

City of Cambridge

GOVERNMENT OPERATIONS, RULES

AND CLAIMS COMMITTEE MEMBERS

In City Council December 3, 2001

*Councillor Jim Braude, Chair
Councillor Henrietta Davis
Vice Mayor David P. Maher
Councillor Michael A. Sullivan
Councillor Timothy J. Toomey, Jr.*

The Government Operations, Rules and Claims Committee held a public hearing on November 28, 2001, beginning at 6:35 o'clock p.m. in the Ackermann Room for the purpose of considering possibilities for a more efficient selection of the mayor and a proposal to amend the rules to prohibit the introduction of late policy orders at the end of the meeting.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Vice Mayor David P. Maher, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Deputy City Solicitor Don Drisdell and Terrence Smith, Chief of Staff for Mayor Anthony Galluccio.

Councillor Braude convened the hearing and explained the purpose. He began with the issue of election of a mayor. He said that at the time the City Council referred this issue to the Government Operations Committee, there was discussion of the possibility of establishing a trigger for moving to a default criterion, which would establish for whom the City Council would vote for mayor. For example, the rule could provide that after X number of meetings, the Council will vote for the senior member or the senior member who has not yet served, just to name two examples.

Councillor Braude then moved to comments from committee members. He began by informing committee members that Councillor Born called him to say that she was not able to attend this meeting and to request that he forward her suggestion for an alternative for selection of the mayor. Councillor Born's suggestion is that if no mayor is chosen at the first meeting, the organizational meeting, then the second regular meeting cannot be adjourned until a mayor is elected.

Councillor Davis stated that she favors the trigger/default approach, with the last regularly scheduled meeting in January as the trigger date.

Vice Mayor Maher stated that he could consider that idea, and there are a couple of different criteria that could be considered for the default selection. He emphasized that he does not believe that the mayor would end up being elected under the default provision, rather, this provision would help the City Council make a decision more quickly. He asked Mr. Drisdell if the City Council has the power to make such a change by amending its rules.

Mr. Drisdell stated that the Charter requires that the City Council elect the Mayor by majority vote. The City Council can adopt whatever rules it desires to assist the process, but at the end of the day there has to be a majority vote. Mr. Drisdell noted that council rules can always be suspended by a two-thirds vote.

In response to a question from Vice Mayor Maher, Mr. Drisdell stated that the Council cannot amend its rules to contradict the charter requirement for a majority vote. If a majority of the Council chooses not to vote, they cannot be forced to do so.

Councillor Braude stated that a 9-0 vote of this City Council might provide incentive for the City Council to follow the rule. Vice Mayor Maher agreed that adopting the rule would send a good message

Vice Mayor Maher asked Mr. Drisdell if the only way to make the default mandatory would be through a charter change, and the quickest method for changing the charter would be the home rule method. Mr. Drisdell answered in the affirmative.

Councillor Davis expressed a concern that adopting a rule with no way of compelling compliance could make the process look worse rather than better.

Councillor Braude then invited public comment.

Robert Winters, Broadway, stated that City Council orders are statements of the policy of the City Council. He suggested adopting a policy order that sets forth the alternative procedure. He emphasized that whether rule or council order makes the change, as long as five members of the Council agree to use this method, the method will be used.

William Jones, 127 Essex Street, stated that he was here in 1948, when the City Council elected a mayor at 2 a.m. If the City Council cannot decide, the default criterion should be the member that got the highest popular vote or the senior member.

Lisa Stuardi, Cambridge Chamber of Commerce, spoke in opposition to making the change by Council order. She stated that it would just prolong preliminary discussion on the content of the order, without even getting to the question of the election of the mayor.

Eli Yarden, 143 Pleasant Street, discussed the public interest in choosing the mayor. He had had a great deal of experience in academia with elected committees that then elect a chair from among the members. The more important the chair is perceived the longer the process of choosing takes. In the meantime, the students' interests are being ill served. The public has a great deal of interest in the choice of Mayor. The Mayor must be a person who is accessible to the entire public, devoted to the public and devoted to improving citizen participation and civic life. The mayor must have a

willingness to listen to everyone and be equally comfortable with CEO's and homeless people.

