LEGAL NOTICES

PUBLIC NOTICE
RELATIVE TO ZONING.
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, April 5, 1995 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition to amend the Zoning Ordinances of the City of Cambridge as follows:

In Article 2.000, the definition of "massage establishment" is hereby deleted.

In Article 4.34b, add at the end of the phrase: "(includes massage therapists licensed by the Commissioner of Health and Hospitals)".

In Article 4.35, delete line p. "Massage Establishment," and redesignate Art/Craft Studio" and "Bakery, Retail" as "p" and "q" respectively.

In Article 4.40, p. 4-20, delete footnote #49 and renumber the subsequent footnotes.

In Article 11.000, delete sections 11.90 through 11.93.

The proposal would also repeal Chapter 5.40 of the Cambridge Municipal Code entitled "Massage Establishments".

Copies of this petition are on file in the Office of the City Clerk, City hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

Vice Mayor Sheila T. Russell
Chair

(C)March16,23
#30428

Mortgagee's Sale of Real Estate

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Cosmo Cremaldi, Catherine Cremaldi** and **Genevieve Joanna Cremaldi** to President and Fellows of Harvard College dated October 29, 1991 and recorded with Middlesex County South District Registry of Deeds in Book 21502, Page 93 of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 o'clock AM on the 18th day of April, 1995 on the mortgaged premises described below, being known as **31-33 Putnam Avenue,** Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage, to wit:

"Premises: The premises consist of the land with the buildings and improvements thereon known as and now numbered 31-33 Putnam Avenue, Cambridge, Massachusetts, being shown as and labelled "PARCEL 3" on a plan entitled "Plan of Land Owned by President and Fellows of Harvard College, Cambridge, Mass." dated January 13, 1987, drawn by Harry R. Feldman, Inc., recorded as Plan No. 187 of 1987 (the "1987 Plan"), being bounded and further described according to the 1987 Plan as follows:

NORTHERLY by land now or formerly of Environ Realty Corp., 75.32 feet;
EASTERLY by Putnam Avenue, 35.00 feet;
SOUTHERLY by "PARCEL 2" on the 1987 Plan, 75.00 feet; and
WESTERLY by "PARCEL 1" on the 1987 Plan, 35.00 feet.

Containing 2,631 square feet according to the 1987 Plan and being the same parcel shown as and labelled "B" on a plan dated July 20, 1960, recorded at the end of Book 3246.

The Premises are conveyed subject to and with the benefit of, as the case may be, easements, restrictions, rights of way of record, and other matters of record, if any, insofar as the same are now in force and applicable, including without limitation the rights, easements, obligations and other matters described in Exhibit B to the Deed dated as of February 13, 1987, recorded in Book 17885, Page 19, as affected by the "Certificate and Amendment and Relocation of Easement," dated as of May 7, 1987, recorded in Book 18126, page 435, the "Amendment and Certificate of Approval" dated as of February 18, 1988 recorded in Book 18923, page 255; and the Certificate dated as of July 12, 1988, recorded on July 18, 1988, as Instrument No. 486.

The Premises are conveyed subject to the lease dated July 22, 1983, between President and Fellows of Harvard College as "Lessor" and Food Shack, Inc., as "Lessee."

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises will be sold subject to and with the benefit of all restrictions, easements, improvements, outstanding tax titles, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, having priority over the mortgage described herein, if any.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of the Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by Foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Hay & Dailey, the amount of the required deposit as set forth herein within three business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within thirty days of said written notice.

The lease dated July 22, 1983 between President and Fellows of Harvard College as "Lessor" and Food Shack, Inc., as "Lessee" is no longer in force.

The Right of First Offer reserved to President and Fellows of Harvard College contained in the Indenture dated October 29, 1991 recorded in Book 21502, page 77, will be waived as part of this sale.

