



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

December 6, 1990

Mr. George F. Welch, Jr.  
3 Woodrow Wilson Court  
Apt. 24  
Cambridge, MA 02139

Dear Mr. Welch:

This is to advise you that this office is in receipt of your four (4) communications to the City Council and the City Manager relative to your concerns as they relate to the operation of Cable television in Cambridge.

Having reviewed each of these concurrently with past communication lists of the City Council it is clear all of these requests had in fact been previously submitted to the City Council which after receiving additional oral testimony from you at several City Council meetings, referred said communications to the City Manager and on one occasion to me.

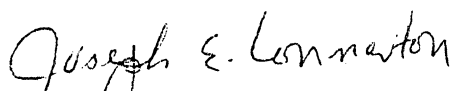
I have spoken to the City Manager who informed me he had a telephone conversation with you during which he denied your request for payment in the amount of \$666.00 while simultaneously informing you that no vacancy existed in the position of Cable Commissioner for the City of Cambridge. Furthermore, you are in receipt of a legal opinion from outside legal counsel Attorney Philip L. Sussler which addressed the concerns you had previously raised before the Committee on Cable Television held on May 30, 1990.

Finally I forwarded to you a communication dated November 28, 1990 in response to your communication dated November 21, 1990 answering your request as it related to the actions of the Cable Television Committee.

Mr. Welch you need to understand that all of your comments, concerns and testimony, both oral and written, have been heard and/or seen by the City Council and acted upon in some manner. Although they may not have been the answers sought by you, none the less, you have been heard and responses provided by the City Council, the City Manager and myself.

Consequently, any further communication to the City Council relative to the issue of Cable Television would serve no useful purpose and further discussion would only be dilatorius.

Sincerely yours,

  
Joseph E. Connarton  
City Clerk

JEC/dl

c.c. Robert W. Healy, City Manager  
Mayor Alice K. Wolf  
Ned Casey

RECEIVED BY  
OFFICE OF CITY CLERK

1990 DEC -5 PM 4:11

CAMBRIDGE MA.

George F. Welch Jr. aka Jack

Professional Television Industry Problem Solver  
and

Member & Elected Representative of the 900 +  
Members of the Cambridge Public Access Corporation

(h) 3 Andrew Wilson Ct #24

Cambridge MA. 02139

(617) 354-1307

Wednesday, November 21, 1990 - Resubmitted, Dec 5 1990

The Honorable Cambridge City Council  
City Hall, Cambridge MA

for correction of errors,  
and notice of submission  
date to City Council +  
Public

Dear Honorable City Councillors

Please provide me, at the next regular meeting of the City Council,  
with a copy of the Cable Committee's report to the City Council, on  
the May 31, 1990 public hearing conducted by Councillor Walsh, Chairman  
of the Cable Committee, on the rate increases proposed by Continental  
Cablevision, presented by Phil Rupa, Continental's Cambridge Manager,  
and Continental's report back to the Committee, regarding Continental's  
treatment of elderly Cambridge Cable subscribers, with respect to  
Continental's rates.

Thank you,

George F. Welch Jr. aka Jack  
Professional Television Industry Problem Solver  
and

MERMCPAC

RECEIVED BY  
OFFICE OF CITY CLERK  
1990 DEC -5 PM 4:11  
CAMBRIDGE MA.

George F. Welch Jr. a.k.a Jack  
Professional Television Industry Problem Solver  
and  
Member & Elected Representative of the Four  
Members of the Cambridge Public Access Corporation  
(h) 3 Woodrow Wilson Ct, # 24 Cambridge MA 02139  
(617) 354-1307

November 8, 1990, Resubmitted Dec 5, 1990  
for final determination  
by City Council

RE: Demand For Payment of Invoice/Bill

To: The Honorable City Council of the City  
of Cambridge and The City Manager

1. This is a demand for payment of the \$666.00  
(Six Hundred Sixty Six dollars) per day Bill/Invoice  
submitted to the Cambridge City Manager and  
the Cambridge City Council's Finance Committee  
on June 7, 1990 and to the Cambridge City  
Council on June 11, 1990 at the regular public  
meeting.

