



# 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

March 22, 1995

The Honorable Timothy J. Toomey, Jr.  
House of Representatives  
State House  
Boston, MA 02133

Dear Representative Toomey:

Pursuant to the request of the City Council in accordance with the arrangements made previously with Speaker Flaherty, I am forwarding to you for refiling with the Massachusetts House of Representatives, the enclosed order adopted by the Cambridge City Council at its meeting held on February 27, 1995 approving the refiling of the following attached legislation as follows:

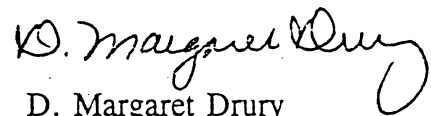
**"AN ACT AUTHORIZING THE DIRECTOR OF TRAFFIC AND PARKING OF THE CITY OF CAMBRIDGE TO ESTABLISH SPEED LIMITS FOR, AND TO INSTALL SPEED BUMPS ON, RESIDENTIAL PUBLIC WAYS."**

Enclosed also for filing with the Massachusetts Housing of Representatives is an order also adopted at the Cambridge City Council meeting held on February 27, 1995 approving the filing of the following attached legislation as follows:

**"AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES".**

It is my understanding that upon receipt of this legislation you and your staff will review the text of the enclosed legislation to determine its appropriateness for filing and if any changes or corrections are necessary, your office will contact me as soon as possible.

Very truly yours,



D. Margaret Drury  
City Clerk

DMD/dl

Encs. (2)

c.c.

Speaker Charles F. Flaherty  
Representative Alvin Thompson



# City of Cambridge

Comm. & Rep. City. Off. 1A

IN CITY COUNCIL

February 27, 1995

**ORDERED:** That the City Council go on record directing the City Clerk to refile the attached Home Rule Legislation entitled: "AN ACT AUTHORIZING THE DIRECTOR OF TRAFFIC AND PARKING OF THE CITY OF CAMBRIDGE TO ESTABLISH SPEED LIMITS FOR, AND TO INSTALL SPEED BUMPS ON, RESIDENTIAL PUBLIC WAYS."

In City Council February 27, 1995.

Adopted by a yeas and nays 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

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of .....Cambridge....., respectfully  
petition for the passage of the accompanying bill or resolve, and /or for legislation.

AN ACT AUTHORIZING THE DIRECTOR OF TRAFFIC AND PARKING OF THE CITY OF  
CAMBRIDGE TO ESTABLISH SPEED LIMITS FOR, AND TO INSTALL SPEED BUMPS ON,  
RESIDENTIAL PUBLIC WAYS.

Petitioners are requested to sign names and addresses legibly.

Kenneth E. Reeves

Maureen A. Quinn

Sheila T. Russell

Wm. H. Dooling

Katherine Bryant

Anthony D. Adams

Richard J. [unclear]

John D. Loney

Jonathan S. Myers

11 Everett St.

28 Putnam Ave

5 Hawthorne Park

26 Lowell St.

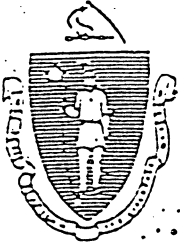
90 Reed St

86 Buckingham St

3 Walnut Ave.

88 Sixth St.

31 Chalk St



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

## AN ACT

AUTHORIZING THE DIRECTOR OF TRAFFIC AND PARKING OF THE CITY OF CAMBRIDGE TO ESTABLISH SPEED LIMITS FOR, AND TO INSTALL SPEED BUMPS ON, RESIDENTIAL PUBLIC WAYS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 455 of the Acts of 1961 is hereby amended by adding the following sections:

Section 10. Notwithstanding the provisions of any General or Special Law, the Director of Traffic and Parking is hereby authorized to establish speed limits for residential public ways in conformity with the standards set forth in the Manual on Uniform Traffic Control Devices and in A Policy on Geometric Designs of Highways and Streets published by the American Association of State Highway and Transportation Officials, and in accordance with the procedures for adoption, alteration or repeal of rules and regulations set forth in Section 3 of this Act.

Section 11. Notwithstanding the provisions of any General or Special Law, the Director of Traffic and Parking is hereby authorized to install speed bumps on residential public ways in

conformity with the standards set forth in the Manual on Uniform Traffic Control Devices and in A Policy on Geometric Designs of Highways and Streets published by the American Association of State Highway and Transportation Officials, and in accordance with the procedures for adoption, alteration or repeal of rules and regulations set forth in Section 3 of this Act.