TERMS OF SALE: Ten Thousand Dollars ($10,000) will be required to be paid by bank check or by certified check at the time and place of sale as earnest money. The balance is to be paid by bank check or by certified check within thirty days of the date of the sale at the firm of Hay & Dailey at One Center Plaza, Boston, MA whereupon the deed shall be delivered to the successful bidder.

Other terms, if any to be announced at sale.

President and Fellows of Harvard College
by its attorney
Jeffrey B. Gray
Hay & Dailey
One Center Plaza
Boston, MA 02108
Tel. 617-227-3544

(C)March16,23,30
#30399

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
CITATION

(SEAL) **Reg. Case No. 42897**

Plaintiff: **Vitalia M. Carvalho** et als

To the United States of America, (Internal Revenue Service); To the City of Cambridge, a municipal corporation, located in the County of Middlesex, and said Commonwealth; Cambridge City Council, Anna H. Lindsay, Doris L. Oleary, Eva M. Brown, Vittorio Ingraiti, Gaetanina Ingraiti, Eun Hee Chung, Dong S. Chung, Francis S. Pierce, Olga M. Pierce, Bella F. Abreau, Mary Laura Rose a/k/a Maria Laura Rose, Anthony C. Rose, Jr., Eugenia Rose a/k/a Jennie Rose, Joseph John Rose, Denise Marie Gannon, Maureen M. Flammer, Anna H. Lindsey, Philip F. Harrington, Maria A. Harrington, Domenico DiPietrantonio, Anna DiPietrantonio, Maria H. Real, Antonio Medeiros, Joseph B. Couto, Thomas Doyle, Geraldine Doyle, Walter J. Foster, Kathleen, Jr., Eugenia Rose a/k/a Jennie Rose, Joseph John Rose, Denise Marie Gannon, Maureen M. Flammer, Anna H. Lindsey, Philip F. Harrington, Maria A. Harrington, Domenico

LEGAL NOTICES

...continued from previous page

unfitness of the parent or guardian.

Any decree under the provisions of the General Laws of Massachusetts, Chapter 119, Section 23(C), gives custody of the child to the Department of Social Services and authorizes the Department of Social Services or an agency commissioned by the Department to determine the child's place of abode, medical care, and education; to control the visits to the child; to give consents to enlistments, marriages and other contracts requiring parental consent.

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge St. Cambridge, Mass before TEN O'CLOCK in the forenoon (10:00 A.M.) on April 5, 1995.

You are entitled to the appointment of an attorney if you are an indigent person. An indigent person is defined by SJC RULE 3:10. Determination of indigency will be made by the Court. Contact the Assistant Register - Adoptions Clerk of said Court.

Witness Sheila E. McGovern Esquire, First Justice of said Court.

Date: January 25, 1995

Donna M. Lambert
Register of Probate

(C)March23
#30461

NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED WILL SELL AT PRIVATE AUCTION April 10th AT 11:00 AM THE PERSONAL PROPERTY HERETOFORE STORED WITH THE UNDERSIGNED BY:

Roberts Associates
128 Lexington Ave
Cambridge, Ma 02138
Unit #1020
Contains: desks, chairs, tables and filing cabinets

Thomas Hickey
2 Mt. Auburn Street
Cambridge, Ma 02138
Unit #2067
Contains: clothing, boxes, stereo

Gale Young
c/o Monticello Motel
90 Worcester Road
Framingham,Mass 01701
Unit #2335
Unit #2316
Contains: desks, bureaus, boxes, appliances.

Annabelle Hebert
30 Magnolia Avenue
Cambridge, Ma 02138
Unit #1208
Contains: boxes, luggage, furniture, personal effects.

Yang I. Kim
186 Alewife Brook Rd.
Cambridge, Ma 02138
Unit #2096
Contains: file boxes

Marquis De Maun
957 Commonwealth Ave
Boston, Mass 02211
Unit #2014
Contains: boxes, microwave, t.v.