2. This demand for payment, without further  
delay is based upon the absence of any  
legal argument against payment or findings of  
fact or conclusions of law by the City's attorney

Page 2  
Demand For Payment  
November 8, 1990

NOV 16 11 4:23

Philip L. Sussler Esq., as more fully appears in his July 2, 1990 Investigator's Report submitted to the full City Council by it's Cable Committee in October 1990 and accepted by the full council on the day of submission.

3. I expect payment from the Ten Thousand Dollars (\$10,000) appearing on page 61, Section 9 "Insurance, Bonds and Indemnifications" of the Final License, (LIC), for the reasons set forth therein and not for the reasons set out on page 7 of Investigator Sussler's report but in connection with the investigation and finding as appears on page 3, II "Discussion of the Allegations", 1. A of his July 2, 1990 report.

Wherefore: I demand that the Cambridge City Council make or approve payment to me of the sum of \$666.00 (Six Hundred Sixty Six dollars) for each of the 6 days appearing in the Bill plus interest of 1.5% per month from June 7, 1990

George S. Welch Jr. aka Jack.

RECEIVED BY  
OFFICE OF CITY CLERK  
1990 DEC -5 PM 4:11  
CAMBRIDGE MA.

George F. Welch Jr. a.k.a Jack  
Professional Television Industry Problem Solver  
and  
Member & Elected Representative of the 700 plus  
Members of the Cambridge Public Access Corporation  
(w) 3 Woodrow Wilson Ct. #24  
Cambridge MA. 02139  
(617) 354-1307

Thursday, November 15, 1990 - Resubmitted Dec 3, 1990  
Due to lack of response

The Honorable Members of the Cambridge City Council (Written) by City Manager  
re The Cambridge City Manager

Dear Cambridge City Council Members

1. On or before the next regular Monday meeting of the Cambridge City Council, please provide me with a copy of the hearing or meeting of the Cambridge City Council in which the City Manager announced the name of the person he appointed to the position Cable Commissioner which was vacant on June 7, June 11 and June 21, 1990 when I applied for the position. This request is based upon and in response to a letter to me from the City Manager dated August 6, 1990 with copies to Deputy City Solicitor Drisdell and Cambridge City Attorney Sussler, indicating that no vacancy exists for that position. Considering the fact that the position is required under the City's Final CATV license, I am aggrieved by the City Manager's rejection of my application for the position and his refusal to recognize my right to make a contract with the City of Cambridge for the position and perform the duties and responsibilities assigned to the position as set out in the Final CATV License

2. Also, on or before the next regular Monday meeting of the Cambridge City Council, please provide me with a copy of any written or videotaped statement by me that I was charging the City any money while pursuing my claims as set out in #3 of my April 17, 1990 letter to the City Manager for his assistance. This request is based upon and in response to a letter to me from the City Manager dated August 6, 1990, a copy of which you should obtain from the City Manager.

Thank you  
George F. Welch Jr. a.k.a Jack  
PTIPS + MERMCAPAC

George F. Welch Jr. a.k.a. Jack  
Professional Television Industry Problem Solver

and  
Member & Elected Representative of the 700 plus

Members of the Cambridge Public Access Corporation

(1) 3 Leudrow Wilson Ct #24

Cambridge MA 02139

(617) 354-1307

Wednesday, November 14, 1990 -

Re submitted Dec 5, 1990

Due to lack of written  
response by City Manager

The Honorable Members of the Cambridge City Council &

The City Manager:

- xc Irwin Hipsman, Executive Director, Cambridge Public Access Corporation, for  
Distribution to his employers, the CPAC Board of Directors, 13 members
- xc Susan Freshman, General Manager, Cambridge Public Access Corporation for  
Distribution to the CPAC Members Advisory Group, 11 members

Dear Cambridge City Council Members and City Manager

This is a request that, on or before the next regular meeting  
of the Cambridge City Council, Monday November 19, 1990, you direct the  
appropriate person to provide me with a copy of the 1988 management  
Contract between Continental Cablevision and the Cambridge Public Access  
Corporation, discussed on page 3, II, 1. of the July 2, 1990 report of the City's  
attorney, Philip Sussler, which attorney Sussler neglected to include in his  
tabbed binder of the record documents, attached to his report.

A. If the 1988 Continental/CPAC Management Contract does not exist  
in the City of Cambridge's Public Records, then on or before Monday, November  
19, 1990, I request a written statement from you, the Cambridge City Council  
or from the Cambridge City Manager, stating that the 1988 Contract between  
Continental and CPAC does not exist.