# City of Cambridge

RECONSIDERATION # 1  
~~COMM. REPORTS # 2~~

IN CITY COUNCIL

~~February 13, 1995~~  
February 27, 1995

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

ORDERED:

That the City Council petitions the legislature to enact the attached Home Rule Petition entitled "AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES."

In City Council February 27, 1995.  
Adopted by a yea and nay vote:-  
Yeas 7; Nays 2; Absent 0.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

*D. Margaret Drury*  
D. Margaret Drury  
City Clerk

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and for legislation.

AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF  
CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES.

---

Petitioners are requested to sign names and addresses legibly.

Kenneth E. Reeves  
Michael G. Kelly  
Shelby T. Russell  
Lafayette Leahy  
Wm. H. Murphy

11 Everett Street  
28 Putnam Avenue  
5 Hawthorne Park  
3 Walnut Avenue  
26 Lowell St



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY- FIVE

## AN ACT

REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. For the purposes of this Act "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or sentence or the suspension thereof.

SECTION 2. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of any criminal offense involving a violation of his or her official duties in any elected office at any time held by him or her, shall be ineligible to serve in any elective municipal office in the City of Cambridge, and if such violation occurs while the individual is holding elective municipal office in the City of Cambridge he or she shall

be deemed to have vacated office at the time of conviction, and shall not thereafter be eligible to serve in any elective municipal office in the City of Cambridge.

SECTION 3. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony under the laws of the Commonwealth or of the United States committed while holding elective municipal office as a member of the Cambridge City Council or the Cambridge School Committee in the City of Cambridge, who still holds such elective municipal office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of their office, or expulsion by a majority vote of the Cambridge City Council or the Cambridge School Committee, and the City Council and School Committee shall have authority to exclude said officer and to declare the office vacant.

SECTION 4. Notwithstanding any general or special law or charter provision to the contrary or any other provision of this Act, any person indicted for a felony under the laws of the Commonwealth or of the United States while holding elective office in the City of Cambridge at the time of indictment, shall be automatically suspended from his or her appointment to any City Council committee chairs held by virtue of their office while the indictment is pending, and any person so indicted who holds the office of Mayor

or Vice Mayor shall in the same manner be automatically suspended from such office at the time of such indictment and remain suspended while the indictment is pending. If the Mayor is suspended pursuant to this section, then the Vice Mayor shall serve as Mayor while the indictment is pending. If the Vice Mayor is suspended pursuant to this section, then the office shall be filled while the indictment is pending by a majority vote of the members of the City Council excluding the vote of the individual or individuals under indictment.

SECTION 5. If the conviction is reversed or vacated the elected official shall be restored to office with all its rights and emoluments; but, if pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

# City of Cambridge

MASSACHUSETTS

In City Council

2-27

1995

~~Reconsideration~~

Home Rule - Reconsideration

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

7

2

0 0



# City of Cambridge

COMM. REPORTS # 2

IN CITY COUNCIL

February 13, 1995

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

ORDERED:

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In City Council February 13, 1995.

Adopted by a ye and nay vote:-

Yeas 5; Nays 2; Absent 0; Present 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk

RECONSIDERATION FILED BY COUNCILLOR TRIANTAFILLOU



# City of Cambridge

RECONSIDERATION # 1  
~~COMM. REPORTS # 2~~

IN CITY COUNCIL

~~February 13, 1995~~  
February 27, 1995

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

ORDERED:

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In City Council February 27, 1995.  
Adopted by a yea and nay vote:-  
Yeas 7; Nays 2; Absent 0.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

## AN ACT

REGULATING THE HOLDING OF ELECTIVE MUNICIPAL  
OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS  
INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES

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SECTION 1. For the purposes of this Act "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or sentence or the suspension thereof.

SECTION 2. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of any criminal offense involving a violation of his or her official duties in any elected office at any time held by him or her, shall be ineligible to serve in any elective municipal office in the City of Cambridge, and if such violation occurs while the individual is holding elective municipal office in the City of Cambridge he or she shall be deemed to have vacated office at the time of conviction, and

shall not thereafter be eligible to serve in any elective municipal office in the City of Cambridge.

SECTION 3. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony under the laws of the Commonwealth or of the United States committed while holding elective municipal office as a member of the Cambridge City Council or the Cambridge School Committee in the City of Cambridge, who still holds such elective municipal office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of their office, or expulsion by a majority vote of the Cambridge City Council or the Cambridge School Committee, and the City Council and School Committee shall have authority to exclude said officer and to declare the office vacant.