John Gintell, West Street, emphasized the urgency of having a permanent mayor. Having a temporary mayor is very bad for the functioning of the School Department. The rapid selection of the mayor sends a message to the public that the City Council is ready to work. The mayor also plays a role in a crisis situation. Also, a lengthy process of selection leads to acrimony that affects the City Council and its work long after the Mayor has been elected. He spoke in support of making the trigger date in January, and said that the end of January is too late.

Councillor Toomey stated that he believes the Mayor should be selected by January 15th.

After further discussion, Councillor Toomey moved that the Committee recommend a rules change to provide that the Mayor shall be elected by the end of the second regularly scheduled meeting of the Council (with the organizational meeting counting as the first regularly scheduled meeting). Balloting shall continue until a mayor is elected, provided that if no mayor is elected by the fifth ballot of that meeting, the City Council shall vote for the member mandated by application of the default criterion. The motion was adopted on a voice vote without objection.

The Committee then moved to discussion of possible default criteria.

Councillor Davis expressed the opinion that using the seniority of membership for the criterion makes the least change to the present system because the charter provides that the senior member is the acting chair when no mayor has been selected.

Vice Mayor Maher stated that he believes that he would lean toward selection of the most senior person who has not yet served as mayor. However, another possibility is to elect the Councillor who had the most votes in previous ballots.

Councillor Davis asked what would happen if the most senior member who had not yet served declined. Vice Mayor Maher stated that the next person meeting the criterion would be elected.

Councillor Davis said that she wants to be sure that the Committee does not end up selecting a mayor for the next council by way of setting up the default criterion.

Vice Mayor Maher reiterated his strong belief that the Council will choose to select a mayor rather than have a mayor elected by default. Councillor Braude agreed with Vice Mayor Maher and said that the goal of adopting this rule is to increase the likelihood of a mayor being elected by the traditional method in a more timely manner.

Councillor Sullivan said that the new council would be free to change the rule at the organizational meeting, or suspend the rule by a two-thirds vote.

Councillor Braude stated that he is still not sure what the criterion should be. He would like to hear debate by the entire City Council. He reviewed the possibilities mentioned so far at this meeting: senior member, senior member who has not yet served as mayor, member who received the highest popular vote, member who received the most votes for mayor in previous ballots, oldest member, youngest member. He stated that he would vote to send the first two on the list as part of a motion for a rule change because the City Clerk has requested specificity for a draft rule. He emphasized that his vote is merely to move the proposal to the next stage of debate at the full council level and that he is very open to considering other potential criteria.

It was agreed without objection that the proposed rule for selection of the mayor that the Committee will recommend to the Council will include two alternatives for the criterion for the default vote: senior member and most senior member who has not yet served as mayor.

Councillor Braude emphasized that any committee is free to propose an alternative to the trigger or the criteria at the City Council discussion on this report.

The Committee then moved to the proposal to prohibit the introduction of late orders at the end of the meeting.

Councillor Toomey said that if City Councillors are listening to the late orders, they can just use the charter right to hold the order for the next meeting.

Councillor Sullivan said that sometimes there is a need for adoption of a policy order. He is more concerned about making sure that the members all have a typed copy of a policy order on their desks before they have to vote. He suggested changing the rules to require a separate roll call vote for suspension of the rules for late policy orders.

Councillor Davis proposed a separate roll call on suspension for the introduction of each policy order.

Councillor Sullivan stated that the purpose of a separate roll call vote is to make sure the councillors are aware that they are about to vote on a policy order, not just another ceremonial resolution. One vote should be sufficient.

Councillor Braude moved that the Committee recommend that the City Council amend its rules to require a roll call vote to suspend the rules to introduce late policy orders and policy resolutions at the end of the meeting separate from any vote on suspension to consider late resolutions at that time. The motion passed on a voice vote with Councillor Toomey recorded in the negative.