(go to page 2)

Nov 14 1990  
Received for  
Susan Freshman and  
Irwin Hipsman  
George F. Welch Jr.

RECEIVED BY  
CITY CLERK

DEC 5 1990 4:11

CAMBRIDGE

NOV 14 1990

George T. Welch Jr a.k.a. Jack

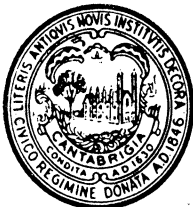
Cambridge City Council & City Manager  
Wednesday, November 19, 1990  
page 2

B If the Continental/CPAC management contract of 1988 does not exist, then on or before Monday, November 19, 1990, please provide me with a copy of the letter which Sussler advised the City Manager to write on July 2, 1990, Ordering Continental to comply with Section 2.2 h (3) of the Final License by re-executing the CPAC management contract and Ordering Continental to prove, at a public hearing, conducted by the City Manager in accordance with M.G.L. c 166A:11 and Section 14.19 of the Final License, that between 1988 and the present Continental has been in compliance with each and every section of the CPAC management contract in defense against the allegations in my August 14, 1990 Complaint to the Mass Cable Commission, and to the City Manager on September 11, 1990, and show cause why Cable Subscribers should not get their money back for unlawful rate increases.

C If the Continental/CPAC Management Contract of 1988 does not exist, then, on or before Monday, November 19, 1990, please provide me with a copy of the City Manager's letter to the CPAC Board of Directors, Ordering them to promptly make the payments to CPAC members as set out in <sup>#3 of April</sup> my April 17, 1990 request to the City Manager and others and Ordering the CPAC Board of Directors to prove to the 700+ members of CPAC and the incoming State Attorney General that they have lawfully held their positions between 1986 and the present and have been lawfully amending CPAC's By-laws and conducting CPAC's business as discussed in Sussler's July 2, 1990 report,  
II, 4, 5, 6, 7,

Thank you for giving this matter your prompt attention.

George S. Welch a.k.a. Jack  
Professional Problem Solver and elected  
representative of the members of CPAC



# CITY OF CAMBRIDGE

Office of the City Solicitor  
City Hall

795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Tel. (617) 349-4121  
Fax. (617) 349-4307

Russell B. Higley  
City Solicitor

Donald A. Drisdell  
Deputy City Solicitor

Michael C. Costello  
Assistant City Solicitor

Birge Albright  
Legal Counsel

Gail S. Gabriel  
Legal Counsel

Joseph M. Kaigler  
Legal Counsel

Diane Wynshaw-Boris  
Legal Counsel

Laura H. Yager  
Legal Counsel

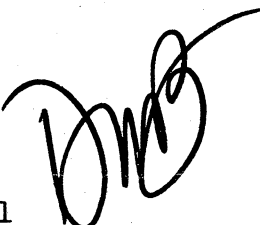
## MEMORANDUM

TO: ROBERT HEALY, City Manager  
RUSSELL B. HIGLEY, City Solicitor  
JOSEPH CONNARTON, City Clerk

FROM: DIANE WYNshaw-BORIS, Legal Counsel

RE: GEORGE WELCH v. CITY OF CAMBRIDGE, Middlesex Superior Court, Case no. 90-8394

DATE: July 19, 1991



Enclosed please find a copy of the decision rendered by the Court with regard to the above-captioned matter. The Court found for Welch and ordered Joe to place the four communications, which were the subject of the litigation, on the agenda for the next regular City Council meeting. The basis for the decision was City Council Rule 25 which mandated that the City Clerk shall place all communications addressed to the City Council on the agenda for the next regular meeting. The Court found that Rule 25 does not allow for the exercise of discretion.

No damages were awarded to Welch. It appears that the Court's intention was not to award him damages as it only ordered the above and was silent as to damages. I would assume that this is because there is no basis for such an award. In all likelihood, Welch will

go back to court to try to get some money. I will respond accordingly.

With regard to his July 17, 1991 communication, I would suggest that it be filed.

Encl.: as stated

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

31

SUPERIOR COURT  
CIVIL ACTION  
No. 90-8394

GEORGE F. WELCH, JR.

vs.