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from such office at the time of such indictment and remain suspended while the indictment is pending. If the Mayor is suspended pursuant to this section, then the Vice Mayor shall serve as Mayor while the indictment is pending. If the Vice Mayor is suspended pursuant to this section, then the office shall be filled while the indictment is pending by a majority vote of the members of the City Council excluding the vote of the individual or individuals under indictment.

SECTION 5. If the conviction is reversed or vacated the elected official shall be restored to office with all its rights and emoluments; but, if pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

*To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.*

The undersigned, citizens of ..... Cambridge ..... respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation regulating the holding of  
elective municipal office in the city of Cambridge by individuals indicted for or  
convicted of criminal offenses.

---

Petitioners are requested to sign names and addresses legibly.

|

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Petitioners are requested to sign names and addresses legibly.

Kenneth E. Peene  
Michael O. Bell  
Shels T. Quinell  
Lafalee Leahy  
Wm. H. Amey

11 Everett Street  
28 Putnam Avenue  
5 Hawthorne Park  
3 Walnut Avenue  
26 Lowell St



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY- FIVE

## AN ACT

REGULATING THE HOLDING OF ELECTIVE MUNICIPAL  
OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS  
INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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shall not thereafter be eligible to serve in any elective municipal office in the City of Cambridge.

SECTION 3. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony under the laws of the Commonwealth or of the United States committed while holding elective municipal office as a member of the Cambridge City Council or the Cambridge School Committee in the City of Cambridge, who still holds such elective municipal office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of their office, or expulsion by a majority vote of the Cambridge City Council or the Cambridge School Committee, and the City Council and School Committee shall have authority to exclude said officer and to declare the office vacant.

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from such office at the time of such indictment and remain suspended while the indictment is pending. If the Mayor is suspended pursuant to this section, then the Vice Mayor shall serve as Mayor while the indictment is pending. If the Vice Mayor is suspended pursuant to this section, then the office shall be filled while the indictment is pending by a majority vote of the members of the City Council excluding the vote of the individual or individuals under indictment.

SECTION 5. If the conviction is reversed or vacated the elected official shall be restored to office with all its rights and emoluments; but, if pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

*To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.*

The undersigned, citizens of ..... Cambridge ....., respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation regulating the holding of  
elective municipal office in the city of Cambridge by individuals indicted for or  
convicted of criminal offenses.

---

**Petitioners are requested to sign names and addresses legibly.**

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# City of Cambridge

COMM. REPORTS # 2

CITY COUNCIL

February 13, 1995

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

ORDERED:

That the City Council petitions the legislature to enact the attached Home Rule Petition entitled "AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES."

In City Council February 13, 1995.

Adopted by a ye and nay vote:-

Yeas 5; Nays 2; Absent 0; Present 2.

Attest:- D. Margaret Drury, City Clerk

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

RECONSIDERATION FILED BY COUNCILLOR TRIANTAFILLOU



# City of Cambridge

COMM. REPORTS # 2

IN CITY COUNCIL

February 13, 1995

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

ORDERED:

That the City Council petitions the legislature to enact the attached Home Rule Petition entitled "AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES."

In City Council February 13, 1995.

Adopted by a yea and nay vote:-

Yeas 5; Nays 2; Absent 0; Present 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

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

ATTEST:-

D. Margaret Drury  
City Clerk

**RECONSIDERATION FILED BY COUNCILLOR TRIANTAFILLOU**

# City of Cambridge

MASSACHUSETTS

In City Council

2-13

1995

*Adoption of  
Home Rule Petition*

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

*5                      2                      0                      2*

# City of Cambridge

The Rules and Government Operations Committee held a joint public meeting on Thursday, January 26, 1995, beginning at 11:27 a.m. in the Ackermann Room for the purpose of continuing discussion on the proposed amendment to the Cambridge Municipal Code to limit the candidacy of convicted felons for elective municipal office.

Present at the meeting were Vice Mayor Sheila T. Russell, Chair of the Rules Committee, Councillor Michael A. Sullivan, Chair of the Government Operations Committee, Councillor Francis H. Duehay, Councillor Kathleen L. Born, Councillor Jonathan S. Myers, and City Clerk D. Margaret Drury. Also present was Deputy City Solicitor, Donald Drisdell.

Councillor Sullivan and Vice Mayor Russell convened the meeting. Councillor Sullivan noted that Don Drisdell has prepared a revised draft of the proposed legislation in accord with the Committee's request at its previous meeting.