Daniel Revallion
5 Craige Circle
Cambridge, Ma 02138
Unit #2162
Contains: lamps, boxes, sm. furniture

William Stevenson
P.O. Box 69949
Los Angeles, CA 90069
Contains: stage equipment

Cambridge Self Storage
445 Concord Avenue
Cambridge, Mass 02138

(C)March23,30
#30452

THE COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 215966**

To **William J. Morris** and all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Cambridge Savings Bank claiming to be the holder of a mortgage covering real property in Cambridge, at **35-37 Highland Avenue** given by William J. Morris and Deirdre F. Patrick to Cambridge Savings Bank, dated July 1, 1975, recorded with Middlesex Registry of Deeds (Southern District) at Book 12625, Page 41, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 1st day of May 1995, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 14th day of March 1995.

Charles W. Trombly, Jr.
Recorder

(C)March23
#30455

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 215993**

To **Chester C. Jones** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: E.M.C. Mortgage Corporation claiming to be the holder of a mortgage covering real property in Cambridge known as **222 Columbia Street** given by Chester C. Jones to Northeastern Mortgage Company, Inc. dated November 28, 1988 recorded with Middlesex County (South District) Registry of Deeds at Book 19497 Page 499 now held by Plaintiff by assignment has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 1st day of May 1995, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 15th day of March 1995.

Charles W. Trombly, Jr.
Recorder

(C)March23
#30459

NOTICE OF AN INITIAL SITE INVESTIGATION AND TIER II CLASSIFICATION
SHELL SERVICE STATION
207 MAGAZINE STREET
CAMBRIDGE, MASSACHUSETTS
RTN #3-10747

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0480), an Initial Site Investigation has been performed at the above referenced location. A release of oil and/or hazardous materials has occurred or may have occurred at this location which is a disposal site (defined by M.G.L. c. 21E, Section 2). This site has been classified as Tier II, pursuant to 310 CMR 40.0500. Response Actions at this site will be conducted by Shell Oil Company who has employed Joseph Landyn, LSP, to manage response actions in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of petition from ten or more residents of the municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact Mr. Richard Hummel, Environmental Engineer, of Shell Oil Company in Westwood, Massachusetts at (617) 461-4608.

(C)March23
#30456

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until11:00 o'clock A.M. THURSDAY, APRIL 6, 1995 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

LANDSCAPE MAINTENANCE PROGRAM FOR CAMBRIDGE WATER DEPARTMENT (FIVE SITES) (1)
EMPLOYMENT ADVERTISING SERVICES (2)
IRRIGATION PARTS AND ACCESSORIES (3)
JANITORIAL SUPPLIES (4)
TASK MANAGEMENT SYSTEM (5)
SALE OF USED HOSPITAL EQUIPMENT (6)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item' " and addressed to Gail A. Cohen, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Gail A. Cohen
Purchasing Agent

(C)March23
#30454

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **CHARLES A. DELGADO** and **LINDA DELGADO,** to EAST CAMBRIDGE SAVINGS BANK, dated April 9, 1987, and recorded with Middlesex South District Registry of Deeds, Book 18015, Page 331, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 A.M. on the 19th day of April, 1995 at the mortgage premises at **199-201 Charles Street,** Cambridge Massachusetts, all and singular the premises described in said mortgage.

To wit:

A certain parcel of land with the buildings thereon situated in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

SOUTHERLY by Charles Street, fifty (50) feet;

WESTERLY by land now or formerly of Hinds, forty (40) feet;

NORTHERLY by land now or formerly of Dunphy, fifty (50) feet; and

EASTERLY by Fifth Street, forty (40) feet.

Containing 2,000 square feet, more or less.

For title, see deed from H. Henry Friedman recorded with Middlesex South District Deeds, Book 12675, Page 12.

The premises is known as and numbered 199-201 Charles Street, Cambridge, Massachusetts.

The premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax liens, water bills, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances and all other claims in the nature of liens, having priority over the mortgage, if any there be. The mortgaged premises are also sold subject to the right of redemption of the United States of America, if any there be.

The terms of the sale: The highest bidder shall be required to deposit with the Mortgagee, EIGHT THOUSAND ($8,000.00) DOLLARS in cash, certified check, Bank Treasurer's check or by Bank Cashier's check at the time and place of such sale. The balance of the purchase price shall be paid to the Mortgagee in cash, or by bank treasurer's or certified check on or within thirty (30) days after the date of the Public Auction at the offices of EAST CAMBRIDGE SAVINGS BANK, 292 Cambridge Street, Cambridge, Massachusetts 02141. The purchaser shall be responsible for all documentary recording stamps and recording fees. The successful bidder shall be required to sign at the Public Auction a Memorandum of Sale containing the above terms and any additional terms announced at the Public Auction.

The foreclosure deed and the consideration paid by the successful bidder shall be held in escrow by Howard A. Reynolds, Esquire (hereinafter called the "Escrow Agent") until the balance of the purchase price is paid to the Mortgagee in cash or by bank, treasurer's or certified check. In the event that the successful bidder at Public Auction shall default in purchasing the within described property according to the terms of this Notice of Mortgagee's Sale of Real Estate and/or terms of the Memorandum of Sale executed at the Public Auction, all deposits shall be retained by Mortgagee. Mortgagee reserves the right, at its election, to sell the mortgage property to the next highest bidder at the Public Auction or to readvertise and resell such property at public auction.

The Mortgagee reserves the right to postpone this sale to a later date by public proclamation at the time and date appointed for the Public Auction and further to postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Other terms, if any, to be announced at the sale.

East Cambridge Savings Bank
292 Cambridge Street
Cam bridge, Mass. 02141
(617) 354-7700
Current Holder of Mortgage
By its Attorney,
Howard A. Reynolds
63 Mt. Auburn Street
Watertown, Mass. 02172
(617) 924-7229

(C)March23,30,Apr6
#30434

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 95P1168EP

Estate of **Thomas F. Gallagher**
a/k/a **Thomas Francis Gallagher**
died on Feb 9, 1995
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Patricia Q. Maney of Stoneham in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of March in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C)March23
#30438

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 95P0631GI

Notice of
GUARDIANSHIP - MENTALLY ILL - WITHOUT SURETIES
NOTICE

To **Shawn Brown** of Cambridge in said County Middlesex and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Shawn Brown is a mentally ill person and praying that Carolyn Wedge of Cambridge in the County of Middlesex or some other suitable person be appointed his guardian, with court authorization to treat with antipsychotic medication in accordance with the treatment plan; court authorization to admit or commit to a mental health facility.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before March 30, 1994.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the second of March, in the year of our Lord one thousand nine hundred and ninety five.

Donna M. Lambert
Register of Probate Court

(C)March23
#30431

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
TELEPHONE (617) 292-5673
PUBLIC NOTICE
GROUND WATER PERMIT APPLICATION

Notice is hereby given that the following ground water discharge permit is being processed and that the following actions being proposed thereon pursuant to Section 43 of Chapter 21 of the General Laws, and 314 CMR 5.00 and 2.06:

APPLICANT: Polaroid Corporation
750 Main Street 1C
Cambridge, MA

PERMIT NO. 0-561

FACILITY LOCATION: Former Exxon Station
772 Memorial Drive, Cambridge, MA

TYPE OF DISCHARGE: Groundwater Remediation

QUANTITY OF DISCHARGE: 21,600 gallons per day

PROPOSED ACTION: Tentative Determination to modify permit

Tentative Determination to revoke permit

A copy of the modified draft permit, and statement of basis or fact sheet relative to the draft permit may be obtained from the Division's Permit Section at the above address and telephone number. Comments on the proposed action or requests for a public hearing thereon pursuant to 314 CMR 2.07 must be filed with the Division at the above address within thirty (30) days of this notice.