Councillor Braude thanked all those present for their attendance. The meeting was adjourned at 7:10 p.m.

For the Committee

A handwritten signature in cursive script that reads "Jim Braude" with a small "mc" written below the end of the name.

Councillor Jim Braude, Chair



City of Cambridge

O-12.

IN CITY COUNCIL

December 3, 2001

COUNCILLOR BRAUDE
COUNCILLOR DAVIS
VICE MAYOR MAHER
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That Rule 2 of the Rule of the City Council As Amended be amended by inserting the following language before the final sentence of the paragraph:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**”

such that Rule 2 as amended shall read, in its entirety, as follows:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**. The City Council shall, in like manner, elect a Vice-Chairman who shall also be call Vice-Mayor.”

PLACED ON THE TABLE ON MOTION OF COUNCILLOR BRAUDE.

SEE COMMITTEE REPORT #2



City of Cambridge

O-13.
(Substituted Order contained in
Committee Report #2)
IN CITY COUNCIL

December 3, 2001

COUNCILLOR BRAUDE
COUNCILLOR DAVIS
VICE MAYOR MAHER
COUNCILLOR SULLIVAN

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: "Except upon a roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." Such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds yea and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. A roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded."

In City Council December 3, 2001.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- Handwritten signature of D. Margaret Drury in cursive.

D. Margaret Drury
City Clerk

COUNCILLOR TOOMEY VOTED IN THE NEGATIVE.



City of Cambridge

O-13.
(Substituted Order contained in
Committee Report #2)
IN CITY COUNCIL

December 3, 2001

COUNCILLOR BRAUDE
COUNCILLOR DAVIS
VICE MAYOR MAHER
COUNCILLOR SULLIVAN


ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: "Except upon a roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." Such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds yea and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. A roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded."

In City Council December 3, 2001.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- 
D. Margaret Drury
City Clerk

COUNCILLOR TOOMEY VOTED IN THE NEGATIVE.



City of Cambridge

O-14.
Original Order Calendar Item #11
IN CITY COUNCIL

October 29, 2001

COUNCILLOR DECKER
COUNCILLOR BRAUDE
COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR GALLUCCIO
COUNCILLOR REEVES

WHEREAS: It is the custom of the City Council to suspend the rules to consider late orders and resolutions at the end of the regular business meeting; and

WHEREAS: Such a practice serves the need for timely adoption of ceremonial resolutions for events, occasions and occurrences that would be somewhat out of date if saved for the next meeting; and

WHEREAS: This practice is not suited to policy orders or resolutions which by their nature call for deliberation and consideration; now therefore be it

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: " Except in circumstances that the City Council by unanimous consent deem an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds ye and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. Except in circumstances that the City Council by unanimous consent deems an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.

and be it further

ORDERED: That pursuant to Rule 35 B, this order shall be laid on the table until at least seven days has elapsed from the date of submission.

O-14

Councillor Decker

Whereas It is the custom of the City Council to suspend the rules to consider late orders and resolutions at the of the regular business meeting; and

Whereas Such a practice serves the need for timely adoption of ceremonial resolutions for events, occasions and occurrences that would be somewhat out of date if saved for the next meeting; and

Whereas: This practice is not suited to policy orders or resolutions which by their nature call for deliberation and consideration; now therefore be it

Ordered: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: " Except in circumstances that the City Council by unanimous consent deem an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds yea and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. Except in circumstances that the City Council by unanimous consent deem an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.

And be it further

Ordered: That pursuant to Rule 35 B, this order shall be laid on the table until at least seven days has elapsed from the date of submission



City of Cambridge

O-14.