Councillor Sullivan thanked Mr. Don Drisdell for the revised draft. He then summarized the proposal. He noted that as presently drafted, Section 3 would also vacate Mayor and Vice Mayor position. He stated that he was not sure that the Committee had actually decided this issue, although there was discussion of the issue at the last meeting. Councillor Sullivan also noted that the last section in Section 3 is redundant because the Charter already provides for procedures in the eventuality of a vacancy in the office of the Mayor.

Vice Mayor Russell noted that the state law provision, M.G.L. Chapter 279, takes effect upon sentencing and asked if the City Council can change this to conviction. Don Drisdell said that it can be done through home rule petition.

Councillor Sullivan asked about the interpretation of "conviction". Mr. Drisdell said that most courts interpret it as "sentencing" but here it is specifically defined in Section 1 to mean a finding of guilt, irrespective of pronouncement of sentence.

Councillor Sullivan said that he is somewhat concerned about this definition in relation to Section 3, because the sentencing report and procedure could provide information that the elected body would like to consider in its deliberations under Section 3.

Councillor Duehay said that this could be decided by the elected body. It could decide to wait; but in a very serious case, it could take action more quickly. He gave the example of a member of a school committee in western Massachusetts convicted of child molestation.

Vice Mayor Russell asked whether Section 2 is already covered by Section 107 of the charter.

Councillor Sullivan noted that the draft provision is somewhat broader; there can be crimes committed in a official function which are not included in the Charter section. Mr. Drisdell noted that Section 107 is quite narrow and covers only the specific situation of City Councillors requesting the removal or appointment of City employees or giving orders to city employees subordinate to the City Manager.

Vice Mayor Russell asked about the constitutionality of a provision for permanent debarment.

Don Drisdell said that while it is not without question, his opinion is that the Legislature does have such authority. Section 107 of the Charter provides for permanent debarment, and there is also a permanent ban for state elected office in the Massachusetts Constitution for persons convicted of bribery in an election.

Councillor Sullivan said that the question remaining for the committee is Section 4. He stated that the issue is whether the office of Mayor or Vice Mayor should be declared vacant at the time of indictment for a felony.

Councillor Duehay noted that a clarification of language is required in section 4 in the last two lines, because it is a suspension, and if that happens to the Mayor, the Vice Mayor becomes the Acting Mayor. The section should provide that a Vice Mayor is then temporarily elected. If the Vice Mayor is indicted, then the Vice Mayor is suspended; and the City Council would elect a temporary Vice Mayor.

Councillor Sullivan stated the he believed the Acting Mayor would also chair the School Committee.

Councillor Duehay stated that this issue arose at the time of Mayor Russell's death, and before the election of a new Mayor. At that time there was a opinion of the City Solicitor that the Acting Mayor would also be the Acting Chair of the School Committee.

Councillor Born noted the need to provide guidance fifty years from now. She said that the law will be carefully scrutinized and needs to be carefully thought out.

Councillor Sullivan said that the Committee has done a lot of work on this issue and he believes it needs to go forward. He pointed out that the need for the City Council to respond to Question Nine had already delayed the schedule that the Committee had set for itself.

Mr. Drisdell said that this Ordinance has been carefully drafted.

Councillor Born asked whether a definition of violation of official duties is needed. Mr. Drisdell said there is a significant body of case law defining this term.

Councillor Sullivan added that to define it could take away from crimes that the court's have deemed to be covered. Mr. Drisdell stated that he agrees with Councillor Sullivan's analysis. He stated that by and large the crimes that one would expect to be included are included.

Councillor Born asked whether conviction of violation of the State Ethics Law would be a violation of official duties.

Councillor Sullivan said that some ethics violations are misdemeanors and others are felonies, but since Section 2. does not distinguish between felonies and misdemeanors, he believes that criminal conviction of violation of the Ethics Law would be covered.

Don Drisdell also stated that he believes that a conviction of violation of the Conflict of Interest Ethics Law would be covered by Section 2.

Councillor Sullivan stated that with regard to Section 3, he wondered whether there should be a middle ground between "censure" and "expel."

Don Drisdell noted that there is not much legal precedent to consult for Section 3.

Councillor Duehay suggested using the word "discipline" rather than "censure."

Councillor Born asked what difference the language change would make. She asked what "censure" means.

Councillor Duehay stated that in the U.S. Congress it means that the member stands before the body and a bill of censure is read to him or her. A reprimand could be a letter that is not read to the member.

Councillor Sullivan pointed out that Gerry Studds lost seniority as a disciplinary measure.

Councillor Born stated that she has concerns about including "censure". She believes it is better to either expel or do nothing, rather than to take steps to diminish the stature of someone who will continue to serve as a member.