John J. Higgins, Acting Director

(C)March23
#30442

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for nonpayment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4. General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 11:00 A.M., Wednesday, April 12, 1995, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac miscellany held for the accounts of: **Jaime Perez,** Rm. 209; **Beth Melendes,** Rms. 193 & 459; **Kirby Kennedy,** Rm. 227; **Janice Reardon,** Rm. 301; **Marjorie Pearce,** Rm. 304; **Rita Haringan,** Rm. 315; **Bradley Myers,** Rm 330; **Anthony Marino,** Rm. 363; **John Duvivier,** Rm. 482; **Aniss Roumani,** Rm. 501. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation and postponements. Wm. F. Moon & Co., Auctioneers, North Attleboro, MA 02760. Lic. #151.

(C)March23,30
#30408

Mid Cambridge Neighborhood Conservation District Commission

Notice is hereby given that the Mid Cambridge Neighborhood Conservation District Commission will hold a Public Hearing on Monday, April 3, 1995 at 5:30 P.M. at the third floor conference room, City Hall Annex, 57 Inman Street, to consider the following application for Certificate of Appropriateness under Article III, Section 2.78 of the Code of the City of Cambridge and the order establishing the district:

MC-948: 382-392 Harvard Street: For binding review of alterations to apply vinyl siding to National Register-listed property. By Mary Sorrentino, Tr. Nicola Sorrentino Family Trust.

John Moos
Chairman

(C)March23,30
#30448

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 95P1178EP

Estate of **Mary C. Quinn**
died on Jan 4, 1995
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Anthony Joseph Lepore of Cambridge in the County of Middlesex be appointed executor without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of March in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C)March23
#30437

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss Probate Court No. 95E0020P1

To **Monica M. Strauss** of Cambridge in the county of Middlesex, and **Nicholas Strauss** of Westchester in the Commonwealth of Pennsylvania and Barclays American Mortgage Corporation of Charlotte in the State of North Carolina and to all other persons interested.

A petition has been presented in said Court by William M. Strauss of Cambridge in the County of Middlesex representing that he hold as tenant in common one undivided third part or share of certain land lying in Cambridge in said County and briefly described as follows:

A certain parcel of land with the buildings thereon, situated in said Cambridge, known as **48 Reservoir Street,** being shown as Lot 2 on a plan entitled "Plan of Building Lots in Cambridge, Belonging to James C. McLeod", Richard T. Ricker, C.E., dated October 24, 1921, duly recorded with Middlesex South District Deeds, Plan Book 299, Plan 32, and being bounded and described as follows:

NORTHWESTERLY by Reservoir Street, Fifty (50) Feet;

SOUTHWESTERLY by Lot 1 on said plan, One Hundred Three and 37/100 (103.37) Feet;

SOUTHEASTERLY by Lot 3 on said plan, Fifty (50) Feet; and

NORTHEASTERLY by a proposed street as shown on said plan, One Hundred Three and 2/10 (103.2) Feet.

CONTAINING 5164 Square Feet

setting forth that he desires that - all - the following described part of said land may be sold at private sale for not less than $600,000.00 dollars, and praying that partition may be made of all the land aforesaid according to law, and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the eighteenth day of April 1995, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this eighth day of March 1995.

Donna M. Lambert
Register

(C)March23,30,Apri6
#30450

REQUEST FOR PROPOSALS

The Cambridge Housing Authority invites sealed **proposals to Supply and Install CENTREX phone system at Administrative offices.** Scope of RFP includes supply of phone sets, cabling voice and data.

Specifications and proposal documents will be available until the date and time set for bid opening. There is no charge for the documents which will be mailed on request or may be picked up at the Cambridge Housing Authority, Purchasing Department, 270 Green Street, Cambridge, MA 02139, (617) 864-3020 ext. 230.