IN CITY COUNCIL

October 29, 2001

COUNCILLOR DECKER
COUNCILLOR BRAUDE
COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR GALLUCCIO
COUNCILLOR REEVES

WHEREAS: It is the custom of the City Council to suspend the rules to consider late orders and resolutions at the end of the regular business meeting; and

WHEREAS: Such a practice serves the need for timely adoption of ceremonial resolutions for events, occasions and occurrences that would be somewhat out of date if saved for the next meeting; and

WHEREAS: This practice is not suited to policy orders or resolutions which by their nature call for deliberation and consideration; now therefore be it

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: " Except in circumstances that the City Council by unanimous consent deem an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds ye and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. Except in circumstances that the City Council by unanimous consent deems an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.

and be it further

ORDERED: That pursuant to Rule 35 B, this order shall be laid on the table until at least seven days has elapsed from the date of submission.

In City Council October 29, 2001.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-



D. Margaret Drury
City Clerk

**REFERRED TO THE GOVERNMENT OPERATIONS, RULES AND CLAIMS COMMITTEE
ON THE MOTION OF COUNCILLORS SULLIVAN AND DECKER**

LAY ON TABLE



City of Cambridge

O-14.

IN CITY COUNCIL

October 29, 2001

COUNCILLOR DECKER
COUNCILLOR BRAUDE

WHEREAS: It is the custom of the City Council to suspend the rules to consider late orders and resolutions at the end of the regular business meeting; and

WHEREAS: Such a practice serves the need for timely adoption of ceremonial resolutions for events, occasions and occurrences that would be somewhat out of date if saved for the next meeting; and

WHEREAS: This practice is not suited to policy orders or resolutions which by their nature call for deliberation and consideration; now therefore be it

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: " Except in circumstances that the City Council by unanimous consent deem an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds ye and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. Except in circumstances that the City Council by unanimous consent deems an emergency, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.

and be it further

ORDERED: That pursuant to Rule 35 B, this order shall be laid on the table until at least seven days has elapsed from the date of submission.

Cal 11

Order #14

Amend City Council Rules as
Amended to prohibit adoption of
policy orders at the end of City
Council regular business meetings.

Councillors Decker and Braude

In City Council
December 3, 2001
Referred to Committee
Report #2
Substituted Order adopted
See Committee Report #2
Councillor Toomey voted in
In City Council October 29, 2001 ^{the} _{negative}.

ORDER ADOPTED

Referred to Government
Operations, Rules + Claims
Committee.

Copy sent to C. Braude
10/30/01 pmc
Rayon Table for one week

City of Cambridge

GOVERNMENT OPERATIONS, RULES

AND CLAIMS COMMITTEE MEMBERS

In City Council December 3, 2001

*Councillor Jim Braude, Chair
Councillor Henrietta Davis
Vice Mayor David P. Maher
Councillor Michael A. Sullivan
Councillor Timothy J. Toomey, Jr.*

The Government Operations, Rules and Claims Committee held a public hearing on November 28, 2001, beginning at 6:35 o'clock p.m. in the Ackermann Room for the purpose of considering possibilities for a more efficient selection of the mayor and a proposal to amend the rules to prohibit the introduction of late policy orders at the end of the meeting.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Vice Mayor David P. Maher, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Deputy City Solicitor Don Drisdell and Terrence Smith, Chief of Staff for Mayor Anthony Galluccio.

Councillor Braude convened the hearing and explained the purpose. He began with the issue of election of a mayor. He said that at the time the City Council referred this issue to the Government Operations Committee, there was discussion of the possibility of establishing a trigger for moving to a default criterion, which would establish for whom the City Council would vote for mayor. For example, the rule could provide that after X number of meetings, the Council will vote for the senior member or the senior member who has not yet served, just to name two examples.

Councillor Braude then moved to comments from committee members. He began by informing committee members that Councillor Born called him to say that she was not able to attend this meeting and to request that he forward her suggestion for an alternative for selection of the mayor. Councillor Born's suggestion is that if no mayor is chosen at the first meeting, the organizational meeting, then the second regular meeting cannot be adjourned until a mayor is elected.

Councillor Davis stated that she favors the trigger/default approach, with the last regularly scheduled meeting in January as the trigger date.

