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**MEMORANDUM TO REMEDY VIOLATIONS BY MEMBERS OF THE CAMBRIDGE
CITY COUNCIL OF THEIR OATH TO PERFORM THEIR DUTIES PART I**

Date: October 27, 2011

To: Cambridge City Council members David Maher, Mayor/City Council Chairperson; Henrietta Davis, Vice Mayor; Leland Chung, Marjorie Decker; Craig A. Kelly; Kenneth E. Reeves; Sam Seidel; E. Denise Simmons; Timothy J. Toomey

From: Jack a/k/a George F. Welch Jr., Cambridge Registered Voter and Citizen of Cambridge As Described In Massachusetts General Law Chapter 43, Section 98 of The Cambridge Plan E Charter

Dear Above Named Members of the City of Cambridge Massachusetts City Council:

Please allow me to re introduce myself. I am a citizen of the city of Cambridge, Massachusetts and a qualified voter of the city and as such I and all other qualified voters of the city have been and are now empowered by the Massachusetts State Legislature pursuant to Massachusetts General Law (M.G.L) Section 98 of the city's Plan E Charter to be heard along with employees of the city at any Cambridge city council meeting in regard to any matter consider thereat except executive sessions as you can see by reading M.G.L. c. 43 Section 98 Meetings of the City Council of the city's Plan E Charter, a copy of which is attached hereto as "EXHIBIT A" and incorporated herein by reference.

As you know, the Massachusetts State Legislature fixed a duty upon you the members of the Cambridge City Council to have rules which provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the city (of the city council) in regard to any matter considered thereat as you can see by reading M.G.L.c. 43 Section 98 -Meetings of the City Council, attached hereto as "EXHIBIT A".

Because (1) the Massachusetts State Legislature do not empower the you, the members of the Cambridge City Council to adopt rules which empower "The Public" or any persons other than citizens of the city and employees to be heard on any matter being considered at any of the three city council meetings described in M.G.L.c. 43 Section 98, "EXHIBIT A" and

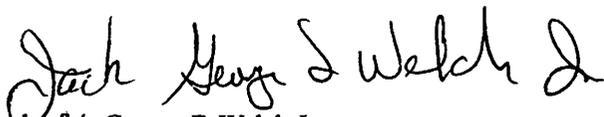
Because (2) Rule 23 A of the Rules of the Cambridge City Council **ORDER OF BUSINESS**,(as amended on April 25, 2010 after review by the City Council Government Operations and Rules Committee), does not provide for a period of time for "PUBLIC COMMENT" as you can see by reading Rule 23A attached as "ATTACHMENT 2," and

Because (3) The Massachusetts State Legislature did not empower the city to have **ROUND TABLE MEETINGS** which are not one of the three meetings described in M.G.L. Chapter 98, Section 98 of the city's Plan E Charter "**Regular Meetings, Special Meetings and Executive Sessions currently authorized pursuant to Chapter 30** , read again "EXHIBIT A"

There has been no lawful excuse or lawful reason for you the members of the Cambridge City Council to allow your elected Mayor and City Council Chairperson to misinform citizens and employees of the city regarding their rights to be heard on any matter being considered during meetings of the Cambridge City Council pursuant to M.G.L. c. 43 Section 98 of the city's Plan E Charter, "EXHIBIT A"

WHEREFORE: For the above stated reasons I urge each of you members of the Cambridge City Council to advise your elected Mayor/ Chairperson to properly inform citizens and employees of the City of Cambridge at the start of meetings by the Cambridge City Council of their rights to be heard on any matter being considered at the Regular and Special Meetings of the Cambridge City Council pursuant to M.G.L. Chapter 43 Section 98 and to discontinue the **ROUND TABLE MEETINGS NOT AUTHORIZED BY THE MASSACHUSETTS STATE LEGISLATURE** pursuant to Chapter 43, Section 98 of the Cambridge Plan E Charter

Respectfully Submitted



Jack a/k/a George F. Welch Jr.
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CERTIFICATE OF SERVICE

I, George F Welch Jr. hereby certify that I delivered by hand to the Office of the Mayor-Chairperson of the Cambridge City Council , David Maher the above **MEMORANDUM TO REMEDY VIOLATIONS BY MEMBERS OF THE CAMBRIDGE CITY COUNCIL OF THEIR OATH TO PERFORM THEIR DUTIES PART I** and Attache **EXHIBIT A** and **ATTACHMENT 2** on October 27, 2011 _____

EXHIBIT A

Section 97 - City Council; Powers and Duties; Organizations

The City Council shall have and exercise all the legislative powers of the city, except as such powers are reserved by this chapter to the school committee and to the qualified voters of the city.

