

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 28

1991

C. Cyr

Charter Bylaw #2 / ^{} Referral to
Ordinance Committee*

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh		✓		
Mayor Alice K. Wolf	✓			

5 4



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

February 2, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

At the City Council meeting of January 14, 1991 Councillor Cyr submitted an order to amend the Municipal Code of the City of Cambridge regarding the contract of the City Manager.

This order was the issue of a Charter Right and was subsequently referred to the Ordinance Committee on January 28, 1991.

Would you kindly review this proposed amendment as the Ordinance Committee has a hearing on this issue scheduled for March 20, 1991 at 5:30 p. m. and incorporate this amendment into the code.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)



City of Cambridge

28.

IN CITY COUNCIL

January 14, 1991

COUNCILLOR CYR

ORDERED:

That the General Ordinances of the City of Cambridge be amended by the addition of the following at the end of Section 2.04.010:

"Any City Council may offer the City Manager of it choosing a services contract establishing wages, benefits, and severance terms provided that: (a) the contract is for not more than two years duration; (b) said contract terminates within twelve months of the swearing in of the duly elected Council successive to the Council issuing said contract; and (c) the Council, in issuing said contract make a specific finding that the public interest is adequately served and protected by the terms of said contract. Contracts between the City Council and the City Manager may include a severance clause but the value of the severance clause shall never exceed 50% of the residual value of the contract."

Committee on Ordinances

Present - Councilor Francis Juchay - Presiding

3/20/91
5:49 P.M.

- ① C. Myers
- ② C. Lynn
- ③ C. Russell 5:50 P.M.
- ④ Mayor
- ⑤ C. Gorney 5:56 P.M.
C. Walsh 5:56 P.M.

C. Juchay

Opened, outlined
procedure

C. Lynn

Noted w/ interest past
practice of contract and
exclusions.

It's ~~the~~ single most
important thing it should
be decided that @ some point
each c/c has opportunity
to review contract

Termination and severance issues

C. Myers

I want to think about this issue. This doesn't reflect on present C.M.F. but fundamental issue of government. Not sure this is in the exact form I will support.

C. D. Dubeau

Last contract brought this about and something fundamentally wrong.

- too long,
- severance too much

12 year w/ benefits would be appropriate

11

An ideal C/C would make a decision on hiring C.M.F. right away in their term not 12 months. A large severance clause is the problem not date of expiration.

Two year contracts not healthy because it tends to dangle each C.M.F. every 2 years

C. Russell

Have responsibility of keeping government stable

C. Cyr

would to have this remain in committee

6:17 p.m.

Mayor

Have concern evaluating personnel on a 5-4 vote, but would like to go forward w/ consensus.

C. Russell

would like written evaluation vs. public

C. Duchay

Each c/c review their evaluation and break out into 2 c/c / 2 sub. and discuss same w/ those to be evaluated.

C. Cyr

Any meeting would be subject to Open Meeting Law

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Rescheduled for April 3, 1991

Revs @ 6:42 P.M.

City of Cambridge

HEARING SCHEDULE

- | | | |
|---------------------------|------------|--|
| Monday, March 18, 1991 | 5:30 p. m. | Regular City Council Meeting.
(Sullivan Chamber) |
| Tuesday, March 19, 1991 | 5:30 p. m. | The Rent Control Committee will meet to discuss any and all written comments received regarding the recently released Rent Control Committee Report.
(Sullivan Chamber) |
| Wednesday, March 20, 1991 | 5:30 p. m. | The Committee on Ordinances will conduct a public hearing on a proposed amendment to the Municipal Code relative to the contract of the City Manager. (Sullivan Chamber) |
| | 6:30 p. m. | The Committee on Ordinances will conduct a public hearing on a proposed amendment to the Municipal Code relative to the Noise Ordinance.
(Sullivan Chamber) |

C. Walsh

If each c/c appoints c.m.
it makes every election a
referendum on c.m.
Benefit garbage / salary must
be competitive w/ private
industry.

