or absence of a Councilor's name on a policy order does not mean that a Councilor will ultimately vote for or against the policy order.

However, even if a quorum of the City Council or the Government Operations and Rules Committee had discussed and decided the issue outside of a public meeting, a re-vote on the same matter is uncalled for because subsequent independent deliberative action was taken in the full meeting that cured the previous violation/s. Violations of the Open Meeting Law may be cured by subsequent independent deliberative action taken in a full meeting. McCrea v. Flaherty, 71 Mass.App.Ct. 637, 642 (2008). The lengthy public comment and debate by Councilors at the meeting on December 3 prior to the Council vote accomplished the purposes of the Open Meeting Law by airing the issue publicly among citizens and all Councilors after public notice. See, Benevolent & Protective Order of Elks, Lodge No. 65 v. City Council of Lawrence, 403 Mass. 563 (1988). An order to re-vote the issue would simply result in a repeat of what has already occurred—public notice that the issue will be considered, comment by the public at the public meeting, and a debate and vote by the same Councilors on the same issue. Nothing would be gained by such an exercise.

Also, it would be inconsistent to treat Policy Order O-6 differently from the many policy orders over many years that have come before the City Council in the same manner as did Policy Order O-6 and which have not and cannot be re-voted at this point.

As required by 940 CMR 29.05(5), the City Council reviewed the allegations of this Open Meeting Law complaint within 14 business days of receiving it. At its meeting of December 17, 2012, the City Council voted to adopt this letter as its response and resolution. Mr. Stohlman is being informed of the City Council's action by copy of this letter.

Very truly yours,

Donna P. Lopez

Donna P. Lopez
Interim City Clerk

cc. Tom Stohlman
19 Channing Street
Cambridge, MA 02138

Exhibit A

OPEN MEETING LAW COMPLAINT FORM

MAYOR

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

RECEIVED
DEC 0 4 2012
Per 10:30 AM

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Tom Last Name: Stohlman

Address: 19 Channing Street

City: Cambridge State: MA Zip Code: 02138

Phone Number: +1 (617) 547-5246 Ext.

Email: tstohlman@alum.mit.edu

Organization or Media Affiliation (if any): None

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): Cambridge City Council

Specific person(s), if any, you allege committed the violation: Cambridge City Council

Date of alleged violation: 11/29/2012

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.

I do not believe the Cambridge City Council intentionally violated the OML. They were following a well-established procedure which has been practiced for many years.

A Councillor or group of Councillors crafts a policy order, complete with arguments and reasons for the order. This order is then passed among the Council by the City Clerk. Other councillors may sign on to the order as co-sponsors. The order is then placed on the agenda prior to the meeting, complete with the list of Councillors who have sponsored it.

On November 29, 2012, this procedure was followed when four Councillors crafted an order to appoint a new City Manager (Policy Order O-6). They included in the order their reasons for supporting their preferred candidate. The order was then given to the City Clerk, who forwarded it to all of the five remaining Councillors. These Councillors could then inform the City Clerk of their desire to co-sponsor the order. The order, complete with the names of six councillors who chose to co-sponsor, then appeared on the City Council agenda for the December 3, 2012 meeting.

This procedure amounts to a serial deliberation under the Open Meeting Law and should not be allowed. The appointment of a new City Manager was, effectively, discussed and decided before being affirmed at the actual meeting by an 8-1 vote.

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.

Acknowledge that the procedure described above is a violation of the Open Meeting Law and change the practice to avoid serial deliberation in the future.

Re-vote a properly submitted policy order to appoint a new City Manager.

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:** 4 DEC 2012

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Exhibit B

To the City Council and City Clerk,

I am unable to attend tonight's City Council Meeting because of a prior obligation. This written comment is in response to tonight's (12/10/2012) policy Order O-9.

I want to state for the record that I respect the City Council's clear choice of Mr. Rossi for City Manager. I think a three-year contract is too long for anyone, but that is a debate for another day. My OML complaint is not about changing the outcome of your vote. It is about public process.

I have an additional concern that has come up as I have researched my original OML (Open Meeting Law) complaint.

The Government Operations and Rules Committee of the Cambridge City Council may also be considered a public body under the OML. If so, this means it must follow the rules of the OML in all deliberations which are assigned to it.

At your March 19, 2012 meeting under Policy Order O-7, the Council voted to order the Government Operations and Rules Committee to begin "...developing a comprehensive short-term and long-term succession plans..." for the City Manager position.

As indicated below in a response to me by the City Clerk, a quorum of three members of the 5-member Government Operations and Rules Committee appear to have conceived of the December 3, 2012 Policy Order O-6 outside of a properly called meeting of the Committee. This, I believe, is also a violation of the OML statute.

I am in contact with the Attorney General's Office to see if I must formally make a new specific complaint or if it can be appended to my original complaint. In the meantime, in the interest of time and completeness, I would respectfully suggest that the Council makes sure that the City Clerk and the Law Department consider this while drafting their response to my original complaint.

