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TO: The Honorable, the City Council

FROM: D. Margaret Drury, City Clerk *DM*
John E. Flynn, Deputy City Clerk *JEF*

DATE: February 3, 1994

SUBJECT: Proposed Change to Rule 23

We are proposing the following change to the City Council's order of business, as set forth in Rule 23. The change would move the Council's consideration of unfinished business to a time after the Council has considered the City Manager's agendas and committee reports. This timing would facilitate referral and consolidation of items raised by the Manager and the committees to the related unfinished business items already on the City Council calendar.

The proposed change would be accomplished by substituting for the first paragraph of Rule 23 the following language:

Rule 23. At every regular meeting of this City Council 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 nonconsent agenda)
5. Consent Communications.
6. Committee Reports.

7. Unfinished business from preceding meetings.
 - a. Charter rights.
 - b. On the table.
 - c. Unfinished business.
8. Consent orders and resolutions.¹
9. Presentation of petitions, memorials and other communications.
10. Motions, orders or resolutions.
11. Communications and reports from city officers.

In addition, the City Council may wish to consider two additional changes to the rules to improve the flow of the meeting. Rule 23 implements the requirement of the Charter, MGL ch. 43 sec. 98 that citizens and employees shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat. Rule 23 provides that the time allowed for each person shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall vote additional time.

At the very least, the Council may want to incorporate a change which allows the City Council to vote to reduce the time when there are several speakers who wish to comment upon a particular issue. Such a change would conform to the actual practice that the City Council has adopted when there are long lists or lines of people who wish to speak. Cambridge is also unusual in the length of time members of the public are allowed to address each issue. There are also many jurisdictions that attempt to accommodate public testimony by providing an hour prior to the beginning of the meeting during which members of the public may address the City Council on any item that will be considered at the meeting. Such a procedure allows the public to make comments without having to wait for hours for the particular issue to come up; on the other hand, it means that the comments are made before the public has heard the Councillors debate the issue.

Finally, the City Council may wish to incorporate a rule which sets forth the practice of the Council: During the time when a citizen is exercising his or her right to be heard under Rule 23, that citizen shall not address questions to any City Councillor, nor shall any City Councillor question the member of the public providing the testimony.

¹The Clerk's Office suggests that City Council consider placing all orders or resolutions on the Consent Order list. Those orders about which individual Councillors wish to speak could be removed at the meeting, which is the manner in which most orders are finally placed on the nonconsent list.

(AMENDED AS OF MARCH 7, 1994)

RULES OF THE CITY COUNCIL AS AMENDED

1994-1995

These rules, after adoption by the City Council, shall be published and made available to the public.

Rule 1. At all meetings of the City Council five (5) councillors shall constitute a quorum for the transaction of business.

DUTIES AND POWERS OF THE CHAIR.

Rule 2. On the first Monday of January, following the regular municipal election, the City Council shall by a majority vote of all the members elected, elect a mayor from its own members who shall preside at all meetings of the City Council and perform such other duties as are prescribed in section one hundred (100) of Chapter 43 of the General Laws, and any acts in amendment thereof or supplementary thereto. The City Council shall, in like manner, elect a Vice-Chairman who shall also be called Vice-Mayor.

Rule 3. The Mayor shall take the chair at the hour to which the City Council has adjourned and call the members to order. In the absence of the Mayor, the Vice-Chairman of the City Council shall preside and, in the absence of both, a temporary chair shall be chosen, who shall serve during the absence of both Mayor and Vice-chair.

Rule 4. The Mayor shall preserve decorum and order, and may speak to points of order, in preference to other members. The Mayor shall decide all questions of order, subject to an appeal to the City Council, regularly seconded. If the ruling of the Chair is questioned, no other business shall be in order until the question on the appeal shall have been decided; the question shall be put as follows: "Shall the decision of the chair stand as the judgment of the City Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the votes are to the contrary.

Rule 5. The Mayor shall declare all votes. If any member doubts the vote, the chair without further debate upon the question, shall require the members voting in the affirmative and negative, respectively, to be counted; the Mayor shall declare the results, but no such declaration shall be made unless a quorum of the City Council has voted.

Rule 6. All final votes of the City Council on questions involving the expenditure of fifty dollars or more, or upon the request of any member, any vote of the City Council shall be by yeas and nays and shall be entered on the records.

Rule 7. All petitions, memorials, communications or any matter before the City Council may be referred as follows:

1. To standing committee of the City Council.
2. To a consent agenda.
3. To a special committee of the City Council.
4. To the City Manager.
5. To any department or department head or any person, group or organization to whom referral is permitted, authorized or allowed under the provisions of the Plan E Charter and under applicable provisions of the Massachusetts General Laws.

Any member offering a motion, order or resolution which is referred to a committee shall be given a hearing on the same by the committee before a report is made thereon, provided he so requests at the time of the communication, or before final action by the committee.

Rule 8. The chair shall put all questions in the order in which they are moved, unless the subsequent motion be previous in its nature, except that in naming sums and fixing times, the largest sum and the longest time shall be first put. After a motion has been put by the chairman, it shall not be withdrawn except by unanimous consent.

Rule 9. When a question is under debate the chair shall receive no motion, but

- To Adjourn.
- To Lay on the Table.
- To Postpone to a certain day.
- For the Previous Question.
- To Refer.
- To Amend.
- To Postpone indefinitely.

These motions shall have precedence in the above order. A motion to adjourn shall be in order at any time except upon immediate repetition. A motion to adjourn, to lay on the table, to take from the table, or for the previous question shall be decided without debate.

Rule 10. The previous question shall be put in the following form: "Shall the main question be put?" and all further amendments or debates of the main question shall be suspended until the previous question is decided.

Rule 11. When two or more members ask to be recognized at once, the chair shall name the member who is entitled to the floor.

RIGHTS AND DUTIES OF MEMBERS

Rule 12. Every member, when about to speak shall respectfully address the Chair, and wait to be recognized. The member shall confine his/her remarks to the question under debate and avoid personalities.

Rule 13. No member speaking shall be interrupted by another except to make a point of order, request an explanation, or request a point of personal privilege.

Rule 14. No member shall vote on any question, or serve on any committee, where his private interest is immediately concerned distinct from that of the public. The City Council shall be ordinance establish and implement a code of ethics for its members and for all city employees.

Rule 15. When a question is put, every member present shall vote unless the City Council for special reasons excuses him. A vote of "Present" shall be accepted by the Chair and so recorded. Application to be excused from voting must be made before the vote of the City Council has been decided. Such application shall be accompanied by a brief statement of the reasons and shall be decided without debate.

Rule 16. A question having been taken, it shall not be in order for any member to move a reconsideration thereof at the same meeting. A motion to reconsider may be made at the next meeting, provided written notice of such motion has been filed with the City Clerk within thirty-six hours of the day of the vote, Saturdays and Sundays to be excluded in the computation of the thirty-six hours. No more than one motion for reconsideration of any vote shall be entertained. Any member may move reconsideration; if reconsideration is not moved prior to the adjournment of the next regular or special meeting called for that particular purpose, the action taken by the City Council stands.

REGULAR MEETINGS

Rule 17. Section 17. Meetings.

All regular meetings of the City Council shall be held in the Sullivan Chamber, City Hall, or, if agreed to by a majority of the City Council, at any other suitable public building within the City of Cambridge, at 5:30 p.m. on Monday of each week, from the first Monday in January to and including the last Monday in June, and from the second Monday in September to and including the last Monday in December.

When a meeting day falls on a holiday, the succeeding Monday shall be the meeting day. The City Council may at any meeting, by a majority vote, decide to discontinue any future meeting previously scheduled. All City Council meetings shall end no later than 12:00 midnight.

SPECIAL MEETINGS

Rule 18. The Mayor, or the Vice-Chairman of the City Council, or any four 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 calling the same, to be delivered in hand to each member of the City Council, or left at his usual dwelling place, at least forty-eight hours notice to all members and the public prior to each meeting. (Chapters 303 of the Acts of 1975).