JOSEPH E. CONNARTON <sup>1/</sup>

MEMORANDUM OF DECISION AND ORDER ON  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, George F. Welch, Jr. (Welch) brings this action, pro se, against the defendant, Joseph E. Connarton (Connarton), individually and in his official capacity as Clerk for the City of Cambridge, to recover damages for the alleged violation of his right to free speech guaranteed under the First Amendment. Defendant Connarton now moves for summary judgment. Plaintiff opposes.

BACKGROUND

The Cambridge City Council (City Council) holds regular public meetings. Mr. Welch, a resident of Cambridge, sent four communications, with regard to the operation of cable television in Cambridge, to the City Council for the public meeting scheduled on Monday, December 10, 1990. Upon receipt, Mr. Connarton, in his

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<sup>1/</sup> Individually and in his official capacity as Clerk for the City of Cambridge.

capacity as Clerk of the City of Cambridge, reviewed these communications with past communication lists of the City Council and determined that Mr. Welch had previously submitted identical communications to the City Council within the preceding month. Mr. Welch had also previously offered oral testimony in support of the communications at two public City Council meetings held in November 1990. The City Council, City Manager and/or City Clerk had responded to or otherwise acted upon the communications prior to Mr. Welch's resubmission of the communications.

Because the communications were repetitive, Mr. Connarton, after consultation with Alice K. Wolf, Mayor of Cambridge, did not place the four communications on the communications list for the December 10, 1990 City Council meeting and advised Mr. Welch of his decision. In response, Mr. Welch filed the present action.

Mr. Welch argues that Mr. Connarton's refusal to place the four communications on the December 10, 1990 list violated his First Amendment right to free speech. Mr. Welch also argues that Mr. Connarton's actions violated the Rules of the City Council.<sup>2/</sup> Mr. Connarton contends that his decision not to place the repetitive communications on the list was reasonable in order to protect the public interest and that his actions did not violate the First Amendment.

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<sup>2/</sup> This theory was advanced at oral argument.

DISCUSSION

Summary judgment is appropriate where no material facts are in dispute and the moving party is entitled to judgment as a matter of law. Cassesso v. Commissioner of Corrections, 390 Mass. 419, 422 (1983); Community National Bank v. Dawes, 369 Mass. 550, 553-554 (1976). Summary judgment, when appropriate, may be rendered against the moving party. Mass. R. Civ. P. 56(c). The material facts recited above are either undisputed or considered in the light most favorable to the non-moving party. Coveney v. Holy Cross, 388 Mass. 16, 17 (1983).

The degree to which the government<sup>3/</sup> may regulate communicative activity protected by the First Amendment depends upon the nature of the forum in which the First Amendment rights are sought to be exercised. Cornelius v. NAACP Legal Defense and Educational Fund, 473 U.S. 788 (1985); Perry Education Ass'n. v. Perry Local Educators' Ass'n., 460 U.S. 37, 44 (1983). For purposes of First Amendment analysis, three types of fora are recognized: "the traditional public forum, the public forum created by government designation, and the nonpublic forum." Cornelius, supra at 802.

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<sup>3/</sup> The court treats the naming of Mr. Connarton in his official capacity as the equivalent of naming the City of Cambridge as a defendant. See Brandon v. Holt, 469 U.S. 464, 471-472 (1985). In order for the city to be held liable for a constitutional injury inflicted by its employee, it must do something more than employ a tortfeasor. Monell v. NY Dept. of Soc. Services, 436 U.S. 658, 691 (1978). Liability may be imposed where the acts of the employee may fairly be said to represent official policy. Id. at 694. The court treats Mr. Connarton's decision, after consultation with the Mayor, as representing official policy for which the city may be held liable.

"[A] public forum may be created by government designation of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects." Id.

In this case, Mr. Welch challenges Mr. Connarton's decision not to place the four repetitive communications on the communications list for the December 10, 1990 public City Council meeting. The meetings of the City Council are required to be public under G.L. c. 43, §98.<sup>4/</sup> In addition, City Council meetings are the focus of highly important individual and governmental interests, and citizens have an enormous First Amendment interest in directing speech about public issues to those who govern their city. White v. City of Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990). For these reasons, the City Council meeting at issue here is a public forum created by government designation. City of Madison Joint School District v. Wisconsin Employment Relations Comm'n., 429 U.S. 167, 175 (1976). Although this public forum is limited to a governmental process with a governmental purpose.

