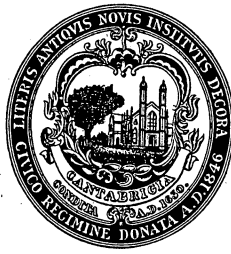


Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

January 24, 2001

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

**Re: Council Order #8, dated 1/8/01 Re: Report on the Legal Basis For
Denying Public Comment at Council Roundtable Meetings**

Dear Mr. Healy:

The City's Charter, G. L. c. 43, section 98, provides that

The city council shall fix suitable times for its regular meetings. The mayor, or the vice-chairman of the city council, or any four members thereof ... may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meetings of the city council may also be held at any time when all members of the city council are present and consent thereto. Except in the case of executive sessions authorized by section twenty-three A of chapter thirty-nine, all meetings of the city council shall be open to the press and to the public, and ***the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat*** (emphasis added).

The Rule of the City Council as Amended, Rule 23 C "Public Comment" provide, pursuant to the provisions of the above referenced statute, that at regular business meetings

- a. ***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.*** Opportunities for citizens and employees to

be heard at all regular meetings, except for working/roundtable meetings, shall be provided directly after the reading of the record, if requested by the City Council (submission of the record of the previous meeting) (emphasis added)....

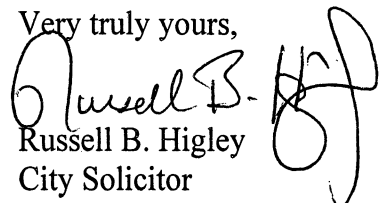
The Rules further provide that at regular roundtable/working meetings

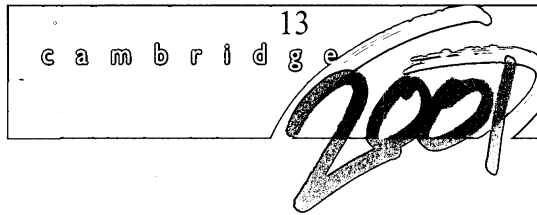
Public comment shall not take place at working/roundtable meetings of the City Council, where no matter being discussed may be finally considered, in that no votes may be taken. Written comments will be accepted and made part of the record of the meeting. ***The opportunity for the public to make oral comments on items discussed at working/roundtable meetings shall be at the regular meeting at which the item may be considered for action by the City Council*** (emphasis added).

We interpret the Rules of the City Council as Amended to be both consistent with and fully compliant with the provisions of the City's Charter. Working/roundtable meetings are designed for the City Council to be provided information by the City Manager and his staff, and do not permit the Council to "consider" any matter, in that no votes may be taken, and any item discussed may thus not be "considered for action" by the Council. As set forth above, the Rules further provide that the opportunity for the public to make oral comments on items discussed at working/roundtable meetings is provided at the regular meeting of the City Council at which any such item may be considered for action and voted upon by the Council. Moreover the Rules provide that while public comment is not permitted at working/roundtable meetings, written comments are, in fact, accepted and provided to the Council, and made part of the record of the meeting. Thus, members of the public are provided ample opportunity to provide comments, both in writing prior to a working/roundtable meeting, and afterward, at the regular meeting where any items discussed at the working/roundtable meeting are considered for action or voted upon by the Council.

Please do not hesitate to let me know if you would like any additional information.

Very truly yours,


Russell B. Higley
City Solicitor



9.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager Richard C. Rossi, Deputy City Manager

January 29, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-140, regarding a report on the legal basis for denying public comment at City Council roundtable meetings, received from City Solicitor Russell B. Higley.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy".

Robert W. Healy
City Manager

RWH/mec
Attachment



37S

Consent Agenda #9

Awaiting Report Item
Number 00-140, regarding a
report on the legal basis for
denying public comment at
City Council roundtables.

In City Council January 29, 2001

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