CALENDAR

Rule 19. Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the City Council objects thereto; but if any member of the City Council objects, the measure shall be postponed for that meeting. (Chapter 43, Section 22 of the General Laws.)

Any member may move the item which has been subject to the Charter Right. If no action is taken at the next regular meeting by any member, then the item will be removed from the City Council Calendar.

Upon the objection of one Councillor, no action may be taken on any item not on the Calendar of the day and shall not be acted upon until the next regular meeting.

Rule 20. All matters of whatever description which may require action by the City Council shall be presented to the City Clerk by 5:00 p. m. on Thursday preceding each regular meeting, except that during a week in which a legal holiday falls on a Friday, said matters shall be presented to the City Clerk by 5:00 p. m. on Wednesday preceding each regular meeting. Communications submitted later will be held over for the next regular meeting.

Rule 21. The City Clerk shall prepare the minutes of the previous regular and/or special meetings and a calendar of all matters to come before the City Council at each 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. At every regular meeting of this City Council the order of business shall be as follows:

1. Reading of the record, if requested by the City Council.
2. Motions for Reconsideration
3. City Manager's Consent Agenda
4. Communications from the City Manager (Manager's Non-Consent Agenda)
5. Consent Communications (petitions, memorials, and other communications from citizens, employees and others)
6. Consent orders and resolutions
7. Committee Reports
8. Communications and Reports from City Officers
9. Unfinished business from preceding meetings
 - a. Charter Rights
 - b. On the Table
 - c. Unfinished Business
10. Non-Consent Communications (petitions, memorials and other communications removed from the Consent Communications by request of a member of the City Council or placed initially on Non-Consent Communications because the communication includes a request to speak to the City Council at its meeting.
11. Motions, orders or resolutions which have been removed from the Consent Order List by request of a member of the City Council.

Public hearings shall be scheduled by the City Clerk and Chair at the request of the City Council, but not on the same night as requested except in the case of a public emergency.

Under the provisions of Chapter 43, Section 98 of the General laws, Tercentenary Edition, citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat; the time allowed for each person and employee shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall by vote allow additional time on such matter.

Rule 23A: Each of the three consent agendas is voted on in its entirety, with no discussion and separate vote by request of a single City Councillor. Upon such request, the item would be moved to the appropriate section of the agenda. Placement of items on the City Manager's Consent Agenda shall be determined by the City Manager. Placement of items on the Communications Consent Agenda shall be at the discretion of the City Clerk. Upon submitting orders and resolutions to the City Clerk all will be placed on the Consent Agenda of orders and resolutions

Rule 24. The seats of the members of the City Council shall be determined by the City Clerk in consultation with the members; no member shall change his seat but by permission of the Chair.

COMMUNICATIONS AND COMMITTEES

Rule 25. All communications, petitions, or resolutions addressed to the City Council shall be filed with the City Clerk. The City Clerk shall place all new communications on the agenda for the next regular City Council meeting. Upon receipt of a communication that is a substantially unchanged copy of a previously submitted communication, the City Clerk shall not place the communication on the agenda and shall transmit said communication to the Mayor. All communications, petitions, or resolutions that do not meet the agenda deadline specified in Rule 20 shall be held over for the subsequent City Council agenda unless it is of an emergency nature.

Rule 26. The Mayor shall appoint standing committees of the City Council. The City Clerk or his/her designee shall staff each committee and, where deemed appropriate, the Chair may request additional staff help through the City Manager.

Each committee shall meet regularly to review matters referred to it by the City Council or to take up other matters within its domain. To the extent possible, matters of policy shall be referred to the appropriate committee, so that careful study and consideration can be given to the subject matter. The committee shall make policy and other recommendations to the City Council as a whole for discussion, consideration and adoption.

It is the goal of the City Council to involve citizens actively in the work of city government through these committees. All committees shall work with community and neighborhood groups and committees on issues that relate to these groups' mandates and interests. The committee staff shall keep lists of interested parties and shall keep citizens informed of the meetings and deliberations of the committees.

The standing committees of the City Council shall be as follows:

Ordinance Committee -- a committee of the whole to consider the merit of any ordinance presented to the City Council and to consider the form and legality thereof; to consider all legal matters for which no other provision is made; and to represent general interests of the city before committees of the General Court when so authorized by a vote of the City Council.

Finance Committee -- a committee of the whole to consider all matters relating to the financial interests of the city, including the city budget, sources of city revenue, appropriations and loans, and city bonding capacity; to work with the City Manager and other officers of the city to benefit the city from a financial perspective; and to work with citizen groups and committees that might be formed from time to time to consider the financial health of the city.

Rules Committee -- to consist of three City Councillors to consider the rules of the City Council and its committees and to recommend amendments and changes thereto.

Government Operations Committee -- to consist of three City Councillors to consider matters relating to the delivery of City services and the operation of City departments.

Health and Hospitals Committee -- to consist of five City Councillors to consider policies and all other matters that relate to the health system provided for the citizens of Cambridge; to work toward maintaining and financing a strong, high quality system, including the Cambridge Hospital, the neighborhood health clinics, Neville Manor, school health program, and the Cambridge Health Department; and to work with the Health Policy Board and other citizen groups towards these ends.

Environment Committee -- to consist of three City Councillors to work toward an environmentally safe and clean city both in the short term and the long run; to consider proposals relating to environmental issues including those relating to air and water quality, solid and hazardous waste, visual quality, and the environmental impact of development; and to make recommendations to the City Council for legislation to prevent further pollution of the environment and to clean it up.

Rent Control Committee -- to consist of three City Councillors to study and make recommendations on all proposals related to legislation and the administration of rent control; to make appropriate recommendations on complaints and suggestions received from tenants, landlords, special interests groups, and other citizens; to study the effectiveness of the rent control system and to make recommendations to improve its capacity to meet the goals outlined in the rent control law.

Housing and Community Development -- to consist of five City Councillors to enhance the quality of life in Cambridge as it relates to the livability of neighborhoods and to housing Cambridge people; to consider all matters relating to land use and to planning and development of housing in the city; to develop goals and an action plan for the maintenance and development of housing, with an emphasis on the needs of low income and working people and to coordinate with the Rent Control Committee toward this goal; to work with city and other agencies and other City Council committees on issues related to industrial and commercial development, especially as they relate to linkage and neighborhood protection, and to job development.

Economic Development, Training, and Employment Committee -- to consist of three City Councillors to work to enhance the employability of Cambridge residents, especially of young people, and to enhance employment opportunities for Cambridge residents, especially youth; to work with the Housing and Community Development Department, Housing and Community Development Committee, the School Department, the Cambridge Chamber of Commerce, the Private Industry Council, and other private sector groups, to develop policies and programs that will enhance economic development in the city and expand employment opportunities for Cambridge residents; and to monitor and improve existing employment programs.

Public Safety Committee -- to consist of three City Councillors to consider all matter affecting the public safety of Cambridge citizens; and to review matters relating to the performance, organization, and effectiveness of the police and fire departments, the traffic department as it relates to public safety issues, and the Police Review Board.

Human Services and Youth Committee -- to consist of three City Councillors to work toward the assurance that a broad human service delivery system, provided by the city, other levels of government, and non-profit and private agencies, exists to meet the human needs of all Cambridge people, including those of children, youth, families, and single adults of all backgrounds; to study policies, overall planning, and the delivery of human services to Cambridge people; to make recommendations to the City Council to improve the scope and quality of these services and to locate new sources of funding; to work with the city's Human Services Department, Human Services Commission, and other human service agencies to meet these ends.

Civil and Human Rights Committee -- to consist of three City Councillors to work with and oversee City agencies that deal with civil and human rights issues; to respond to incidents or concerns that are brought to the attention of the City Council relating to civil and human rights and to bring in the appropriate agencies, departments or legal services to assist in responding to such incidents; and to develop needed programs and legislation in this area.

