

# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY  
ACTING CITY SOLICITOR

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ANDREW T. TRODDEN  
CHARLOTTE C. BURRAGE  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

December 9, 1976

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Mr. Sullivan:

You have requested an opinion from this office concerning whether or not the present City Council can, within this legislative session, entertain a new ordinance providing for the position of Police Commissioner. It is my understanding that the Council recently failed to ordain a proposed ordinance of similar content after reconsideration had been moved and voted on.

As you are aware, the legislative proceedings of the Council are conducted in accordance with the Rules of the City Council as Revised, and in matters not otherwise covered by the Rules, by Cushings Law and Practice of Legislative Assemblies. (See Rule 36, Rules of the City Council).

According to Rule 16 of the Rules of the City Council, a member may move for reconsideration of a vote previously taken. It is important to note, however, that Rule 16 prohibits more than one motion for reconsideration of any vote previously taken.

The question that remains is whether an entirely new ordinance similar in content to the original ordinance, can be entertained in this legislative session. Because no special rule applicable to this situation is set forth in the Rules of the City Council, the provisions of Cushing's Rules will apply. Section 2321 of Cushing's Rules provides that, "a new bill, which...presents...the same question in a modified form, however slight the difference or modification may be, is not objectionable in point of order".

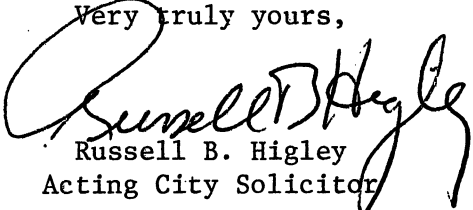
James L. Sullivan  
City Manager

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December 9, 1976

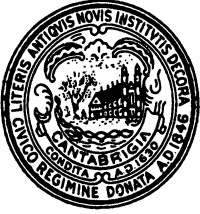
In light of this provision, I am of the opinion that a second bill may be submitted to the Council for a vote during the same legislative session in which the original bill of similar content was introduced, voted upon then moved and voted for reconsideration. However, to comply with the rule cited above, the second bill, although similar in content, would have to be submitted in a modified form. This modification, in my opinion, need not be substantive in nature; slight modification to form would be sufficient.

Very truly yours,



Russell B. Higley  
Acting City Solicitor

RBH:gc



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Tel. 876-8800

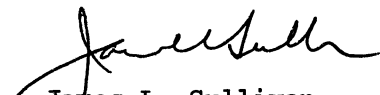
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

December 20, 1976

To the Honorable, the City Council:

With reference to Awaiting Report No. 4, relative to the issue of a new ordinance providing for the position of a Police Commissioner, I transmit herewith a self-explanatory communication from Russell B. Higley, Acting City Solicitor.

Very truly yours,

  
James L. Sullivan  
City Manager

JLS/b

Agenda #6

0-44

Re: to the issue of a new ordinance providing for the position of a Police Commissioner.

In City Council,  
December 20, 1976

12/20/76

Placed on File -  
3 Copies of Opinion