



City of Cambridge

O-8.

IN CITY COUNCIL

April 10, 2000

COUNCILLOR BORN
 VICE MAYOR MAHER
 COUNCILLOR BRAUDE
 COUNCILLOR DAVIS
 COUNCILLOR DECKER
 COUNCILLOR REEVES
 COUNCILLOR SULLIVAN

WHEREAS: In the course of meetings to discuss improvements to the operation of Ordinance Committee, the Co-chairs had occasion to review M.G.L. Chapter 40 A Section 5, which establishes the procedural requirements for zoning amendments; and

WHEREAS: Section 5 requires the City Council or a committee designated or appointed by the City Council for the purpose to hold a public hearing; the City Council has designated the Ordinance Committee, a committee of the whole, as the committee to hold the hearing; and

WHEREAS: As for the City Council, the quorum for a committee of the whole is a majority of the entire membership; and

WHEREAS: The City Council itself can take no action at a meeting without a quorum present, there is a question as to whether the Ordinance Committee as a committee of the whole can hold the official public hearing on a zoning amendment if there is no quorum present; now therefore be it

ORDERED: That the City Solicitor be and hereby is requested to provide a legal opinion to the City Council as to whether a quorum is required for Ordinance Committee hearings on zoning amendments.

in City Council April 10, 2000.
 Adopted by the affirmative vote of eight members.
 Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
 City Clerk

KB
DM

O-8 ✓

w/A In the course of meeting to ^{discuss improvements to} ~~the~~ the operations of the Ordinance Committee ~~it~~ the Co-Chairs had occasion to review ~~the requirements of~~ ^{the requirements of} M.C.L. Ch 40 A Sec. 5, which establishes the procedural requirements for zoning amendments; and

w/A The hearing ~~under~~ ^{requires the} Sec 5, ~~the~~ City Council is ~~required~~ as a committee designated or appointed for the purpose to hold a public hearing; ~~and~~ the City Council has designated the Ordinance Committee, a Committee of the whole, as the designated committee; and

w/A Like ~~the~~ ^{for} the City Council, the quorum for a Committee of the whole is a majority of the entire membership; ^{and w/A:} ~~however~~ the City Council itself can take no action at a meeting without a quorum present; ~~now there~~ there is a question as to whether the Ordinance Committee, ^{as a committee of the whole} can hold the official public hearing on a zoning amendment if there is no quorum present; now therefore be it

Ordered: That the City Solicitor be and hereby is requested to provide a legal opinion to the City Council as to whether a quorum is required for Ordinance Committee hearings on zoning amendments.



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COUNCILLOR BORN
VICE MAYOR MAHER

- WHEREAS: In the course of meetings to discuss improvements to the operation of Ordinance Committee, the Co-chairs had occasion to review M.G.L. Chapter 40 A Section 5, which establishes the procedural requirements for zoning amendments; and
- WHEREAS: Section 5 requires the City Council or a committee designated or appointed by the City Council for the purpose to hold a public hearing; the City Council has designated the Ordinance Committee, a committee of the whole, as the committee to hold the hearing; and
- WHEREAS: As for the City Council, the quorum for a committee of the whole is a majority of the entire membership; and
- WHEREAS: The City Council itself can take no action at a meeting without a quorum present, there is a question as to whether the Ordinance Committee as a committee of the whole can hold the official public hearing on a zoning amendment if there is no quorum present; now therefore be it
- ORDERED: That the City Solicitor be and hereby is requested to provide a legal opinion to the City Council as to whether a quorum is required for Ordinance Committee hearings on zoning amendments.

65CM

Order #8

Provide a legal opinion to the City Council whether a quorum is required for Ordinance Committee hearings on zoning amendments.

**Councillor Born and Vice Mayor
Maher**

In City Council April 10, 2000

ORDER ADOPTED