



# City of Cambridge

67.

IN CITY COUNCIL

June 2, 1997

COUNCILLOR TOOMEY  
 COUNCILLOR GALLUCCIO  
 MAYOR RUSSELL  
 COUNCILLOR TRIANTAFILLOU

WHEREAS: The City Solicitor has apparently issued an opinion stating that no conflict of interest exists for a member of the City's Planning Board participating in the deliberation of a zoning petition which that particular member has drafted; and

WHEREAS: Public servants serving on deliberative bodies must always maintain a clear distinction between that of adjudicator and advocate on matters before them; and

WHEREAS: Previous litigation on city zoning matters has resulted in extraordinary legal bills for Cambridge taxpayers; and

WHEREAS: It is necessary for the City Council to be on sound legal footing while debating the merits of current zoning petitions so as not to end up in future litigation; now therefore be it

ORDERED: That the City Manager be and hereby is requested to take the necessary steps to enable the appropriation of funds to the City Council in order that the City Council may obtain an outside legal opinion on the issue of current Planning Board members deliberating matters on which they have participated in the discussions and/or the formal submission of zoning petitions; and be it further

ORDERED: That the Government Operation Committee shall recommend said outside legal counsel to the Ordinance Committee for acceptance.

In City Council June 2, 1997

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
 City Clerk

Councillor Toomey

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OFFICE OF CITY CLERK

97 MAY 29 PM 2:44

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Whereas: The City Solicitor has apparently issued an opinion stating that no conflict of interest exists for a member of the city's Planning Board participating in the deliberation of a zoning petition of which that particular member has drafted and

Whereas: Public servants serving on deliberative bodies must always maintain a clear distinction between that of adjudicator and advocate on matters before them and

Whereas: Previous litigation on city zoning matters have resulted in extraordinary legal bills for Cambridge taxpayers and

Whereas: It is necessary for the city council to be on sound legal footing while debating the merits of current zoning petitions so as not to end up in future litigation, now therefore be it

Ordered: That the City Manager appropriate funds to the City Council in order that the City Council may obtain an outside legal opinion on the issue of current Planning Board members deliberating matters on which they have participated in the discussions and/or the formal submission of zoning petitions and be it further

Ordered: That the Government Operation Committee shall recommend said outside legal counsel to the Ordinance Committee for acceptance



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June 2, 1997

## COUNCILLOR TOOMEY

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**ORDERED:** That the City Manager be and hereby is requested to take the necessary steps to enable the appropriation of funds to the City Council in order that the City Council may obtain an outside legal opinion on the issue of current Planning Board members deliberating matters on which they have participated in the discussions and/or the formal submission of zoning petitions; and be it further

**ORDERED:** That the Government Operation Committee shall recommend said outside legal counsel to the Ordinance Committee for acceptance.

Galluccio, Russell + Triantafyllou  
Consent Order #67

CM-324

Councillor Toomey re: Obtain outside  
legal opinion on the issue of current  
Planning Board members deliberating  
matters on which they have participated  
in the discussions and/or the formal  
submission of zoning petitions.

73

In City Council June 2, 1997

**ORDER ADOPTED**