Elder Affairs Committee -- to consist of three City Councillors to consider all matters affecting senior citizens of Cambridge; to work in conjunction with city, non-profit, and private agencies, as well as other City Council committees, to further the well-being of our older citizens in all areas of concern, including but not limited to, housing, employment, health care, social services and recreation opportunities; and to make recommendations to the City Council with regard to state and federal legislation that impacts senior citizens.

Public Service -- to consist of three City Councillors to consider matters of the appearance and services of the city that are related to public works; to work on matters related to the municipal lighting system, park system, public cemeteries and burial grounds, historical sites, and streets and sidewalks; to deal with the appearance of squares and neighborhoods of the city and their upkeep.

Claims Committee -- to consist of three City Councillors to consider all claims that have been filed against the city; to make recommendations on these claims to the City Council which shall give final approval of the disposition of these claims; and to consider and make recommendations issues related to litigation of claims that may be referred to the City Council by the City Manager.

Traffic and Transportation -- to consist of three City Councillors to consider and recommend action on matters affecting traffic, including public and regional transportation proposals which affect Cambridge; and to work closely with other City Council Committees, especially the Public Safety and Economic Development, Training and Employment, and Environment Committees to develop a sound traffic and transportation program that will meet the needs of residents and employees at a minimal cost to the environment.

Cable TV and Communications -- to consist of three City Councillors to consider all matters relating to cable television within Cambridge and to develop and recommend tools for effective communication by the City Council and other City agencies.

Veteran's Committee -- to consist of three City Councillors to consider all matters affecting veteran services and benefits of the City.

Sister Cities -- to consist of three City Councillors to monitor and provide oversight on the existing sister-city relationships; to assist in the development of additional relationships; to assess the potential for cooperation with the private sector in matters relating to development of business opportunities through sister cities; to make recommendations with regard to administration of sister cities activities.

Hunger Committee -- to consist of three City Councillors to consider all matters relating to the problem of hunger in the city and to study and recommend solutions.

Rule 27. Every committee of the City Council to which any subject may be referred shall report on the subject within a reasonable time from the time of referral. In the case that the chairman of any committee shall fail for thirty (30) days from the time any subject has been referred to it to call a meeting of the committee, a majority of the committee may call a meeting of said committee. Notice of all committee meetings must be given at least forty-eight (48) hours before the time of the meeting.

Rule 28. Minutes shall be kept of all committee proceedings. All minutes, reports, and papers shall be submitted to the City Council by the clerk of Committees at the request of the chairman or a majority of the committee thereof. Recommendations of each committee shall be made to the City Council for consideration and adoption.

Rule 29. The Councillor first named thereto shall be the chair of any committee of which he/she is a member, and in case of his/her resignation or inability to serve, another member of the committee shall be named by the Mayor.

MEMBERS LOBBY

Rule 30. No person will be admitted within the rail in the Sullivan Chamber or in Members' Lobby connected with said chamber at any meeting of the City Council except upon permission of the Mayor.

HEARINGS

Rule 31A. Public hearings may be requested for matters of public interest or of legislative requirement. Where appropriate, the City Council may refer such requests to a committee of the City Council.

Rule 31B. The time devoted to public hearings at any meeting of the City Council shall not be more than two (2) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting.

Any individual appearing before the City Council at a public hearing and claiming to represent another as agent or otherwise in the matter of being heard shall file with the City Council a written authorization signed by the individual, organization or corporation whose interests such individual represents.

There shall be a ten (10) minute time limit for each speaker to express his views on the matter being heard by the City Council. Each speaker will be required to address himself solely to the issue which is before the City Council for discussion and shall not engage in personal or rude remarks.

In all hearings before the City Council, the case of the petitioner shall be submitted first, except in matters affecting acceptance of highways or taking by right of eminent domain.

ORDINANCES AND ORDERS

Rule 32. All by-laws passed by the City Council shall be termed ordinances, and the enacting style shall be "Be it ordained by the City Council of the City of Cambridge." In all votes by which the City Council expresses anything by order or command the form of expression shall be "Ordered," and in all votes by which the City Council expresses opinions, principles, facts or purposes, the form shall be "Resolved."

Rule 33. The City Clerk shall determine the newspaper of the city in which shall be published any loan order or any ordinance and said publication shall be made in each newspaper in regular order, beginning with the oldest publication.

Rule 34. Every ordinance and every order, resolution or vote shall after its passage remain in the possession of the City Clerk for thirty-six (36) hours after the day of the meeting for the purpose of giving any Councillor an opportunity to file notice of his intention to move reconsideration.

AMENDMENT AND SUSPENSION

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two thirds vote of the entire membership of the City Council.

Rule 35B. No amendments or additions to the rules may be enacted until at least seven days have elapsed from the date of the submission of the proposed changes or additions and require a majority vote of the entire membership of the City Council.

ROBERTS' RULES OF ORDER

Rule 36. The City Council shall be governed by "Roberts' Rules of Order" in all questions of parliamentary practice not provided for by special rules of order.

RULES OF COURTESY

Rule 37.

1. No one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
2. All persons shall refrain from any private conversation which would interfere with the proper conduct of the meeting or hearing.
3. All persons should refrain from smoking, drinking or eating in the Sullivan Chamber.
4. Poster or placards must remain outside the Sullivan Chamber.
5. People are admitted to the Sullivan Chamber up to the fire safety capacity of the room which includes the fourth floor balcony. Overflow crowds may listen to the proceedings on loud speakers and television provided in the hallway.
6. All persons shall confine their remarks to the question under debate and avoid personalities.

RULES OF TRAVEL

Rule 38. The City Council's travel and incidental expenses thereto shall be approved by five members of the City Council through the budget process. All individual expenses will be substantiated by receipts, and requests for payments will be approved by the City Auditor prior to reimbursement. Any unexpended funds for an individual's travel will be remitted to the City Treasurer within thirty (30) days of receipt. The City Auditor shall be required to keep an up-to-date journal of all City Council expenditures and make same available on request to all interested persons. Duplicate copies of expenses and vouchers will be kept on file in the Mayor's Office.

City of Cambridge

The Rules Committee held a public meeting on Wednesday, February 16, 1994, beginning at 10:10 A. M. in the Ackermann Room.

The purpose of the meeting was to consider changes to the Rules of the City Council. Present at the meeting were: Vice Mayor Sheila T Russell, Chair of the Committee, Councillor Francis H. Duehay, Councillor Katherine Triantafillou, Councillor Kathleen Born, City Clerk D. Margaret Drury and Deputy City Clerk, John E. Flynn.

Vice Mayor Russell convened the meeting and explained the purpose of the meeting and requested that the City Clerk explain the proposed changes to Rule Twenty-Three set forth in her memorandum.

City Clerk, D. Margaret Drury, stated that both she and Deputy City Clerk John E. Flynn were recommending a change in the order of business so that all items relevant to a particular piece of business would be considered together.

Councillor Francis H. Duehay suggested that, for the same reason, Consent Orders should also be placed before Unfinished Business.

Deputy City Clerk, John E. Flynn, stated that Communications and Reports From City Officers could also be placed ahead of Unfinished Business for the same reason.

Councillor Duehay also noted that Unfinished Business can end up slowing the progress; it can be more contentious and take longer to resolve, which is another reason for putting it after the items that can be resolved more expeditiously. He further stated that he would like to have the full text of the orders on the television screen rather than the summary.

Deputy City Clerk, John E. Flynn stated that he did not think this was possible due to the character generator used by cable TV. The committee agreed to request the Deputy City Clerk to check on this matter with cable TV.

Councillor Katherine Triantafillou stated that she does not have any problem with the suggested changes in the order of Rule Twenty-Three. She stated that she would like to see the consent process be described in more detail in the Rules, and requested that the City Clerk draft language for consideration in this regard.