Thank you,

Tom Stohlman
19 Channing Street
Cambridge, MA 02138
617-547-5246
tstohlman@alum.mit.edu

Exhibit C

Lopez, Donna Co-sponsored e-mailed Council orders

From: Drury, Margaret
Sent: Thursday, February 07, 2008 2:27 PM
To: City Council; Simmons, Denise
Cc: Lopez, Donna; Albano, Sandra

Dear Councillors:
Please keep in mind that if a member of the City Council emails his or her Council order to all of the members of the Council inviting co-sponsors, and four members of the Council respond back directly to that councillor, there has been a violation of the Open Meeting Law. There is no problem with letting the Clerk know that you want to sponsor an order that a colleague has submitted and emailed to you for your information.

D. Margaret Drury
Cambridge City Clerk
Cambridge City Hall Room 103
795 Massachusetts Ave
Cambridge MA 02139
(617) 349-4260

Please note that City Hall is open Monday 8:30 a.m.- 8 p.m.; Tuesday - Thursday 8:30 a.m.- 5 p.m.; Friday 8:30 a.m. - 12 noon.

Exhibit D

Lopez, Donna

From: Drury, Margaret
Sent: Friday, November 25, 2011 9:42 AM
To: Clifford, John; Montgomery, Megan; Peters, Penny; Doherty, Sara; Kangsen, Muna
Cc: City Council; Crane, Paula; Lopez, Donna; Albano, Sandra
Subject: RE: How to avoid violating the Open Meeting Law when your councillor want to invite other councillors to co-sponsor an order

One-at-a-time or group email communication to city councillors or their aides inviting sign-on to a proposed order (serial deliberation in the eyes of the Open Meeting Law (OML)) is a violation of the law if more than four councillors or their aides on their behalf respond to the councillor's or aide's email (or oral) invitation.

The easiest way to avoid this issue is to send the order to the Clerk's Office and request that the Clerk's Office let other councillor's know that co-sponsors are welcome. I will then forward the email with a message that Councillor X invites co-sponsors and requesting that anyone who wants to be a co-sponsor should respond directly to the City Clerk's Office to avoid potential OML violations.

You may send the invitation directly to the City Councillors if you so desire, but you must indicate that all councillors who want to co-sponsor must reply directly to the Clerk's Office and not to you. Please note that violations of the OML can result in substantial fines.

D. Margaret Drury, City Clerk
(617) 349-4260
City Clerk's Office Room 103
Cambridge City Hall
795 Massachusetts Avenue
Cambridge MA 02139
Office hours: Mon 8:30am-8pm; Tues-Thurs 8:30am-5pm; Fri 8:30am-12noon

-----Original Message-----

Exhibit E

CITY COUNCIL

Policy Order Resolution

O-6
IN CITY COUNCIL

December 3, 2012

COUNCILLOR MAHER
COUNCILLOR CHEUNG
COUNCILLOR REEVES
COUNCILLOR TOOMEY
MAYOR DAVIS
COUNCILLOR DECKER
VICE MAYOR SIMMONS

WHEREAS: City Manager Robert W. Healy has notified the City Council of his intent to retire as of June 30, 2013 after 32 years in that position; and

WHEREAS: The City of Cambridge's current executive leadership team led by Mr. Healy and Mr. Rossi has one of the longest tenures of any municipal leadership team not only in the Commonwealth but in the nation; and

WHEREAS: The City Council has committed to conducting an in depth "community visioning and engagement" process at this important juncture and prior to commencing a formal executive search; and

WHEREAS: The City Council would like to ensure that during these fiscally challenging and uncertain times Cambridge will continue to thrive and provide new opportunities; and

WHEREAS: The City Council would like to make this leadership transition as seamless as possible for residents, the business community and city staff; and

WHEREAS: Planning for the 2014 fiscal budget is fast approaching with initial meetings scheduled to begin on December 5, 2012; and

WHEREAS: The City will benefit from proven leadership, talent and experience as the City is currently in the process of a number of major initiatives including planning studies in Central and Kendall Squares and an aggressive capital improvement plan to rebuild several schools; now therefore be it

ORDERED: That the City Council hereby appoint Richard C. Rossi as City Manager of the City of Cambridge, Massachusetts beginning on July 1, 2013 for a period of three years ending on June 30, 2016; and be it further

ORDERED: That City Manager Robert W. Healy work collaboratively with Mr. Rossi in the development of the Fiscal Year 2014 budget, a budget that Mr. Rossi will ultimately be charged with administering; and be it further

ORDERED: That the City Council continue its work to develop a comprehensive "community visioning and engagement" process; and be it further

ORDERED: That a contract which sets forth, inter alia, the provisions specified above, shall be provided by the Chair of the Government Operations and Rules Committee to the City Council for approval no later than January 7, 2013.

In City Council December 3, 2012
Adopted by a yea and nay vote:-
Yeas 8; Nays 1; Absent 0; Present 0.
Attest:- Donna P. Lopez, Interim City Clerk

A true copy;

ATTEST:-
Donna P. Lopez, Interim City Clerk

View Roll Call Votes from December 3, 2012

COUNCILLOR KELLEY VOTED IN THE NEGATIVE ON THIS MATTER.

