



# 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.

*October 17, 2011 Continuing Violations*

### Your Contact Information:

First Name: George F. "Jack" Last Name: Welch Jr

Address: 164 Auburn St. Apt. 2

City: Cambridge State: MA Zip Code: 02139

Phone Number: +1 (617) 686-9049 Ext. \_\_\_\_\_

Email: JWelchBoss@aol.com

Organization or Media Affiliation (if any): Voter & Citizen of Cambridge Pursuant To Section 98 of Plan A Charter

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): The Nine Member Cambridge Mass City Council Per Section 98 of Cambridge Plan E Charter

Specific person(s), if any, you allege committed the violation: Cambridge Mayor David Maher, Chair of the Cambridge City Council and City Councilors, Siedel and Toomey, Co Chair, Cambridge City Council Committee on Government and Rules 

Date of alleged violation: 1/4/2010 to date

*Received at City Council meeting 10/17/11*

**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.

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It is a matter of public record that beginning on January 4, 2010 and continuously to the present the nine members of City of Cambridge City Council acting by their chairpersons City Councillor Kenneth E Reeves Temporary Mayor and his successor ,David Maher the City Council's. elected Mayor at meetings of the City Council conducted pursuant to M. G. L. c. Chapter 43, Section 98 have repeatedly violated the rights of citizens and employees of the city to be heard in regard to any matter being considered thereat by falsely leading the citizens and employees of the city to believe that there exists at City Council Meetings a Public Comment period where members of the public may comment on any matter on the agenda and that each speaker is restricted to three minutes when as a matter of law M.G.L. c. 43, section 98 (a) restricts persons to be heard to Citizens and Employees (b) does not empower the Cambridge City Council to adopt rules designed to restrict that matters upon which citizens and employees can be heard as appears in Rule 23 C. Public Comment, a copy of which is attached (d) to conduct deliberations at Round Table Meetings Pursuant Rule 23 B (attached) and to adopt Rules without first making the Rules to be adopted public by placing the Rules on the agenda 48 hours before any the City Council meeting as required by the Massachusetts Open Meeting Law so that employees and citizens of the City of Cambridge can be heard on the adoption of the City Council Rules before adoption.

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.

I want the nine members of the Cambridge City Council and their Chair person David Maher to voluntarily terminate their above described unlawful conduct and to strike from the City Council Rules Rule 23B and correct City Council Rule 23C to be in compliance with M.G. L. Chapter 43 section 98 regarding the rights of Citizens and Employees to be heard on any matter before the Cambridge City Council after a hearing by citizens and employees of the City

**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: George J Welch Jr

Date: October 17, 2011

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

## 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.

**A Hach #2**

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**