Councillor Kathleen Born stated that the Rules for how to remove items from the consent agenda were very unclear. Councillor Katherine Triantafillou agreed and requested a redraft to clarify the procedures.

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. **Consent Communications (petitions, memorials, and other communications from citizens, employees and others)**
6. **Consent orders and resolutions**
7. **Committee Reports**
8. **Communications and Reports from City Officers**
9. **Unfinished business from preceding meetings**
 - a. **Charter Rights**
 - b. **On the Table**
 - c. **Unfinished Business**
10. **Non-Consent Communications (petitions, memorials and other communications removed from the Consent Communication Agenda by request of a member of the City Council or placed initially on the Non-Consent list because the communication includes a request to speak to the City Council at its meeting)**
11. **Motions, orders or resolutions which have been removed from the Consent Order Agenda by request of a member of the City Council.**

The Rules Committee further agreed, without objection, that, in accordance with the City Clerk's recommendation, all orders will be placed initially on the Consent Order Agenda, and removal of an order will take place at the City Council meeting upon the request of any member of the City Council.

Vice Mayor Sheila Russell then moved the discussion to the next item on the Agenda, rotation of roll call voting.

Councillor Kathleen Born stated that she was interested in seeing such a rotation. She understood that it is done in Lowell and asked for a report from the City Clerk as to other jurisdictions. The City Clerk reported that the order of roll call voting is rotated weekly in Lowell. She added that she had contacted the past and present Presidents of the City Clerk's Association and that neither were aware of other jurisdictions that used rotation voting.

Deputy City Clerk John E. Flynn stated that a monthly rotation, with the Mayor always voting last, would give each City Council member a month to vote first, and thus would be the best way of equalizing the distribution.

Councillor Francis Duehay stated that he supported the idea. He added that it does equalize whatever advantages or disadvantages there are to voting first. It was agreed that the Rules Committee would report on the option of rotating roll call votes monthly with no recommendation.

Vice Mayor Sheila Russell stated that perhaps there should be a roll call opportunity to remove items from the Consent Agendas.

Councillor Katherine Triantafillou inquired about the rules governing the Mayor's announcements and introductions at the beginning of the meeting. Councillor Francis H. Duehay suggested that this be discussed with the Mayor. At this time Councillor Duehay explained the process for suspension of the rules. Councillor Duehay suggested that the Committee discuss the issue with the Mayor and suggest the matters not on the agenda be brought before the City Council by suspension of the rules.

Vice Mayor Sheila T. Russell raised for discussion the issue raised in the City Clerk's memorandum relative to the possibility of changes to the Rules for public comment at the meetings.

Councillor Francis H. Duehay stated that when there is a controversial topic, people want to speak for ten minutes not just on the main motion but also for any change. Councillor Duehay stated that he believed that the time allowed for public comment should be specified in the Rules; he would recommend five minutes, and he would limit discussion to the main motion. He further stated that he would limit it to one five minute comment per speaker on the matter under discussion. He noted that this is not the only opportunity for public participation--the City Council welcomes letters, there are public hearings and individual members of the City Council are always available for consultation.

Councillor Kathleen Born stated that she agreed. She stated that five minutes is sufficient. However, she would allow people to speak on the main motion.

Councillor Francis H. Duehay suggested two or three minutes to speak on the amendment.

Councillor Kathleen Born stated that sometimes the amendment can be more important. **It was agreed that the Committee would recommend that the Rules be changed to allow each citizen and/or employee five minutes on the main motion and five minutes on the amendment.**

At this time the Committee heard from George F. Welch, Jr., Cambridge, who stated that the biggest problem is that the City Council members go on and on, sometimes interrogating those offering public comment. He stated that the first restriction should be on the City Councillors. If the City Councillors cannot fully cover the matter in five minutes, how should the public be able to do so.

Councillor Francis H. Duehay stated that he respected what Mr. Welch had to say, and would like to know how other City Council handle this issue. On the suggestion of Councillor Duehay, it was agreed that the City Clerk will investigate what Rules other City Councils have promulgated relating to this issue.

Vice Mayor Sheila Russell stated that sometimes it takes more time than five minutes to develop the information through questioning those making presentations..

Councillor Kathleen Born suggested that perhaps there should be a distinction made between the time allowed to City Council to ask questions to obtain information and the time allowed for them to state opinions.

Councillor Katherine Triantafillou stated that the reason for and the description of the process of directing comments through the Chair should be clarified.

Mr. George F. Welch, Jr. stated that in his opinion the Consent Agenda violates Chapter 43 Section 98 of the Massachusetts General Laws, which provides that citizens and employees shall have a reasonable opportunity to be heard "at any such meeting in regard to any matter considered thereat".

Councillor Francis H. Duehay stated that he believes that Mr. Welch has a valid point which should be addressed. That if a City Councillor does not agree to remove an item from a Consent Agenda a member of the public cannot speak on that item. Perhaps any member of the public should be able to inform the City Clerk in writing by a specific time that they wish to remove something from the Consent Agendas. The City Clerk could draft a recommended procedure.

Vice Mayor Sheila Russell requested clarification from the Law Department regarding the legality of the Consent Agendas relative to Chapter 43 Section 98 of the Massachusetts General Laws and it was agreed that the Committee will request an opinion from the City Solicitor on this issue. Pending receipt of the legal opinion, this issue will remain in committee.

The Rules Committee agreed, without objection, to recommend that the City Council amend Rule Twenty-Three to include the following order of business:

Vice Mayor Sheila Russell then moved the discussion to Order Number Twenty-Eight of January 10, 1994 which proposes the establishment of one Monday per month for hearings. Vice Mayor Russell stated that she is no longer in favor of this proposal.

Councillor Duehay stated that he does not agree with the proposed change. The issue is really one of proper scheduling. He also wonders whether it would have an effect on City Council attendance.

Mr. George F. Welch, Jr. suggested encouraging more interest in committee meetings, perhaps by televising these meetings. He stated that he does not agree with having all public hearings on one Monday night.

Councillor Kathleen Born stated that the point of a City Council hearing is to hear from the public, while the point of the City Council meeting is to do its business.

Councillor Francis H. Duehay noted that the City Council members often take a great deal of the two hour time. He stated it should be clarified as to what the City Council's participation should be during the hearing. It was agreed that the City Clerk will draw up a suggested format for public hearings.

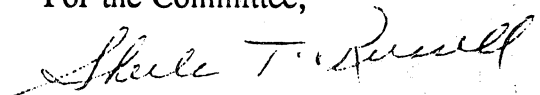
It was agreed, without objection, that the Rules Committee will recommend against the proposal to hold all City Council hearings on one designated Monday night per month.

Vice Mayor Russell then took up the issue of possible changes to standing committee. She reported that the Special Committee on this issue met the day before and was not recommending changes because the committees have all been appointed at this time. It was agreed, without objection, that no changes would be recommended by the Rules Committee.

Councillor Francis Duehay requested that the Committee recommend that the Rules be made final and permanent at the time these changes are voted on by the City Council, and it was so agreed, without objection.

On motion of Councillor Francis Duehay, the meeting was adjourned at eleven o'clock and thirty minutes A. M.

For the Committee,



Vice Mayor Sheila T. Russell,
Chair

City of Cambridge

RULES COMMITTEE

FEBRUARY 16, 1994

A G E N D A

1. Proposed changes to Rule 23 - memorandum submitted by City Clerk and Deputy City Clerk.
2. Rotation of votes.
3. Order No. 28 of 1/10/94 proposing that one Monday per month be selected for public hearings by the City Council, and that no hearings take place during other Monday Council meetings.
4. Issue of changes in standing committees.
5. Other business.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

TO: The Honorable, the City Council

FROM: D. Margaret Drury, City Clerk *DM*
John E. Flynn, Deputy City Clerk *JEF*

DATE: February 3, 1994

SUBJECT: Proposed Change to Rule 23

We are proposing the following change to the City Council's order of business, as set forth in Rule 23. The change would move the Council's consideration of unfinished business to a time after the Council has considered the City Manager's agendas and committee reports. This timing would facilitate referral and consolidation of items raised by the Manager and the committees to the related unfinished business items already on the City Council calendar.