Vice Mayor Maher stated that he could consider that idea, and there are a couple of different criteria that could be considered for the default selection. He emphasized that he does not believe that the mayor would end up being elected under the default provision, rather, this provision would help the City Council make a decision more quickly. He asked Mr. Drisdell if the City Council has the power to make such a change by amending its rules.

Mr. Drisdell stated that the Charter requires that the City Council elect the Mayor by majority vote. The City Council can adopt whatever rules it desires to assist the process, but at the end of the day there has to be a majority vote. Mr. Drisdell noted that council rules can always be suspended by a two-thirds vote.

In response to a question from Vice Mayor Maher, Mr. Drisdell stated that the Council cannot amend its rules to contradict the charter requirement for a majority vote. If a majority of the Council chooses not to vote, they cannot be forced to do so.

Councillor Braude stated that a 9-0 vote of this City Council might provide incentive for the City Council to follow the rule. Vice Mayor Maher agreed that adopting the rule would send a good message

Vice Mayor Maher asked Mr. Drisdell if the only way to make the default mandatory would be through a charter change, and the quickest method for changing the charter would be the home rule method. Mr. Drisdell answered in the affirmative.

Councillor Davis expressed a concern that adopting a rule with no way of compelling compliance could make the process look worse rather than better.

Councillor Braude then invited public comment.

Robert Winters, Broadway, stated that City Council orders are statements of the policy of the City Council. He suggested adopting a policy order that sets forth the alternative procedure. He emphasized that whether rule or council order makes the change, as long as five members of the Council agree to use this method, the method will be used.

William Jones, 127 Essex Street, stated that he was here in 1948, when the City Council elected a mayor at 2 a.m. If the City Council cannot decide, the default criterion should be the member that got the highest popular vote or the senior member.

Lisa Stuardi, Cambridge Chamber of Commerce, spoke in opposition to making the change by Council order. She stated that it would just prolong preliminary discussion on the content of the order, without even getting to the question of the election of the mayor.

Eli Yarden, 143 Pleasant Street, discussed the public interest in choosing the mayor. He had had a great deal of experience in academia with elected committees that then elect a chair from among the members. The more important the chair is perceived the longer the process of choosing takes. In the meantime, the students' interests are being ill served. The public has a great deal of interest in the choice of Mayor. The Mayor must be a person who is accessible to the entire public, devoted to the public and devoted to improving citizen participation and civic life. The mayor must have a

willingness to listen to everyone and be equally comfortable with CEO's and homeless people.

John Gintell, West Street, emphasized the urgency of having a permanent mayor. Having a temporary mayor is very bad for the functioning of the School Department. The rapid selection of the mayor sends a message to the public that the City Council is ready to work. The mayor also plays a role in a crisis situation. Also, a lengthy process of selection leads to acrimony that affects the City Council and its work long after the Mayor has been elected. He spoke in support of making the trigger date in January, and said that the end of January is too late.

Councillor Toomey stated that he believes the Mayor should be selected by January 15th.

After further discussion, Councillor Toomey moved that the Committee recommend a rules change to provide that the Mayor shall be elected by the end of the second regularly scheduled meeting of the Council (with the organizational meeting counting as the first regularly scheduled meeting). Balloting shall continue until a mayor is elected, provided that if no mayor is elected by the fifth ballot of that meeting, the City Council shall vote for the member mandated by application of the default criterion. The motion was adopted on a voice vote without objection.

The Committee then moved to discussion of possible default criteria.

Councillor Davis expressed the opinion that using the seniority of membership for the criterion makes the least change to the present system because the charter provides that the senior member is the acting chair when no mayor has been selected.

Vice Mayor Maher stated that he believes that he would lean toward selection of the most senior person who has not yet served as mayor. However, another possibility is to elect the Councillor who had the most votes in previous ballots.

Councillor Davis asked what would happen if the most senior member who had not yet served declined. Vice Mayor Maher stated that the next person meeting the criterion would be elected.

Councillor Davis said that she wants to be sure that the Committee does not end up selecting a mayor for the next council by way of setting up the default criterion.

