



# City of Cambridge

Agenda Item No. 2  
**IN CITY COUNCIL**  
May 5, 2003

**ORDERED:** Pursuant to General Laws Chapter 268A, Section 1(n), the City Council hereby expressly classifies the members of the Cambridge Retirement Board (as defined by M.G.L. c. 32 section 20(4) as 20(4) as special municipal employees for purposes of General Laws chapter 268A, the state conflict of interest law.

In City Council May 5, 2003  
Adopted by a ye and nay vote;-  
Yeas 8; Nays 0; Absent 1.  
Attest:- D. Margaret Drury, City Clerk

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury, City Clerk

*from Eric Yarden for Council Meeting of May 5 2003*

Agenda Item No. 2 of the City Manager's Agenda

Manager Order

Agenda Item No. 2  
IN CITY COUNCIL

May 5, 20

**ORDERED:** Pursuant to General Laws Chapter 268A, Section 1(n), the City Council hereby expressly classifies the members of the Cambridge Retirement Board (as defined by M.G.L. c. 32 section 20(4) as 20(4) as special municipal employees for purposes of General Laws chapter 268A, the state conflict of interest law.

should be amended and corrected to read as follows

Manager Order

Agenda Item No. 2  
IN CITY COUNCIL

May 5, 20

**WHEREAS:** The City of Cambridge derives benefit(s) from the continuing cronyism that determines appointments to Commissions and Boards such as the Cambridge Planning Board, and whereas:

**WHEREAS:** The City Manager does not know enough new residents of Cambridge, who he would like to appoint to such Commissions and Boards who he can trust to make the recommendations he prefers, it is hereby

**ORDERED:** Pursuant to General Laws Chapter 268A, Section 1(n), the City Council hereby expressly classifies the members of the Cambridge Retirement Board (as defined by M.G.L. c. 32 section 20(4) as special municipal employees for purposes of General Laws chapter 268A, the state conflict of interest law.

Agenda #2



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

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

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May 5, 2003

To the Honorable, the City Council:

I recommend that the City Council vote to designate the members of the Cambridge Retirement Board "special municipal employees" pursuant to the state conflict of interest law, G.L.c.268A, by approving the attached proposed City Council order.

The State Ethics Commission has determined that members of a municipal retirement board are "municipal employees" for purposes of the state conflict of interests statute. That statute, G. L. c.268A, §1(n), authorizes the City Council to designate certain unpaid and part-time employees as special municipal employees. The designation may be made by the City Council at any time and the board or positions so designated retain their special municipal employee status unless and until the classification is rescinded. The position must be designated, not the individual holding the position.

Only two sections of the conflict of interest law apply less restrictively to special municipal employees than to regular municipal employees, §§17 and 20. Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. A special municipal employee, however, is only restricted as to a particular matter (a) in which he or she has at any time participated as a municipal employee, (b) which is or within one year has been a subject of his or her official responsibility, or (c) which is pending in the municipal agency in which he or she is serving.

Section 20, with several exceptions, prohibits regular municipal employees from having a direct or indirect financial interest in a contract with their own city or town. Special municipal employees have two additional exemptions from §20. They may have a contract with a department in which they do not work if they file a written disclosure with the City Clerk; and they may even have a contract with their own department if they file a similar disclosure and the City Council votes to grant a specific approval for that contract.

In order to attract and retain qualified and experienced members to the Cambridge Retirement Board, who serve the City of Cambridge in a volunteer capacity, and who may also work as professionals in the City and who currently or may in the future serve on the Cambridge Retirement Board, I recommend that the City Council designate Cambridge Retirement Board members as special municipal employees.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

A-57

**Consent Agenda #2**

Vote to designate the members of the  
Cambridge Retirement Board as  
"special municipal employees"  
pursuant to the state conflict of interest  
law, G.L. c. 268A.

**In City Council May 5, 2003**

**ORDER ADOPTED.  
ROLL CALL.  
8-0-1.**