The proposed change would be accomplished by substituting for the first paragraph of Rule 23 the following language:

Rule 23. At every regular meeting of this City Council 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 nonconsent agenda)
5. Consent Communications.
6. Committee Reports.

7. Unfinished business from preceding meetings.
 - a. Charter rights.
 - b. On the table.
 - c. Unfinished business.
8. Consent orders and resolutions.¹
9. Presentation of petitions, memorials and other communications.
10. Motions, orders or resolutions.
11. Communications and reports from city officers.

In addition, the City Council may wish to consider two additional changes to the rules to improve the flow of the meeting. Rule 23 implements the requirement of the Charter, MGL ch. 43 sec. 98 that citizens and employees shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat. Rule 23 provides that the time allowed for each person shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall vote additional time.

At the very least, the Council may want to incorporate a change which allows the City Council to vote to reduce the time when there are several speakers who wish to comment upon a particular issue. Such a change would conform to the actual practice that the City Council has adopted when there are long lists or lines of people who wish to speak. Cambridge is also unusual in the length of time members of the public are allowed to address each issue. There are also many jurisdictions that attempt to accommodate public testimony by providing an hour prior to the beginning of the meeting during which members of the public may address the City Council on any item that will be considered at the meeting. Such a procedure allows the public to make comments without having to wait for hours for the particular issue to come up; on the other hand, it means that the comments are made before the public has heard the Councillors debate the issue.

Finally, the City Council may wish to incorporate a rule which sets forth the practice of the Council: During the time when a citizen is exercising his or her right to be heard under Rule 23, that citizen shall not address questions to any City Councillor, nor shall any City Councillor question the member of the public providing the testimony.

¹The Clerk's Office suggests that City Council consider placing all orders or resolutions on the Consent Order list. Those orders about which individual Councillors wish to speak could be removed at the meeting, which is the manner in which most orders are finally placed on the nonconsent list.

Overview Of Public Participation At City Council Meetings
For The Various Cities Of Massachusetts

Public Speaking Restricted To Public Forums And Citizen
Participation Segments 30 Minutes Prior To Meetings

Attleboro
 Chelsea, must suspend rules prior to meeting
 Fall River
 Fitchburg
 Gloucester
 Chicopee, prior to meeting
 Methuen
 Leominster (15 min. no interaction with City Council)
 Springfield
 Westfield, 30 min. before
 Woburn, by prior request prior to meeting
 Pittsfield, 30 min. before
 North Adams, at end of meeting
 New Bedford
 Worcester, suspension of rules, citizen interest, letter in advance

Public Not Allowed to Speak at City Council Meetings
Only At Public Hearings Or Committee Meetings

| | | |
|-------------|-------------|---------|
| Beverly | Peabody | Melrose |
| Boston | Newburyport | Gardner |
| Everett | Quincy | Holyoke |
| Lynn | Salem | |
| Malden | Somerville | |
| Marlborough | Waltham | |

Public Allowed To Speak At City Council Meetings

Cambridge, but not on consent agenda items
 Haverhill, letter must be submitted on Thursday prior to meeting
 Lowell, must register prior to meeting to speak
 Medford, public allowed to speak with approval of City Council
 Newton, public allowed to speak
 North Adams, public allowed to speak
 Lawrence, public allowed to speak
 Revere, public allowed to speak



City of Cambridge

28.

IN CITY COUNCIL

January 10, 1994

COUNCILLOR WALSH
VICE MAYOR RUSSELL

WHEREAS: During the years that this City Councillor served on the Council, I have received numerous complaints from citizens that when the City Council holds public hearings during regularly scheduled Council meetings, either the hearings do not start on time and those in attendance often leave before their viewpoint is heard. Those in attendance at Council business or those watching on cable television often feel the meeting is disrupted by the public hearing and they do not have the opportunity to hear or participate in the regular council business; now therefore be it

ORDERED: That at the time the Mayor appoints the Rules Committee for the City Council, that the Committee consider selecting one Monday night a month when only public hearings would be held and that the other regularly scheduled meetings be devoted only to the agenda of the Council and that the Rules Committee report back to the City Council with their recommendation no later than February 13.

In City Council January 10, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk



City of Cambridge

CALENDAR ITEM # 13A

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That **RULE 23** of the City Council Rules as amended on March 22, 1993 be amended by striking out the present Rule 23 and substituting in place thereof a new Rule 23 which reads as follows:

RULE 23. At every regular meeting of this City Council the order of business shall be as follows:

1. Reading of the record, if requested by the City Council.
2. Motions for Reconsideration
3. City Manager's Consent Agenda
4. Communications from the City Manager (Manager's Non-Consent Agenda)
5. Consent Communications (petitions, memorials, and other communications from citizens, employees and others)
6. Consent orders and resolutions
7. Committee Reports
8. Communications and Reports from City Officers
9. Unfinished business from preceding meetings
 - a. Charter Rights
 - b. On the Table
 - c. Unfinished Business
10. Non-Consent Communications (petitions, memorials and other communications removed from the Consent Communications by request of a member of the City Council or placed initially on Non-Consent Communications because the communication includes a request to speak to the City Council at its meeting.
11. Motions, orders or resolutions which have been removed from the Consent Order List by request of a member of the City Council.

Public hearings shall be scheduled by the City Clerk and Chair at the request of the City Council, but not on the same night as requested except in the case of a public emergency.

Under the provisions of Chapter 43, Section 98 of the General laws, Tercentenary Edition, citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat; the time allowed for each person and employee shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall by vote allow additional time on such matter.

In City Council March 7, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-


D. Margaret Drury,
City Clerk



City of Cambridge

CALENDAR ITEM #13A-1

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That due to the change in Rule 23 the last sentence in Rule 23A be stricken and the new Rule 23A shall read as follows:

RULE 23A. Each of the three consent agendas is voted on in its entirety, with no discussion and separate vote by request of a single City Council. Upon such request, the item would be moved to the appropriate section of the agenda. Placement of items on the City Manager's Consent Agenda shall be determined by the City Manager. Placement of items on the Communications Consent Agenda shall be at the discretion of the City Clerk. Upon submitting orders and resolutions to the City Clerk all will be placed on the Consent Agenda of orders and resolutions.

In City Council March 7, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury,
City Clerk



City of Cambridge

CALENDAR ITEM # 13B

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the third paragraph of **RULE 23** be and hereby is amended by striking out the existing paragraph and substituting in place thereof a new third paragraph which reads as follows:

Under the provisions of Chapter 43, Section 98 of the General laws, Tercentenary Edition, citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat; the time allowed for each person and/or employee shall be limited to five minutes on the main motion and five minutes on the amendment unless the City Council shall by vote allow additional time on such matter.

In City Council March 7, 1994.

Failed of adoption by a yea and nay vote:-

Yeas 3; Nays 4; Absent 1; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

**REFERRED BACK TO THE RULES COMMITTEE ON MOTION OF
COUNCILLOR MYERS**



City of Cambridge

CALENDAR ITEM #13C

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the City Council Rules as amended on March 22, 1993 be amended to provide for a monthly rotation of roll call votes; except that the Mayor shall always vote last.

In City Council March 7, 1994.
Failed of adoption on a yea and nay vote:-
Yeas 4; Nays 5; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*
D. Margaret Drury
City Clerk



City of Cambridge

CALENDAR ITEM #13D

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the second paragraph of Rule 23 shall be amended by striking out the second paragraph and substituting in place thereof a new second paragraph which reads as follows:

Public hearings shall be scheduled by the City Clerk and Chair at the request of the City Council, but not on the same night as requested except in the case of a public emergency. Said public hearings shall be on one designated Monday night per month.

