



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

TO: The Honorable Kenneth E. Reeves, Mayor

FROM: D. Margaret^{DM} Drury, City Clerk

DATE: April 8, 1994

SUBJECT: Communication Not Placed on Agenda

The attached communication from Michael Brandon was not placed on the agenda for the April 11, 1994 City Council meeting.

As you will note from the stamped date on the letter, it was not received at the City Clerk's Office until after 5 p.m., although Donna Lopez of this office took it from the City Manager's fax machine as soon as it came through and brought it immediately to the Clerk's Office stamp. Therefore, it is not eligible for placement on the April 11, 1994 agenda at any rate.

However, unless I am informed otherwise by you as the Officer authorized to decide points of order, or by the City Solicitor, I do not intend to place this item on the agenda, as in its address it contains personal insults to a member of the City Council in violation of Rule 37(6).

Thank you for your attention to this matter.

cc: Donald Drisdell, Deputy City Solicitor
Michael Brandon

4:46PM.

Michael Brandon
27 Seven Pines Avenue
Cambridge, Massachusetts 02140

April 7, 1994

Cambridge City Council
c/o City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02140

RECEIVED BY
CITY CLERK
1994 APR - 7 PM 5: 01
CAMBRIDGE MA.

Re: City Manager's circumvention of Council rules govern communications

To the Honorable City Council (and to Councilor Walsh):

Rule 25 of the Rules of the City Council states: "All communications, petitions, or resolutions addressed to the City Council shall be filed with the City Clerk. The City Clerk shall place all new communications on the agenda for the next regular City Council meeting. . . ."

Rule 20 states: "All matters of whatever description which may require action by the City Council shall be presented to the City Clerk. . . ."

On or about February 4, 1994, seeking to address an anticipated newspaper report and subsequent questions and allegations about his ethical conduct, City Manager Robert W. Healy wrote to the City Council concerning certain investment activities he did not disclose on the sworn financial statement he filed with the Election Commission last year, including a real estate venture he has been conducting with City Solicitor Russell Higley since the mid-1980s.

According to City Clerk Margaret Drury, Mr. Healy's letter was not filed with her office and it thus was never placed on the Council's agenda. Council Assistant Sandra Albano reports that the letter was not formally transmitted to the City Council through its office in City Hall, so it is not on file there either.

The City Manager's failure to file official correspondence with the City Clerk as required by the Council's rules creates a disturbing gap in the public record that impinges on the public's ability to inform itself about civic matters and monitor the performance of city officials. Moreover, it impedes the press in its role as watchdog and guardian of the public's right to know. Worst of all, it prevents open inquiry, discussion, and debate by the City Council and stifles public input—in other words, it squelches the free and open discourse that is crucial to a democracy.

4:47p.m.

Cambridge City Council
April 7, 1994
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By shielding his financial dealings with one of his employees from public scrutiny, and by failing to disclose fully or explain these "private" business transactions (including the City Solicitor's apparent financial interest in a bank that reportedly was given city business while the two officials were benefiting from no-money-down "insider" loans it made available to them), the City Manager creates suspicion in the public's mind and intensifies citizen concern about the propriety of such relationships.

Such secrecy and evasiveness reinforces rather than dispels any notions that he may have created the appearance of a conflict of interest. And it undermines confidence in local government at a time when it is already plummeting toward its nadir—mainly because the body elected to represent and to lead the people of Cambridge has not yet mustered the collective courage to address the delicate but inescapable fact that one of its senior members is an unrepentant felon and former federal fugitive who should be formally censured and parliamentarily ostracized for violating his oath of office and refusing to apologize and resign.

And so I respectfully request that you ask the City Manager to file with the City Clerk a copy of his February 4 communication, together with an explanation of why he decided to disregard the established procedure for transmitting it to you.

Unless there is a compelling reason to do so, the public's business should always be conducted publicly.

Sincerely,



Michael Brandon

cc: Cambridge Election Commission
Andrew B. Crane, Executive Director, State Ethics Commission
Supervisor of Public Records, Office of the State Secretary

Consent Comm. # 11

S-463

Comm. from Michael Brandon, 27
Seven Pines Avenue, regarding
Rule 20 and 25 of the City Council
Rules.

In City Council,

April 11, 1994

*Communication not submitted
on 4/11/94 - see April
25th for submitted
Communication*

*note: time not reset on fap
for Daylight Saving Time*