Vice Mayor Maher reiterated his strong belief that the Council will choose to select a mayor rather than have a mayor elected by default. Councillor Braude agreed with Vice Mayor Maher and said that the goal of adopting this rule is to increase the likelihood of a mayor being elected by the traditional method in a more timely manner.

Councillor Sullivan said that the new council would be free to change the rule at the organizational meeting, or suspend the rule by a two-thirds vote.

Councillor Braude stated that he is still not sure what the criterion should be. He would like to hear debate by the entire City Council. He reviewed the possibilities mentioned so far at this meeting: senior member, senior member who has not yet served as mayor, member who received the highest popular vote, member who received the most votes for mayor in previous ballots, oldest member, youngest member. He stated that he would vote to send the first two on the list as part of a motion for a rule change because the City Clerk has requested specificity for a draft rule. He emphasized that his vote is merely to move the proposal to the next stage of debate at the full council level and that he is very open to considering other potential criteria.

It was agreed without objection that the proposed rule for selection of the mayor that the Committee will recommend to the Council will include two alternatives for the criterion for the default vote: senior member and most senior member who has not yet served as mayor.

Councillor Braude emphasized that any committee is free to propose an alternative to the trigger or the criteria at the City Council discussion on this report.

The Committee then moved to the proposal to prohibit the introduction of late orders at the end of the meeting.

Councillor Toomey said that if City Councillors are listening to the late orders, they can just use the charter right to hold the order for the next meeting.

Councillor Sullivan said that sometimes there is a need for adoption of a policy order. He is more concerned about making sure that the members all have a typed copy of a policy order on their desks before they have to vote. He suggested changing the rules to require a separate roll call vote for suspension of the rules for late policy orders.

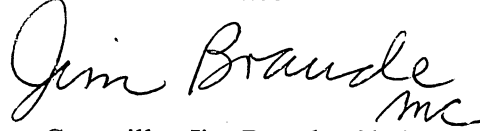
Councillor Davis proposed a separate roll call on suspension for the introduction of each policy order.

Councillor Sullivan stated that the purpose of a separate roll call vote is to make sure the councillors are aware that they are about to vote on a policy order, not just another ceremonial resolution. One vote should be sufficient.

Councillor Braude moved that the Committee recommend that the City Council amend its rules to require a roll call vote to suspend the rules to introduce late policy orders and policy resolutions at the end of the meeting separate from any vote on suspension to consider late resolutions at that time. The motion passed on a voice vote with Councillor Toomey recorded in the negative.

Councillor Braude thanked all those present for their attendance. The meeting was adjourned at 7:10 p.m.

For the Committee

A handwritten signature in cursive script that reads "Jim Braude" with a small "mc" written below the end of the name.

Councillor Jim Braude, Chair

Councillor Braude
Councillor Davis
Vice Mayor Maher
Councillor Sullivan
Councillor Toomey

Ordered: That Rule 2 of the Rule of the City Council As Amended be amended by inserting the following language before the final sentence of the paragraph:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**”

such that Rule 2 as amended shall read, in its entirety, as follows:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**. The City Council shall, in like manner, elect a Vice-Chairman who shall also be call Vice-Mayor.

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: " Except upon a roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension to consider ceremonial resolutions, the rules shall not be suspended to allow adoption of policy orders at the end of the regular business meeting, after the regular order of business has been concluded." such that Rule 35A in its entirety shall read as follows:

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds yea and nay vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail. A roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded."

4235

Committee Report #2

Committee Report from Councillor Jim Braude, Chair of the Government Operations, Rules and Claims Committee, for a meeting held on November 28, 2001 for the purpose of considering possibilities for a more efficient selection of the mayor and a proposal to amend the rules to prohibit the introduction of late policy orders at the end of the meeting.

In City Council December 3, 2001

Report Accepted
Order Placed on the
Table on motion of
Councillor Braude
Regarding rule change
for mayoral selection.

Substituted Order
Adopted regarding
Late Policy Order.

See Calendar Item #11,