REFERRED BACK TO THE RULES COMMITTEE ON MOTION OF COUNCILLOR WALSH.



City of Cambridge

CALENDAR ITEM #13E

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That Rule 26 of the City Council Rules amended on March 22, 1993 regarding the standing committees be amended.

THIS MATTER WAS -

PLACED ON FILE.



City of Cambridge

CALENDAR ITEM #13F

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the amendments to the Rules of the City Council adopted on March 7, 1994 be made the final and permanent Rules of the City Council.

In City Council March 7, 1994.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk



City of Cambridge

CALENDAR ITEM # 13A

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That **RULE 23** of the City Council Rules as amended on March 22, 1993 be amended by striking out the present Rule 23 and substituting in place thereof a new Rule 23 which reads as follows:

RULE 23. At every regular meeting of this City Council the order of business shall be as follows:

1. Reading of the record, if requested by the City Council.
2. Motions for Reconsideration
3. City Manager's Consent Agenda
4. Communications from the City Manager (Manager's Non-Consent Agenda)
5. Consent Communications (petitions, memorials, and other communications from citizens, employees and others)
6. Consent orders and resolutions
7. Committee Reports
8. Communications and Reports from City Officers
9. Unfinished business from preceding meetings
 - a. Charter Rights
 - b. On the Table
 - c. Unfinished Business
10. Non-Consent Communications (petitions, memorials and other communications removed from the Consent Communications by request of a member of the City Council or placed initially on Non-Consent Communications because the communication includes a request to speak to the City Council at its meeting.
11. Motions, orders or resolutions which have been removed from the Consent Order List by request of a member of the City Council.

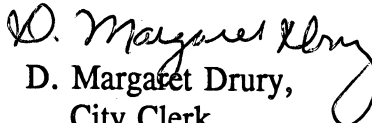
Public hearings shall be scheduled by the City Clerk and Chair at the request of the City Council, but not on the same night as requested except in the case of a public emergency.

Under the provisions of Chapter 43, Section 98 of the General laws, Tercentenary Edition, citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat; the time allowed for each person and employee shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall by vote allow additional time on such matter.

In City Council March 7, 1994.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-


D. Margaret Drury,
City Clerk



City of Cambridge

CALENDAR ITEM #13A-1

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That due to the change in Rule 23 the last sentence in Rule 23A be stricken and the new Rule 23A shall read as follows:

RULE 23A. Each of the three consent agendas is voted on in its entirety, with no discussion and separate vote by request of a single City Council. Upon such request, the item would be moved to the appropriate section of the agenda. Placement of items on the City Manager's Consent Agenda shall be determined by the City Manager. Placement of items on the Communications Consent Agenda shall be at the discretion of the City Clerk. Upon submitting orders and resolutions to the City Clerk all will be placed on the Consent Agenda of orders and resolutions.

In City Council March 7, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury,
City Clerk



City of Cambridge

CALENDAR ITEM # 13B

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the third paragraph of **RULE 23** be and hereby is amended by striking out the existing paragraph and substituting in place thereof a new third paragraph which reads as follows:

Under the provisions of Chapter 43, Section 98 of the General laws, Tercentenary Edition, citizens and employees of the city shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat; the time allowed for each person and/or employee shall be limited to five minutes on the main motion and five minutes on the amendment unless the City Council shall by vote allow additional time on such matter.

In City Council March 7, 1994.
Failed of adoption by a yea and nay vote:-
Yeas 3; Nays 4; Absent 1; Present 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

**REFERRED BACK TO THE RULES COMMITTEE ON MOTION OF
COUNCILLOR MYERS**



City of Cambridge

CALENDAR ITEM #13C

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the City Council Rules as amended on March 22, 1993 be amended to provide for a monthly rotation of roll call votes; except that the Mayor shall always vote last.

In City Council March 7, 1994.
Failed of adoption on a ye and nay vote:-
Yeas 4; Nays 5; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*
D. Margaret Drury
City Clerk



City of Cambridge

CALENDAR ITEM #13D

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the second paragraph of Rule 23 shall be amended by striking out the second paragraph and substituting in place thereof a new second paragraph which reads as follows:

Public hearings shall be scheduled by the City Clerk and Chair at the request of the City Council, but not on the same night as requested except in the case of a public emergency. Said public hearings shall be on one designated Monday night per month.

REFERRED BACK TO THE RULES COMMITTEE ON MOTION OF COUNCILLOR WALSH.



City of Cambridge

CALENDAR ITEM #13E

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That Rule 26 of the City Council Rules amended on March 22, 1993 regarding the standing committees be amended.

THIS MATTER WAS -

PLACED ON FILE.



City of Cambridge

CALENDAR ITEM #13F

IN CITY COUNCIL
MARCH 7, 1994

ORDERED: That the amendments to the Rules of the City Council adopted on March 7, 1994 be made the final and permanent Rules of the City Council.

In City Council March 7, 1994.
Adopted by a ye and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

On the Table
13 c.

City of Cambridge

MASSACHUSETTS

In City Council 3/7 1994

Rotation of Roll Calls - Monthly w/ Mayor always votes last

| YEA | NAY | ABSENT | PRESENT | |
|--------------|-----|--------|---------|----------------------------------|
| ✓ | | | | Ms. Kathleen L. Born |
| ✓ | | | | Mr. Francis H. Duehay |
| ✓ | | | | Mr. Jonathan S. Myers |
| | ✓ | | | Mrs Sheila T. Russell |
| | ✓ | | | Mr. Michael A. Sullivan |
| | ✓ | | | Mr. Timothy J. Toomey, Jr. |
| ✓ | | | | Ms. Katherine Triantafillou |
| ✓ | ✓ | | | Mr. William H. Walsh |
| | ✓ | | | Mayor Kenneth E. Reeves |

4 5 0 0

On The Table 13. b

City of Cambridge

MASSACHUSETTS

In City Council 3-7 1994

Public Comment Period - 5 min on the motion 5 min on the amendment

| YEA | NAY | ABSENT | PRESENT | |
|-----|-----|--------|---------|---|
| | | ✓ | | Ms. Kathleen L. Born |
| ✓ | | | | Mr. Francis H. Duehay |
| | | | ✓ | Mr. Jonathan S. Myers |
| ✓ | | | | ^{VM} Mrs. Sheila T. Russell |
| | ✓ | | | Mr. Michael A. Sullivan |
| ✓ | | | | Mr. Timothy J. Toomey, Jr. |
| | ✓ | | | Ms. Katherine Triantafillou |
| | ✓ | | | Mr. William H. Walsh |
| | ✓ | | | Mayor Kenneth E. Reeves |

3 ~~4~~ 4 1 1

City of Cambridge

MASSACHUSETTS

In City Council

3-7

1994

Amend

VM Russell - 5 minutes for ea. speaker

| YEA | NAY | ABSENT | PRESENT | |
|-----|-----|--------|---------|---|
| | | | | |
| ✓ | | | | Ms. Kathleen L. Born |
| ✓ | | | | Mr. Francis H. Duehay |
| ✓ | | | | Mr. Jonathan S. Myers |
| ✓ | | | | Mrs. ^{VM} Sheila T. Russell |
| ✓ | | | | Mr. Michael A. Sullivan |
| | ✓ | | | Mr. Timothy J. Toomey, Jr. |
| ✓ | | | | Ms. Katherine Triantafillou |
| | | | ✓ | Mr. William H. Walsh |
| ✓ | | | | Mayor Kenneth E. Reeves |

