

City of Cambridge

MASSACHUSETTS

In City Council

June 27

19*27*

R # 3

Police

Commissioner

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay		✓		
Mrs. Graham		✓		
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci		✓		

4 5 0

Reconsideration Failed - 4-5-0

Police ordinance Tuesday June 28/27

Police Commissioner

Proved to be undervalued

RECEIVED BY
MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR THOMAS DANEHY
OFFICE OF THE CITY CLERK

JUN 22 9 50 AM '77

CAMBRIDGE, MASS.

June 22, 1977

Date

Councillor Thomas Danehy notified the City Clerk of his intention to move reconsideration of the vote of the City Council on June 20, 1977 adopting a proposed amendment to the General Ordinances of the City of Cambridge introduced by Mayor Alfred Vellucci in Chapter 15 entitled, "Police Department" providing for the position of Police Commissioner.

Thomas W. Danehy
Signature

Police Commission

#3

Reconsideration
Failed

Koc #3

Police Commission Ordinance City of Cambridge

MASSACHUSETTS

In City Council June 20 1970

Vote on Passing to be Ordained the Ordinance

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5 4 0

June 27/1970 Reconsideration moved by
Councilor Danehy
Reconsideration failed

City of Cambridge

MASSACHUSETTS

In City Council June 20 1977

JPR

Rules NOT suspended to date Reconsideration

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5 4 0

Police
5-4-20



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 15, entitled: "Police Department" is hereby amended by striking out the present Section 15-1 and 15-2 and substituting in place thereof the following new sections which read as follows:-

15-1. Under Charge of Police Commissioner.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the head of the department.

15-2. Appointment, Removal and Salary.

The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the applicable provisions of law. The person appointed to the position of Police Commissioner shall become a resident of Cambridge within one year of the date of his appointment and that no quarters will be provided to the person appointed to this office. The City Manager shall assist the Police Commissioner to find living quarters within the City of Cambridge.

The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "Chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

City of Cambridge

15-15. Severability of Sections.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

In City Council June 20, 1977.

Passed to be ordained by a yeas and nays vote: Yeas 5; Nays 4; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

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c. c. 1973

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In City Council May 16, 1977.

Passed to a second reading at the City Council meeting of May 16, 1977 and on or after May 30, 1977 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

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Police Commissioner Ordinance City of Cambridge

MASSACHUSETTS

In City Council May 16, 1978

Vote on Passing to a Second Reading -

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5 4 0

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AS
A*



CITY OF CAMBRIDGE

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

RUSSELL B. HIGLEY
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
CHARLOTTE C. BURRAGE
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

RFO 11/19/76

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".

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



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

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15-2. Appointment, Removal and Salary.

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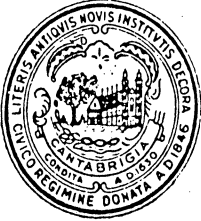
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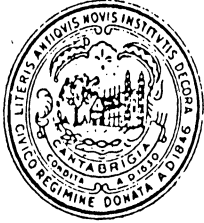
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In City Council May 16, 1977.

Passed to a second reading at the City Council meeting of May 16, 1977 and on or after May 30, 1977 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



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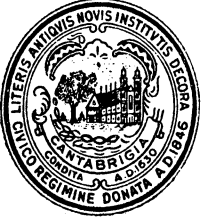
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In City Council June 20, 1977.

Passed to be ordained by a yea and nay vote: Yeas 5; Nays 4; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



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O-36

Proposed amendment to the General Ordinances of the City of Cambridge introduced by Mayor Vellucci in Chapter 15 entitled "Police Department" providing for the position of Police Commissioner.

6/27/77 Reconsideration
By E. Sullivan Failed
4-5-0
6/28/77 Reinstated -

In City Council,
May 9, 1977

5/9/77
Charter Right
By
E. Sullivan
5/16/77 Passed to July
Pending
6/20/77 Passed to RL
Ordained 5-4-0