C. Lynn

It's exactly what our state
is all about. The people vote
on their government and we must
enormous power in a c.m.

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I have a severe difficulty
w/ having a long term contract.
Not sure its legal and
withstand legal challenge.
Given the current level
of support for the present c.m.
this is the best time to do
this and an open to suggestions
for an amendment.

* C. Cooney

How many years does c.m.
provide contracts and to whom
also who has then now



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CHARTER RIGHT EXERCISED BY COUNCILLOR WALSH



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Order # 28

Councillor Cyr re: ordinance amendment re:
City Manager's contract.

In City Council,

January 14, 1991

Charter Right
exercised by
Councillor Walsh
1/28/91 Referred to
Ordinance Committee
copy sent to Ord. Comm.
2/2/91 *cc*



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CHARTER RIGHT EXERCISED BY COUNCILLOR WALSH



City of Cambridge

14.

IN CITY COUNCIL

December 9, 1991

COUNCILLOR SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1991 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 9, 1991.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:- *Joseph E. Connarton*

Joseph E. Connarton
City Clerk

City of Cambridge

The Committee on Ordinances conducted a public hearing on Wednesday, March 20, 1991 beginning at 5:30 p. m. in the Sullivan Chamber for the purpose of discuss the proposed amendment to the Municipal Code relative to the contract of the City Manager.

Members present were: Councillors Francis H. Duehay, Jonathan S. Myers, Edward Cyr, Sheila T. Russell, Mayor Alice Wolf, Timothy J. Toomey, William H. Walsh and City Clerk Joseph E. Connarton.

Councillor Duehay opened the hearing and outlined the procedure by which testimony would be received.

Councillor Cyr stated that he submitted the proposed amendment because he believed it is the most important single thing the City Council could do given the fact that each successive City Council would have the opportunity to review the City Manager's contract.

Councillor Myers stated that although he did not believe this amendment reflected on the current City Manager he wanted an opportunity to think about this matter.

Councillor Duehay stated that although he supported the past contract he believed there was a fundamental problem with its length and severance issues and believed that the severance clause with six months pay with benefits would be more appropriate. He further stated that he did not believe that any City Council should wait too long on being sworn into office to decide on the retention or termination of the contract.

Councillor Walsh stated that he believed that if each City Council were to appoint a City Manager then the City Manager would become a referendum in each election. He further stated that the salary of the City Manager and benefit package must be competitive with private industry.

Councillor Cyr stated that he had severe difficulty with the long term contract and was not sure it was legal and would withstand a legal challenge. Finally, he stated, given the current level of support to the City Manager this was the best time to make this change and he was open to suggestions from other members.

City of Cambridge

- 2 -

Councillor Toomey questioned the current length of the contract and to whom the City Manager provides contracts.

Councillor Russell stated that she believed it was the responsibility of the City Council to appoint a responsible manager whose job it is to keep the government stable and in order to attract competent managers it is important to have a strong contract.

At this time Councillor Cyr moved to that proposed amendment to the Municipal Code remain in committee.

The motion --

Carried.

The hearing adjourned at six o'clock and seventeen minutes p. m.

At the Ordinance Committee meeting conducted on Wednesday, June 19, 1991 Councillor Cyr moved to report out of committee to the full City Council, without recommendation, the above referenced amendment, a copy of which is attached.

The motion --

Carried.

For the Committee,

Councillor Francis H. Duehay
Chairman

2.

Cal # 15
\$ 1780

COMMITTEE REPORTS

Report received from the Ordinance Committee for a hearing held on March 20, 1991 relative to a proposed amendment to the Municipal Code relative to the contract for the City Manager.

12/9/91 Placed on file
without prejudice
see order # 14 of 12/9/91 (cc)

In City Council,

June 24, 1991

Tabled by Councilor
Cyr pending information
regarding length & terms
of managerial contracts
from the International
City Manager's Association