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Exhibit F

CITY COUNCIL

Printer-friendly version

Back to the Full Policy Order

- Back to Table of Contents
- Hearing Schedule
- Reconsiderations
- City Manager's Agenda
- Calendar
- Awaiting Report List
- Applications and Petitions
- Communications
- Resolution List
- Policy Order and Resolution List
- Committee Reports
- Communications and Reports from City Officers

Policy Order Resolution

O-10
IN CITY COUNCIL

September 10, 2012

COUNCILLOR REEVES
COUNCILLOR CHEUNG
MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR KELLEY
COUNCILLOR MAHER
VICE MAYOR SIMMONS
COUNCILLOR TOOMEY
COUNCILLOR VANBEUZEKOM

WHEREAS: In May 2012, a 16 year old girl, Charlene D. Holmes, was murdered in the City of Cambridge; and

WHEREAS: There has not been a police department report or news update to the current status of efforts to find those responsible for this reprehensive crime; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Police Commissioner to determine a format that will accomodate the City Council and the family for an update on this crime. The public needs to know what is being done to solve this crime and bring the perpetuator to justice.

In City Council September 10, 2012
Adopted by the affirmative vote of six members.
Attest:- Donna P. Lopez, Interim City Clerk

A true copy;

ATTEST:-
Donna P. Lopez, Interim City Clerk

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Exhibit G

CITY COUNCIL

Policy Order Resolution

O-5
AMENDED ORDER
IN CITY COUNCIL

April 23, 2012

VICE MAYOR SIMMONS
COUNCILLOR CHEUNG
MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR REEVES
COUNCILLOR VANBEUZEKOM

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on the feasibility of finding additional office space for the members of the City Council.

In City Council April 23, 2012
Adopted as amended by a yea and nay vote:-
Yeas 5; Nays 2; Absent 1; Present 1.
Attest:- Donna P. Lopez, Interim City Clerk

A true copy;

ATTEST:-
Donna P. Lopez, Interim City Clerk

View Roll Call Votes from April 23, 2012
View Original Order

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C. C. 106

City of Cambridge

MASSACHUSETTS

(2) In City Council April 23, 2012

Order Number Five – Vote on adoption as amended

	YEA	NAY	ABSENT	~~PRESENT~~ Abstain
Mr. Leland Cheung	✓			
Ms. Marjorie Decker	✓			
Mr. Craig A. Kelley		✓		
Mr. David P. Maher		✓		
Mr. Kenneth E. Reeves				✓
Vice Mayor E. Denise Simmons	✓			
Mr. Timothy J. Toomey, Jr.			✓	
Ms. Minka Y. vanBeuzekom	✓			
Mayor Henrietta Davis	✓			
	5	2	1	1

Order Adopted
As Amended

Exhibit H

City of Cambridge

O-5
AMENDED ORDER
IN CITY COUNCIL
January 23, 2012

COUNCILLOR DAVIS
COUNCILLOR CHEUNG
COUNCILLOR DECKER
COUNCILLOR KELLEY
COUNCILLOR MAHER
COUNCILLOR REEVES
COUNCILLOR SIMMONS
COUNCILLOR TOOMEY
COUNCILLOR VANBEUZEKOM

WHEREAS: MIT students have designed a vending machine to dispense helmets for Boston's Hubway bike sharing program; now therefore be it

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the installation of these devices in Cambridge as the city rolls out its bike share program this spring; and be it further

ORDERED: That the City Manager be and hereby is requested to direct the appropriate departments to prepare a brochure on the rules of the road for dispensing with the helmets at the vending machines.

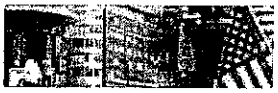
In City Council January 23, 2012
Adopted as amended by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk

A true copy; D Margaret Drury

ATTEST:-
D. Margaret Drury, City Clerk

COUNCILLOR KELLEY VOTED IN THE NEGATIVE ON THIS MATTER.

Exhibit I



CITY COUNCIL

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- Back to the Policy Order and Resolution List
- Back to Table of Contents
- Hearing Schedule
- Reconsiderations
- City Manager's Agenda
- Calendar
- Awaiting Report List
- Applications and Petitions
- Communications
- Resolution List
- Policy Order and Resolution List
- Committee Reports
- Communications and Reports from City Officers

Policy Order Resolution

O-13
IN CITY COUNCIL

September 24, 2012

COUNCILLOR MAHER

ORDERED: That all meetings of the Government Operations and Rules Committee dealing with the subject of the selection of a City Manager shall be considered a committee of the whole; and be it further

ORDERED: That the City Clerk be and hereby is requested to notify the entire membership of the City Council when Government Operations and Rules Committee meetings are scheduled on the City Manager selection process.

In City Council September 24, 2012
Adopted by the affirmative vote of seven members.
Attest:- Donna P. Lopez, Interim City Clerk

A true copy;

ATTEST:-
Donna P. Lopez, Interim City Clerk

View Roll Call Votes from September 24, 2012

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