Councillor Sullivan stated that there could be instances where the City Council believes that there has been behavior which, although it does not warrant expulsion, does not comply with the standards that the elected body expects of itself. He also noted that this ordinance also covers situations in which there is a sentence to a house of corrections or probation.

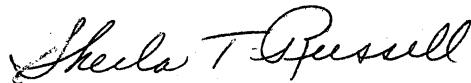
Mr. Drisdell recommended using "censure" rather than "discipline" because there is more clarity to "discipline."

Councillor Duchay requested that Don Drisdell draft the provision to include a option that allows removal of a person from chairing committees without either censure or expulsion. It was agreed that the revised language would be circulated to City Council members, and if there is no objection from the members, it will go to the full City Council.

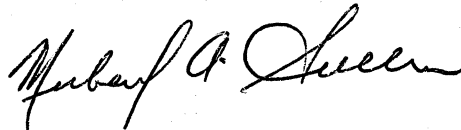
Councillor Born noted that the title needs to be changed, in light of the revisions that one committee has decided upon.

The meeting was adjourned at 12:23 p.m.

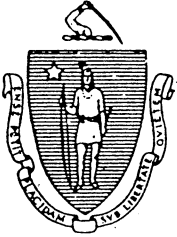
For the Chair,



Vice Mayor Sheila T. Russell, Chair  
Rules Committee



Councillor Michael A. Sullivan, Chair  
Government Operations Committee



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY- FIVE

## AN ACT

REGULATING THE HOLDING OF ELECTIVE MUNICIPAL  
OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS  
INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES

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shall not thereafter be eligible to serve in any elective municipal office in the City of Cambridge.

SECTION 3. Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony under the laws of the Commonwealth or of the United States committed while holding elective municipal office as a member of the Cambridge City Council or the Cambridge School Committee in the City of Cambridge, who still holds such elective municipal office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of their office, or expulsion by a majority vote of the Cambridge City Council or the Cambridge School Committee, and the City Council and School Committee shall have authority to exclude said officer and to declare the office vacant.

SECTION 4. Notwithstanding any general or special law or charter provision to the contrary or any other provision of this Act, any person indicted for a felony under the laws of the Commonwealth or of the United States while holding elective office in the City of Cambridge at the time of indictment, shall be automatically suspended from his or her appointment to any City Council committee chairs held by virtue of their office while the indictment is pending, and any person so indicted who holds the office of Mayor or Vice Mayor shall in the same manner be automatically suspended

from such office at the time of such indictment and remain suspended while the indictment is pending. If the Mayor is suspended pursuant to this section, then the Vice Mayor shall serve as Mayor while the indictment is pending. If the Vice Mayor is suspended pursuant to this section, then the office shall be filled while the indictment is pending by a majority vote of the members of the City Council excluding the vote of the individual or individuals under indictment.

SECTION 5. If the conviction is reversed or vacated the elected official shall be restored to office with all its rights and emoluments; but, if pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

*To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.*

*The undersigned, citizens of..... Cambridge....., respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation regulating the holding of  
elective municipal office in the city of Cambridge by individuals indicted for or  
convicted of criminal offenses.*

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**Petitioners are requested to sign names and addresses legibly.**

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COMMITTEE REPORTS

Report of the Rules and Government Operations Committee for a hearing held on January 26, 1995 for the purpose of continuing discussion on the proposed amendment to the Municipal Code to limit the candidacy convicted felons for elective municipal office.

In City Council,

February 13, 1995

*Report accepted  
Order adopted  
5-2-0-2  
Reconsideration  
filed by Councillor  
Trionfellow*


RECEIVED BY  
MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR  
CITY CLERK

1995 FEB 13 PM 9:19

CAMBRIDGE MA.

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Date

Councillor Triantafillou has filed her intention to move reconsideration of the vote on February 13, 1995 adopting an order regarding a home rule petition entitled "AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES."

  
\_\_\_\_\_  
Signature

1.

RECONSIDERATION

S-74

Councillor Triantafyllou's intention to move reconsideration of the vote on February 13, 1995 adopting an order relative to a home rule petition entitled AN ACT REGULATING THE HOLDING OF ELECTIVE MUNICIPAL OFFICE IN THE CITY OF CAMBRIDGE BY INDIVIDUALS INDICTED FOR OR CONVICTED OF CRIMINAL OFFENSES.

In City Council,

February 27, 1995

*Reconsideration  
Carried on voice  
vote of 9 members.*

*Order adopted*

*7-2-0.*