Proposals will be subject to approval and award by the Cambridge Housing Authority Board of Commissioners. Proposals will be irrevocable for a period of 30 days from the date of bid opening.

The Cambridge Housing Authority reserves the right to reject any or all proposals and to waive informalities.

Proposals must be received at the offices of the Cambridge Housing Authority, 270 Green Street, Cambridge, Ma 02139 no later than 3:00 P.M. on April 6, 1995.

(C)March23
#30444

SENIOR CIRCUIT

Prostate cancer kills 38,000 men each year, information can help save lives

BY TANA SHERMAN

Prostate cancer has reached epidemic levels among American men and is now the leading type of cancer among men. To make older men aware of this disease and the high cure rates when the disease is diagnosed early, Somerville-Cambridge Elder Services (SCES) has joined the statewide Prostate Cancer Awareness Program of the Massachusetts Department of Public Health.

"Older men are particularly at risk for prostate cancer," says Cecilia Davlin, SCES director of client programs. "More than 75 percent of prostate cancer cases occur in men over age 65. African-American men are particularly hard hit by this disease."

To provide information about the disease, Stanley Klein of Somerville, a prostate cancer survivor, has been talking to groups of local elders, including the Silver Threads Club of the Cambridge Salvation Army and residents of Central House of the Cambridge YMCA. He is a board member of the 60 Plus Clinic in Somerville and a member of the Speaker's Bureau of the Department of Public Health.

Elders and anyone else interested in learning more about prostate cancer are invited to attend Klein's next presentation on Thursday, April 13, 11:45 am at the Friends of Cambridge Council on Aging, 15 Pearl St., Cambridge. He will be speaking at other Somerville and Cambridge locations throughout the spring.

"We are targeting the high-risk groups for this disease, which includes any man 50 or over, men of color 40 or over, and any man whose brother or father has had prostate cancer," Davlin says. "The statistics show that prostate cancer is as serious and dangerous a threat to the health of men as breast cancer is to women."

An estimated 200,000 American men will be diagnosed with prostate cancer this year, and 38,000 will lose their lives to the disease. Despite these numbers, the subject of prostate cancer has remained a taboo one for many men and their loved ones.

The prostate is a walnut-sized gland that surrounds a man's urethra (urinary tract) and plays a key role in male sexual functioning. Although a great deal is known about the function of the prostate, no one knows why it becomes cancerous in so many men as they age.

More than 80 percent of prostate cancer cases are curable when the cancer is diagnosed in its beginning stages. Symptoms or warning signs of potential difficulties with the prostate include: frequent urination during the night, difficulty or pain urinating, presence of blood in the urine, or a weak or interrupted urine stream.

If you are experiencing any of these symptoms, you should see your physician immediately. But remember, these symptoms could be due to other factors, and often enlargement of the prostate is benign.

Older men can play an active role in fighting this disease by learning about prostate cancer and by having an annual examination and blood test. The American Cancer Society recommends that all men over the age of 50, African-American men over 40, and men who have a family history of prostate cancer have an annual digital rectal exam by a physician and a blood test called the Prostate Specific Antigen (PSA). These tests can help detect the presence of prostate cancer.

"We know that the future for thousands of men depends on their willingness to go to the doctor for an annual prostate checkup," Davlin says. "As women have done with breast cancer, men need to learn more about their bodies and about what they can do to keep themselves healthy."

For a brochure about prostate cancer in English or Spanish, or to learn the dates of other presentations by Klein, call the Information and Referral Department at Somerville-Cambridge Elder Services, 628-2601, ext. 3151.

Tana Sherman is community information supervisor at Somerville-Cambridge Elder Services.

ELDER NOTES

ElderLink publishes 'Eldercare Almanac'

ElderLink, a non-profit elder services agency serving Greater Boston, has just published the 1995 edition of The Eldercare Almanac, a comprehensive Massachusetts resource guide for older adults and family caregivers.

