

In City Council

1/24

1994

City Mgr's Agenda #14

YEA	NAY	ABSENT	<i>Abstain</i> PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
	ABSTAIN			Mayor Kenneth E. Reeves

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7-1-0-0-1

RF 1-7-0-1 abstr. Milroy



City of Cambridge

Agenda Item No. 14

IN CITY COUNCIL
January 24, 1994

ORDERED: That the Cambridge City Council go on record designating members of the Cambridge School Committee as "special municipal employees", pursuant to M.G.L. s. 20 c. 268A.

In City Council January 24, 1994.

Adopted by a ye and nay vote:-

Yeas 7; Nays 1; Absent 0; Abstain 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

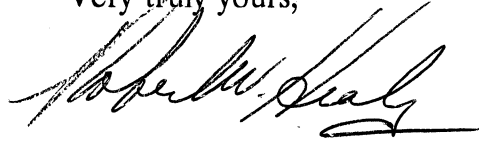
ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

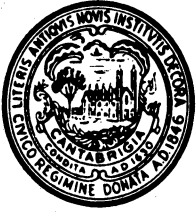
Youth Specialists. He would also have to file a statement with the City Clerk disclosing that he has the other job.

As the Council has been advised on other occasions, the classification of "special municipal employee" must be applied to the position and not to one individual. For that reason, the only way to respond to Mr. Grassi's request is for the Council to vote to designate the position of member of the School Committee to be a special municipal employee. For these reasons, I recommend that the Council vote to designate members of the School Committee as "special municipal employees".

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", with a stylized flourish at the end.

Robert W. Healy



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CAMBRIDGE, MASSACHUSETTS 02139

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FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 21, 1994

To the Honorable, The City Council:

Based upon inquiries by Joseph Grassi, recently elected to the School Committee, I am requesting that the City Council vote to designate members of the School Committee as "special municipal employees" with respect to the state ethics law. Mr. Grassi was employed as a Youth Specialist with the Department of Human Services until he was sworn in as an elected member of the School Committee this month. Both positions are classified as regular municipal employee positions. Mr. Grassi would like to be able to continue his work for the Human Services Department while serving on the School Committee and believes that he could perform both functions without any conflict of interest. In order to be able to hold both positions, however, the members of the School Committee would have to be designated a special municipal employees.

Section 20 of M.G.L. c. 268A prohibits a municipal employee from having a financial interest, directly or indirectly, in a contract made by any municipal agency of the same city in which the city is an interested party, unless an exemption applies. The State Ethics Commission has held that an elected municipal post does not involve a contract with the municipality. This leads to the problem that Mr. Grassi would not need an exemption in his Youth Specialist position in order to serve on the School Committee, but he does need an exemption as an elected School Committee member to hold his position as a Youth Specialist.

The only exemption available to a "regular" employee would lead to, at best, the possibility that Mr. Grassi could be compensated for his work as a Youth Specialist for no more than 500 hours per year.

On the other hand, if the position of School Committee member were to be designated as a "special municipal employee", then Mr. Grassi would be able to hold the full-time position of Youth Specialist so long as it were determined that in his capacity as a member of the School Committee he would not participate in or have official responsibility for any of the activities of the Human Services Department with regard to the duties of

S-16

Consent Agenda #14

Transmitting communication from R.W. Healy
relative to a request for the City Council
to vote to designate members of the School
Committee as special municipal employees
based upon inquiries by Joseph Grassi.

In City Council January 24, 1994

Order adopted
2/2/94 Copy sent to Haw
Rept (de)