7 1 0 1

~~On~~ On The Table B City of Cambridge

MASSACHUSETTS

In City Council 3-7 1994

On Making Rules Final + ~~the~~ Permanent

| YEA | NAY | ABSENT | PRESENT | |
|-----|-----|--------|---------|-------------------------------------|
| | | | | |
| ✓ | | | | Ms. Kathleen L. Born |
| ✓ | | | | Mr. Francis H. Duehay |
| ✓ | | | | Mr. Jonathan S. Myers |
| ✓ | | | | Mrs VM Sheila T. Russell |
| ✓ | | | | Mr. Michael A. Sullivan |
| ✓ | | | | Mr. Timothy J. Toomey, Jr. |
| ✓ | | | | Ms. Katherine Triantafillou |
| ✓ | | | | Mr. William H. Walsh |
| ✓ | | | | Mayor Kenneth E. Reeves |

C. Sullivan m. susp vv / 9-0
" " m. David vv / 9-9

City of Cambridge

RULES COMMITTEE

FEBRUARY 16, 1994

A G E N D A

1. Proposed changes to Rule 23 - memorandum submitted by City Clerk and Deputy City Clerk.
2. Rotation of votes.
3. Order No. 28 of 1/10/94 proposing that one Monday per month be selected for public hearings by the City Council, and that no hearings take place during other Monday Council meetings.
4. Issue of changes in standing committees.
5. Other business.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

TO: The Honorable, the City Council

FROM: D. Margaret Drury, City Clerk *DM*
John E. Flynn, Deputy City Clerk *JEF*

DATE: February 3, 1994

SUBJECT: Proposed Change to Rule 23

We are proposing the following change to the City Council's order of business, as set forth in Rule 23. The change would move the Council's consideration of unfinished business to a time after the Council has considered the City Manager's agendas and committee reports. This timing would facilitate referral and consolidation of items raised by the Manager and the committees to the related unfinished business items already on the City Council calendar.

The proposed change would be accomplished by substituting for the first paragraph of Rule 23 the following language:

Rule 23. At every regular meeting of this City Council the order of business shall be as follows:

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2. Motions for reconsideration.
3. Manager's Consent Agenda.
4. Communications from the City Manager. (Manager's nonconsent agenda)
5. Consent Communications.
6. Committee Reports.

7. Unfinished business from preceding meetings.
 - a. Charter rights.
 - b. On the table.
 - c. Unfinished business.
8. Consent orders and resolutions.¹
9. Presentation of petitions, memorials and other communications.
10. Motions, orders or resolutions.
11. Communications and reports from city officers.

In addition, the City Council may wish to consider two additional changes to the rules to improve the flow of the meeting. Rule 23 implements the requirement of the Charter, MGL ch. 43 sec. 98 that citizens and employees shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat. Rule 23 provides that the time allowed for each person shall be limited to ten minutes on each matter upon which they wish to express their opinion unless the City Council shall vote additional time.

At the very least, the Council may want to incorporate a change which allows the City Council to vote to reduce the time when there are several speakers who wish to comment upon a particular issue. Such a change would conform to the actual practice that the City Council has adopted when there are long lists or lines of people who wish to speak. Cambridge is also unusual in the length of time members of the public are allowed to address each issue. There are also many jurisdictions that attempt to accommodate public testimony by providing an hour prior to the beginning of the meeting during which members of the public may address the City Council on any item that will be considered at the meeting. Such a procedure allows the public to make comments without having to wait for hours for the particular issue to come up; on the other hand, it means that the comments are made before the public has heard the Councillors debate the issue.

Finally, the City Council may wish to incorporate a rule which sets forth the practice of the Council: During the time when a citizen is exercising his or her right to be heard under Rule 23, that citizen shall not address questions to any City Councillor, nor shall any City Councillor question the member of the public providing the testimony.

¹The Clerk's Office suggests that City Council consider placing all orders or resolutions on the Consent Order list. Those orders about which individual Councillors wish to speak could be removed at the meeting, which is the manner in which most orders are finally placed on the nonconsent list.

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For The Various Cities Of Massachusetts

Public Speaking Restricted To Public Forums And Citizen
Participation Segments 30 Minutes Prior To Meetings

Attleboro
Chelsea, must suspend rules prior to meeting
Fall River
Fitchburg
Gloucester
Chicopee, prior to meeting
Methuen
Leominster (15 min. no interaction with City Council)
Springfield
Westfield, 30 min. before
Woburn, by prior request prior to meeting
Pittsfield, 30 min. before
North Adams, at end of meeting
New Bedford
Worcester, suspension of rules, citizen interest, letter in advance

Public Not Allowed to Speak at City Council Meetings
Only At Public Hearings Or Committee Meetings

| | | |
|-------------|-------------|---------|
| Beverly | Peabody | Melrose |
| Boston | Newburyport | Gardner |
| Everett | Quincy | Holyoke |
| Lynn | Salem | |
| Malden | Somerville | |
| Marlborough | Waltham | |

Public Allowed To Speak At City Council Meetings

Cambridge, but not on consent agenda items
Haverhill, letter must be submitted on Thursday prior to meeting
Lowell, must register prior to meeting to speak
Medford, public allowed to speak with approval of City Council
Newton, public allowed to speak
North Adams, public allowed to speak
Lawrence, public allowed to speak
Revere, public allowed to speak



City of Cambridge

28.

IN CITY COUNCIL

January 10, 1994

COUNCILLOR WALSH
VICE MAYOR RUSSELL

WHEREAS: During the years that this City Councillor served on the Council, I have received numerous complaints from citizens that when the City Council holds public hearings during regularly scheduled Council meetings, either the hearings do not start on time and those in attendance often leave before their viewpoint is heard. Those in attendance at Council business or those watching on cable television often feel the meeting is disrupted by the public hearing and they do not have the opportunity to hear or participate in the regular council business; now therefore be it

ORDERED: That at the time the Mayor appoints the Rules Committee for the City Council, that the Committee consider selecting one Monday night a month when only public hearings would be held and that the other regularly scheduled meetings be devoted only to the agenda of the Council and that the Rules Committee report back to the City Council with their recommendation no later than February 13.

In City Council January 10, 1994.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

City of Cambridge

The Rules Committee held a public meeting on Wednesday, February 16, 1994, beginning at 10:10 A. M. in the Ackermann Room.

The purpose of the meeting was to consider changes to the Rules of the City Council. Present at the meeting were: Vice Mayor Sheila T Russell, Chair of the Committee, Councillor Francis H. Duehay, Councillor Katherine Triantafillou, Councillor Kathleen Born, City Clerk D. Margaret Drury and Deputy City Clerk, John E. Flynn.

Vice Mayor Russell convened the meeting and explained the purpose of the meeting and requested that the City Clerk explain the proposed changes to Rule Twenty-Three set forth in her memorandum.

City Clerk, D. Margaret Drury, stated that both she and Deputy City Clerk John E. Flynn were recommending a change in the order of business so that all items relevant to a particular piece of business would be considered together.

Councillor Francis H. Duehay suggested that, for the same reason, Consent Orders should also be placed before Unfinished Business.

Deputy City Clerk, John E. Flynn, stated that Communications and Reports From City Officers could also be placed ahead of Unfinished Business for the same reason.

Councillor Duehay also noted that Unfinished Business can end up slowing the progress; it can be more contentious and take longer to resolve, which is another reason for putting it after the items that can be resolved more expeditiously. He further stated that he would like to have the full text of the orders on the television screen rather than the summary.

Deputy City Clerk, John E. Flynn stated that he did not think this was possible due to the character generator used by cable TV. **The committee agreed to request the Deputy City Clerk to check on this matter with cable TV.**

Councillor Katherine Triantafillou stated that she does not have any problem with the suggested changes in the order of Rule Twenty-Three. She stated that she would like to see the consent process be described in more detail in the Rules, and requested that the City Clerk draft language for consideration in this regard.

Councillor Kathleen Born stated that the Rules for how to remove items from the consent agenda were very unclear. Councillor Katherine Triantafillou agreed and requested a redraft to clarify the procedures.