When an older person needs assistance, finding the right resources can be confusing and difficult. The Eldercare Almanac provides an excellent headstart. Bringing together the most recent information from dozens of sources, each chapter highlights a major component of elder care including in-home services, health care financing, housing and nursing home options, and legal and financial planning. Up-to-date listings of resources relevant to each chapter's topic are also included.

This is the book to turn to when you want quick access to names, phone numbers, facts and tips. Endorsed by gerontologists throughout Massachusetts, The Eldercare Almanac is an intelligent guide book with accurate information, wise advice and an easy-to-read format. The book is now available at local bookstores, or may be purchased directly form ElderLink for $17.50. To order the Eldercare Almanac, call Margardia Mendonca at ElderLink 629-0700, ext 3106.

Elders speak out

Some 50 elders voiced their concerns and discussed their interests at a Community Speak Out held recently at the Massachusetts Alliance of Portuguese Speakers (MAPS).

Elders emphasized that they do not want to compete with children and other groups for limited resources. High on their list of concerns were availability and affordability of health care and prescription drugs. Many told of having to choose between paying for food or purchasing needed medicines. Other concerns included: affordable housing, particularly since the demise of rent control; illness; isolation; translation and communication issues; and loss of independence. Elders also noted the need for education, employment services and transportation.

The Speak Out, which was organized by Somerville-Cambridge Elder Services (SCES), was designated a mini-White House Conference on Aging event. A report will be sent to Washington so issues raised can be included in the agenda of the White House Conference on Aging in May. In this way, local elders will have input into the federal policy-making process.

Approximately half the elders attending were Portuguese speakers, and translation was provided by MAPS staff. In addition, state Rep./City Councilor Tim Toomey, Vice Mayor Sheila Reeves, City Councilors Frank Duehay and Michael Sullivan, and Somerville Alderman Helen Corrigan participated.

Elders were gathered into small groups to answer questions regarding their concerns, interests and needs. Then SCES Information and Referral Specialist Lorraine Evans gave a brief presentation on available resources. SCES Board of Directors President Kenneth D. Holmes of Cambridge spoke about the need for advocacy and the importance of not allowing groups to be pitted against one another.

Lunch menu

The following is the lunch menu for the Somerville-Cambridge Elder Services congregate centers:

March 27-31: Monday — Chicken noodle soup, veal patty Parmesan, turnips, pineapple. Tuesday — Meatloaf/gravy, Lyonnaise potatoes, beets, apple crisp. Wednesday — Turkey vegetable casserole, mashed potatoes, rice pudding. Thursday — Cram of spinach soup, baked chicken breast/tarragon gravy, sweet potato, mixed fruit. Friday — Baked Rotini and vegetables with cheese sauce, green beans, peaches.

April 3-7: Monday — Turkey Divan, rice, carrots, fruit. Tuesday — Tomato soup/crackers, chicken Tarragon, Delmonico potato, cranberry sauce, fruit. Wednesday — Spaghetti and meatballs, tossed salad, banana pudding. Thursday — Vegetable soup/crackers, Yankee pot roast, mashed potato, fruit. Friday — Seafood Newburg, rice w/red pepper, oatmeal cookie.

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Timothy J. Toomey, Jr.
City Councillor

MEMORANDUM

TO: The Honorable, The City Council

FROM: Councillor Timothy J. Toomey, Jr.

DATE: December 14, 1995

SUBJECT: **Privatization of City Services**

* * * *

Communication and Reports from
City Officers #1

Communication received from Councillor Timothy J. Toomey, Jr. transmitting his intention to move tabled item number 9 relative to Privatization to City Services at the Meeting of December 18, 1995.

In City Council December 18, 1995

Referred to Calendar
Item # 9

CALENDAR ITEM # 16

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.113 entitled: "Privatization of City Services," which reads as follows:

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

2.113.020 Definitions

As used in this ordinance, the following words shall have the following meanings:

"City" or "Agency" - an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract" - an agreement or combination or series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more, which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

Passed to a second reading at the City Council meeting held on March 20, 1995 and on or after April 3, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

In City Council June 26, 1995.
Failed of ordination by a yea and nay vote:
Yeas 4; Nays 4; Absent 0; Present 1.
Attest:- D. Margaret Drury, City Clerk.

