



City of Cambridge

Consent Agenda #4

IN CITY COUNCIL

April 14, 2003

ORDERED: Pursuant to General Laws chapter 268A, section 1 (n), the City Council hereby expressly classifies the members of the Commercial Parking Control Committee (as defined by Cambridge City Code sections 10.16.010 and 10.16.030) as special municipal employees for purposes of General Laws chapter 268A, the state conflict of interest law.

In City Council April 14, 2003.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

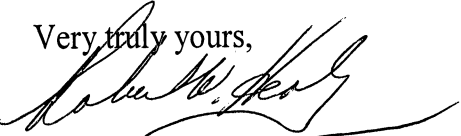
ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

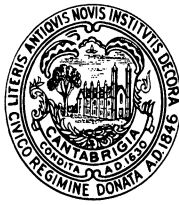
Here, an attorney who is an unpaid member of the CPCC has requested the special municipal employee designation for the members of the CPCC so that he can represent clients before other City boards and commissions unrelated to the CPCC. In order to retain this valued member of the CPCC who is serving the City of Cambridge in a volunteer capacity, and to retain and encourage the volunteer service of other Cambridge citizens who also work as professionals in the City and who currently or may in the future serve on the CPCC, I recommend that the City Council designate CPCC members as special municipal employees.

Very truly yours,



Robert W. Healy

attachment



4.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

April 14, 2003

To the Honorable City Council:

A member of the Commercial Parking Control Committee has requested that the Committee members be designated "special municipal employees" pursuant to the state conflict of interest law, G.L.c.268A. I recommend that the City Council vote to do so by approving the attached language.

As you know, the CPCC is the successor to the Interim Parking Control Committee (the "IPCC"). The CPCC is composed of five residents who issue commercial parking permits and who ensure the proper usage of commercial parking spaces.

General Laws c.268A, §1(n) authorizes the City Council to designate certain unpaid and part-time employees as special municipal employees. The designation may be made by the City Council at any time and the board or positions so designated retain their special municipal employee status unless and until the classification is rescinded. The position must be designated, not the individual holding the position.

Only two sections of the conflict of interest law apply less restrictively to special municipal employees than to regular municipal employees, §§17 and 20. Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. A special municipal employee, however, is only restricted as to a particular matter (a) in which he or she has at any time participated as a municipal employee, (b) which is or within one year has been a subject of his or her official responsibility, or (c) which is pending in the municipal agency in which he or she is serving.

Section 20, with several exceptions, prohibits regular municipal employees from having a direct or indirect financial interest in a contract with their own city or town. Special municipal employees have two additional exemptions from §20. They may have a contract with a department in which they do not work if they file a written disclosure with the City Clerk; and they may even have a contract with their own department if they file a similar disclosure and the City Council votes to grant a specific approval for that contract.

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Consent Agenda #4

Designating a member of the
Commercial Parking Control
Committee as a "special municipal
employee" pursuant to the state
conflict of interest law, G.L. c.268A.

In City Council April 14, 2003

ORDER ADOPTED.

9-0-0.