Vice Mayor Sheila Russell stated that perhaps there should be a roll call opportunity to remove items from the Consent Agendas.

Councillor Katherine Triantafillou inquired about the rules governing the Mayor's announcements and introductions at the beginning of the meeting. Councillor Francis H. Duehay suggested that this be discussed with the Mayor. At this time Councillor Duehay explained the process for suspension of the rules. Councillor Duehay suggested that the Committee discuss the issue with the Mayor and suggest the matters not on the agenda be brought before the City Council by suspension of the rules.

Vice Mayor Sheila T. Russell raised for discussion the issue raised in the City Clerk's memorandum relative to the possibility of changes to the Rules for public comment at the meetings.

Councillor Francis H. Duehay stated that when there is a controversial topic, people want to speak for ten minutes not just on the main motion but also for any change. Councillor Duehay stated that he believed that the time allowed for public comment should be specified in the Rules; he would recommend five minutes, and he would limit discussion to the main motion. He further stated that he would limit it to one five minute comment per speaker on the matter under discussion. He noted that this is not the only opportunity for public participation--the City Council welcomes letters, there are public hearings and individual members of the City Council are always available for consultation.

Councillor Kathleen Born stated that she agreed. She stated that five minutes is sufficient. However, she would allow people to speak on the main motion.

Councillor Francis H. Duehay suggested two or three minutes to speak on the amendment.

Councillor Kathleen Born stated that sometimes the amendment can be more important. **It was agreed that the Committee would recommend that the Rules be changed to allow each citizen and/or employee five minutes on the main motion and five minutes on the amendment.**

At this time the Committee heard from George F. Welch, Jr., Cambridge, who stated that the biggest problem is that the City Council members go on and on, sometimes interrogating those offering public comment. He stated that the first restriction should be on the City Councillors. If the City Councillors cannot fully cover the matter in five minutes, how should the public be able to do so.

Councillor Francis H. Duehay stated that he respected what Mr. Welch had to say, and would like to know how other City Council handle this issue. On the suggestion of Councillor Duehay, **it was agreed that the City Clerk will investigate what Rules other City Councils have promulgated relating to this issue.**

Vice Mayor Sheila Russell stated that sometimes it takes more time than five minutes to develop the information through questioning those making presentations..

Councillor Kathleen Born suggested that perhaps there should be a distinction made between the time allowed to City Council to ask questions to obtain information and the time allowed for them to state opinions.

Councillor Katherine Triantafillou stated that the reason for and the description of the process of directing comments through the Chair should be clarified.

Mr. George F. Welch, Jr. stated that in his opinion the Consent Agenda violates Chapter 43 Section 98 of the Massachusetts General Laws, which provides that citizens and employees shall have a reasonable opportunity to be heard "at any such meeting in regard to any matter considered thereat".

Councillor Francis H. Duehay stated that he believes that Mr. Welch has a valid point which should be addressed. That if a City Councillor does not agree to remove an item from a Consent Agenda a member of the public cannot speak on that item. Perhaps any member of the public should be able to inform the City Clerk in writing by a specific time that they wish to remove something from the Consent Agendas. The City Clerk could draft a recommended procedure.

Vice Mayor Sheila Russell requested clarification from the Law Department regarding the legality of the Consent Agendas relative to Chapter 43 Section 98 of the Massachusetts General Laws and it was agreed that the Committee will request an opinion from the City Solicitor on this issue. Pending receipt of the legal opinion, this issue will remain in committee.

The Rules Committee agreed, without objection, to recommend that the City Council amend Rule Twenty-Three to include the following order of business:

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. **Consent Communications (petitions, memorials, and other communications from citizens, employees and others)**
6. **Consent orders and resolutions**
7. **Committee Reports**
8. **Communications and Reports from City Officers**
9. **Unfinished business from preceding meetings**
 - a. **Charter Rights**
 - b. **On the Table**
 - c. **Unfinished Business**
10. **Non-Consent Communications (petitions, memorials and other communications removed from the Consent Communication Agenda by request of a member of the City Council or placed initially on the Non-Consent list because the communication includes a request to speak to the City Council at its meeting)**
11. **Motions, orders or resolutions which have been removed from the Consent Order Agenda by request of a member of the City Council.**

The Rules Committee further agreed, without objection, that, in accordance with the City Clerk's recommendation, all orders will be placed initially on the Consent Order Agenda, and removal of an order will take place at the City Council meeting upon the request of any member of the City Council.

Vice Mayor Sheila Russell then moved the discussion to the next item on the Agenda, rotation of roll call voting.

Councillor Kathleen Born stated that she was interested in seeing such a rotation. She understood that it is done in Lowell and asked for a report from the City Clerk as to other jurisdictions. The City Clerk reported that the order of roll call voting is rotated weekly in Lowell. She added that she had contacted the past and present Presidents of the City Clerk's Association and that neither were aware of other jurisdictions that used rotation voting.

Deputy City Clerk John E. Flynn stated that a monthly rotation, with the Mayor always voting last, would give each City Council member a month to vote first, and thus would be the best way of equalizing the distribution.

Councillor Francis Duehay stated that he supported the idea. He added that it does equalize whatever advantages or disadvantages there are to voting first. **It was agreed that the Rules Committee would report on the option of rotating roll call votes monthly with no recommendation.**

Vice Mayor Sheila Russell then moved the discussion to Order Number Twenty-Eight of January 10, 1994 which proposes the establishment of one Monday per month for hearings. Vice Mayor Russell stated that she is no longer in favor of this proposal.

Councillor Duehay stated that he does not agree with the proposed change. The issue is really one of proper scheduling. He also wonders whether it would have an effect on City Council attendance.

Mr. George F. Welch, Jr. suggested encouraging more interest in committee meetings, perhaps by televising these meetings. He stated that he does not agree with having all public hearings on one Monday night.

Councillor Kathleen Born stated that the point of a City Council hearing is to hear from the public, while the point of the City Council meeting is to do its business.

Councillor Francis H. Duehay noted that the City Council members often take a great deal of the two hour time. He stated it should be clarified as to what the City Council's participation should be during the hearing. **It was agreed that the City Clerk will draw up a suggested format for public hearings.**

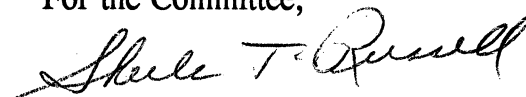
It was agreed, without objection, that the Rules Committee will recommend against the proposal to hold all City Council hearings on one designated Monday night per month.

Vice Mayor Russell then took up the issue of possible changes to standing committee. She reported that the Special Committee on this issue met the day before and was **not recommending changes because the committees have all been appointed at this time. It was agreed, without objection, that no changes would be recommended by the Rules Committee.**

Councillor Francis Duehay requested that the Committee recommend that the **Rules be made final and permanent at the time these changes are voted on by the City Council, and it was so agreed, without objection.**

On motion of Councillor Francis Duehay, the meeting was adjourned at eleven o'clock and thirty minutes A. M.

For the Committee,



Vice Mayor Sheila T. Russell,
Chair

COMMITTEE REPORTS

S-83

Report from the Rules Committee for a hearing held on Wednesday, February 16, 1994 regarding proposed changes to the Rules of the City Council.

3/9/94 Report accepted

Rule 23 - Amended 9-0-0.

Rule 23A amended 9 members

Public Comment Amendment

Public 3-4-1-1

Referred to Rules Comm.

Monthly rotation of roles/poles

Public hearings to be held one

In City Council,

Monday meeting proposed

February 28, 1994

Referred
back to Rules

2/28/94 Tabled

pursuant to Rule 35B.

Standing Committee Amend-
ment - placed on file

Amendment to Rules A

final & permanent Rules.

Adopted 9-0-0.

13B & 13D Copy sent to Rules

Committee (C) 3/9/94