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<sup>4/</sup> General Laws c. 43, §98 provides in part:

Except in the cases of executive sessions...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.

Rule 25 of the Cambridge City Council Rules provides:  
All communications, petitions, or resolutions addressed to the City Council shall be filed with the City Clerk. The City Clerk shall place all such correspondence on the agenda for the next regular City Council meeting. Correspondence that does not meet the agenda deadline specified in rule 20 shall be held over for the subsequent Council agenda unless it is of an emergency nature.

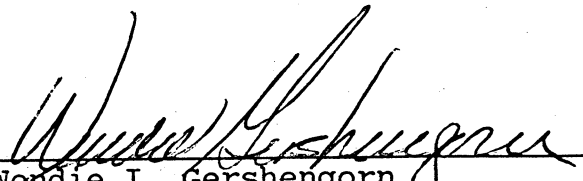
White, supra at 1425; see City of Madison, supra at 175 n.8 ("public bodies may confine their meetings to specified subject matter..."), in this case, the City Council rules define the agenda. City Council Rule 25 mandates that the City Clerk shall place all communications addressed to the City Council on the agenda for the next regular City Council meeting. The City Council has a recognizable interest in accomplishing its business in a reasonably efficient manner. White supra at 1425-1426, however, it must do so within the rules it has promulgated. Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Board of Lawrence, 403 Mass. 531, 550 (1988). Here, Rule 25 does not allow for the exercise of discretion and Mr. Connarton did not have the authority to exclude the four repetitive communications from the December 10, 1990 City Council agenda. Having so concluded, the court need not reach the other points argued. Steinbergh v. Rent Control Board of Cambridge, 406 Mass. 147, 148 (1989).

ORDER

For the foregoing reasons, it is hereby ORDERED that

1. Defendant's motion for summary judgment is DENIED.
2. Summary judgment is GRANTED in favor of plaintiff, George F. Welch, Jr.

It is further ORDERED that defendant Joseph E. Connarton, in his official capacity as Clerk for the City of Cambridge, shall place the four communications, which are the subject of this litigation, on the agenda for the next regular City Council meeting.<sup>5/</sup>

  
Wendie I. Gershengorn  
Justice of the Superior Court

Dated: July 9, 1991

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<sup>5/</sup> Nothing herein should be construed to limit the City Council's ability to maintain order at public City Council meetings pursuant to the Rules of the City Council. See White supra at 1426 (speaker may disrupt a City Council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies).

Jack a.k.a. George F. Welch Jr.  
3 Woodrow Wilson Court #24  
Cambridge MA. 02139  
(617) 354-1307

July 17, 1991

Robert Healy, City Manager  
Russell B. Higley, City Solicitor  
City of Cambridge, Massachusetts  
City Hall

RE Proposed Settlement of the Welch v Connarton case

Dear City Manager Healy & City Solicitor Higley:

Please be advised that on July 16, 1991, the Clerk of Courts for Middlesex County, by mail, provided me with a copy of the July 9, 1991 Memorandum of Decision and Order on Defendant's Motion for Summary Judgment indicating that I am the prevailing party on part of my claims against City Clerk Connarton in that the Court denied defendant Connarton's Motion for summary judgment and Granted Summary judgement in my favor and Ordered City Clerk Connarton to place my four communications on the agenda for the next regular City Council meeting.

In addition, the Court decided that the City of Cambridge may be held liable for Mr Connarton's complained of acts, see page 3, footnote 3, as your employee Diane Wynshaw-Boris urged the Court to do while representing defendant Connarton and for this reason I propose you do as follows:

1. Direct your employee, Diane Wynshaw-Boris to promptly inform me, in writing, whether or not her client intends to comply with the Order of the Court. ~~and~~

2. Inform me your selves, in writing, whether or not you wish to settle the damage and Court Costs and compensation for my time (\$666/day) part of the case before the July 29, 1991 City Council meeting or in Court

I look forward to your prompt response

Jack a.k.a. George S. Welch Jr.



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

JULY 23, 1991

TO: DIANE WYNshaw-BORIS, LEGAL COUNSEL

FROM: JOSEPH E. CONNARTON, <sup>JEL</sup>CITY CLERK

SUBJECT: AMENDED RULES OF THE CITY COUNCIL.