The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall take oath at first regular meeting of the city council thereafter which he attends. For the purpose of organization, the city clerk shall be temporary chairman until the mayor or vice-chairman has qualified. Thereupon the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected; and may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided, that a majority of all the members elected to the city council are present and have qualified. If the office of mayor or vice-chairman becomes vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term; provided, that no such vacancy shall be filled so long as there is any vacancy in the council.

Section 98 - Meetings of the City Council

The City Council shall fix suitable times for its regular meetings. The mayor, or the vice-chairman of the City Council, or any four members thereof, or any three members in the case of a city council composed of seven members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered by hand to each member of the city council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the city council are present and consent thereto.

Except in the cases of executive sessions authorized by section twenty-three A of chapter thirty-nine all meetings of the city council, shall be open to the press and to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

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EXHIBIT A

ATTACH 2

meeting in accordance with the established order of business and shall deliver to the residence of each Councillor a copy of the same not later than twenty-four hours prior to said meeting. On all matters on which there has been a roll-call vote, the minutes shall reflect the votes of the individual members.

Rule 22. The City Clerk is authorized by these rules to order and publish notice of hearings on petitions presented to him regarding public hearings before the Council.

ORDER OF BUSINESS

Rule 23 A. At every regular meeting of this City Council, except for roundtable/working meetings, the order of business shall be as follows:

1. Reading of the record, if requested by the City Council.
2. Motions for Reconsideration
3. Manager's Consent Agenda
4. Communications from the City Manager (Manager's non-Consent Agenda)
5. Unfinished business from preceding meetings
 - a. Charter Rights
 - b. On the Table
 - c. Unfinished Business
6. Consent Applications for permits or petitions which require City Council approval or referral.
7. Consent communications (petitions, memorials and other communications from citizens, employees and others, which do not require action by the City Council.
8. Consent orders and resolutions.
 - a. Resolutions
 - b. Orders and resolutions relating to policy analysis or development
9. Committee Reports
10. Communications and Reports from City Officers
11. Non-Consent Communications (applications, petitions, memorials and other communications removed from the Applications and Petitions or the Consent Communication Agenda by request of a member of the City Council.
12. Resolutions and orders which have been removed from the Consent Resolution and the Consent Order and Resolution Relating to Policy agendas by request of a member of the City Council. Requests for information of limited public interest and for repair, replacement, attention or implementation which do not require a change in current practice shall not be placed on the agenda but shall be referred directly to the City Manager by the member making the request.

ATTACH 2

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Public hearings shall be scheduled at the request of the City Council but not on the night of a regular business meeting.

RULE 23 B. Six to eight meetings per year shall be roundtable/working meetings. The date for a particular roundtable shall be set by majority vote at a prior regular business meeting or as a special meeting. At a roundtable meeting, no votes shall be taken except upon a motion to adjourn. The meeting shall not be broadcast on cable television. The Mayor shall determine the agenda for the roundtable meeting in consultation with the City Manager and other members of the City Council.

RULE 23 C. Public Comment.

1. Regular business meetings

- a. Under the provisions of Chapter 43, Section 98 of the General Laws, Tercentenary Edition, citizens and employees of the city shall have reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat. Opportunities for citizens and employees to be heard at all regular meetings, except for working/roundtable meetings, shall be provided directly after the reading of the record, if requested by the City Council (submission of the record of the previous meeting). Members of the public may comment upon items in the following categories of business: Motions for reconsideration, City Manager's consent agenda, Unfinished business from preceding meetings, Applications and petitions requiring approval or referral by the City Council, Consent resolutions. Consent resolutions and orders relating to policy analysis or development, Committee reports and Communications and reports from other city officers. Each speaker shall limit his or her comments to no more than three minutes.

- b. Procedure: An individual may sign up to speak before the City Council via telephone to the City Council office on Mondays from 9:00 a.m. to 3:00 p.m., or in person from 5:00 p.m. to 6:00 p.m. via a sign up sheet available in the Sullivan Chamber. The individual must indicate on the sign up sheet which item(s) he or she is planning to address.

2. Regular roundtable/working meetings.

Public comment shall not take place at working/roundtable meetings of the City Council, where no matter being discussed may be finally considered, in that no votes may be taken. Written comments will

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