As a follow up to Judge Gershengorn order regarding Mr. Welch communications and Rule #25 of the City Council, I am forwarding to you amendments to the Rules of the City Council as adopted by the City Council on January 28, 1991.

Although Rule #25 is not addressed by these amendments Rule #23A outlines the consent agenda and the criteria for placing communications on this agenda. Given the fact that I am now allowed discretion for placing items on the consent agenda would you please advised me whether or not in the eyes of Judge Gershengorn I have discretion in denying anyone the right to submit repetitive communications to the City Council.

Thank you for your cooperation in this matter.



# City of Cambridge

-33.

CR # 1  
IN CITY COUNCIL

~~January 7, 1991~~  
January 28, 1991

MAYOR WOLF

WHEREAS:

The addition of a consent agenda process would streamline City Council meetings and permit more time for substantive discussion; now therefore be it

RESOLVED:

That this City Council amend the Rules of the City Council as follows:

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

1. To a standing committee of the City Council
2. To a consent agenda
3. (continues as before)

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. Unfinished business from preceding meetings.
4. Consent agendas:
  - a. City Manager's consent agenda
  - b. Communications consent agenda
  - c. Resolutions consent agenda
5. Communications from the City Manager . . .  
(continues on)

Rule 23A: Each of the three consent agendas is voted on in its entirety, with no discussion of individual items. If any item in a consent agenda requires a roll call vote, that consent agenda shall be voted upon by roll call. Any item can be removed from the consent agenda for 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 resolutions to the City Clerk, City Councillors shall specify whether the resolutions should be placed on the Consent Agenda of Motions, Orders, or Resolutions.

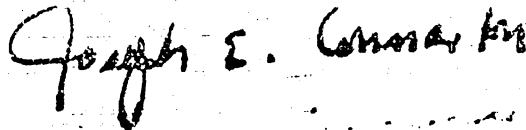
In City Council January 28, 1991.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;



ATTEST:-

Joseph E. Connarton  
City Clerk

AMENDED JANUARY 22, 1990

RULES OF THE CITY COUNCIL

1990-1991

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) councilors 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 special committee of the City Council.
3. To the City Manager.
4. 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 by 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.

### 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 Councilor, 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. 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 Councilor 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. Unfinished business from preceding meetings.
4. Communications from the City Manager.
5. Reports of committees.
6. Communications and reports from city officers.
7. Presentation of petitions, memorials and other communications.
8. Motions, orders or resolutions.

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 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 such correspondence on the agenda for the next regular City Council meeting. Correspondence that does not meet the agenda deadline specified in rule 20 shall be held over for the subsequent 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors 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 Councilors to consider all matters affecting veteran services and benefits of the City.

Sister Cities -- to consist of three City Councilors 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.

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 Councilor 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 Councilor 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.



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON  
CITY CLERK

(617) 349-4260

JOHN E. FLYNN  
DEPUTY CITY CLERK

SEPTEMBER 9, 1991

**TO:** THE HONORABLE, THE CITY COUNCIL

**FROM:** JOSEPH E. CONNARTON, CITY CLERK *JEC*

**SUBJECT:** GEORGE WELCH v. CITY OF CAMBRIDGE

Pursuant to the enclosed Memorandum of Decision and Order on Defendant's Motion for Summary Judgment in the civil action of George F. Welch, Jr. vs. Joseph E. Connarton, please be advised that I am submitting for your consideration four communications which were originally submitted by Mr. Welch to the City Council in December, 1990 as follows:

1. Communication dated November 21, 1990 regarding Continental Cablevision's treatment of the elderly and their rate increase.
2. Communication dated November 8, 1990 regarding a demand for payment of an invoice in the amount of \$666.00.
3. Communication dated November 15, 1990 regarding the person appointed to the position of Cable Commissioner.
4. Communication dated November 14, 1990 regarding the management contract between Continental Cablevision and the Cambridge Public Access Corporation.

Your kind attention in this matter will be greatly appreciated.

c.c. City Manager Robert W. Healy  
Legal Counsel Diane Wynshaw-Boris

Consent Comm. # 20 S-1001

Comm. from Joseph E. Connarton, City Clerk,  
transmitting various communications  
regarding cable television matters as  
submitted by George F. Welch, Jr.

In City Council,

Sept. 16, 1991

*Placed on file*