COUNCILLOR TRIANTAFILLOU HAS FILED RECONSIDERATION ON THIS MATTER.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.113 entitled: "Privatization of City Services," which reads as follows:

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

2.113.020 Definitions

As used in this ordinance, the following words shall have the following meanings:

"City" or "Agency" - an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract" - an agreement or combination or series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more, which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.113 entitled: "Privatization of City Services," which reads as follows:

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

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2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

FIRST PUBLICATION NO. 2673

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.113 entitled: "Privatization of City Services," which reads as follows:

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
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2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

2.113.020 Definitions

As used in this ordinance, the following words shall have the following meanings:

"City" or "Agency" - an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract" - an agreement or combination or series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more, which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

Passed to a second reading at the City Council meeting held on March 20, 1995 and on or after April 3, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

CCM-101

City of Cambridge

IN CITY COUNCIL

October 17, 1994

COUNCILLOR TOOMEY
COUNCILLOR BORN

ORDERED: That the attached amendment to the Municipal Code of Cambridge entitled "Regulating the Privatization of City Service" be referred to the City Manager and the City Solicitor; and be it further

ORDERED: That the Law Department prepare the appropriate form of the attached and upon completion, said draft be referred to the Ordinance Committee for its review.

In City Council October 17, 1994.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- D. Margaret Drury

D. Margaret Drury,
City Clerk

THE CITY OF CAMBRIDGE

An Act Regulating the Privatization of City Services

There is hereby added to the Municipal Code of Cambridge, Chapter __, which shall read as follows:

Chapter __ . The Privatization of City Services.

A. The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

B. As used in this ordinance, the following words shall have the following meanings: -

"City" or "Agency" an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract", an agreement or combination of series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

C. The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

(1) The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public records, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or affect of avoiding any requirement of this section.

(2) For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement requirement by paragraph (1) shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by

collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

(3) Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

(4) The City Manager shall prepare a comprehensive written estimate of the costs of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees' providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to paragraph (1) and after notice and opportunity,, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to paragraph (6). Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to paragraph (1) which time the estimate shall become a public record, shall be filed in the City Manager's office and shall be transmitted to the City auditor and sub-committee of the City Council for review.

(5) After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

(6) After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

(7) The City Manager shall certify in writing to the City auditor and City Council that:

(i) he has complied with all provisions of this ordinance and of all other applicable laws;

(ii) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to paragraph (1), and to equal or exceed the quality of services which could be provided by regular City employees pursuant to paragraph (4);

(iii) the contract cost pursuant to paragraph (6) will be less than the estimated cost pursuant to paragraph (4), taking into account all comparable types of costs;

(iv) the designated bidder and its supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any

relevant federal or state regulatory statue including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(v) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City auditor and City Council.

D. (a) the City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section B.(7), the City auditor or City Council notifies the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this ordinance, including that the City auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by paragraph (7) of said Section C.

(b) For the purpose of reviewing the City's compliance and certificate pursuant to said Section C, the City auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

CCM-101

City of Cambridge

IN CITY COUNCIL

October 17, 1994

COUNCILLOR TOOMEY
COUNCILLOR BORN

ORDERED: That the attached amendment to the Municipal Code of Cambridge entitled "Regulating the Privatization of City Service" be referred to the City Manager and the City Solicitor; and be it further

ORDERED: That the Law Department prepare the appropriate form of the attached and upon completion, said draft be referred to the Ordinance Committee for its review.

In City Council October 17, 1994.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- D. Margaret Drury

D. Margaret Drury,
City Clerk

THE CITY OF CAMBRIDGE

An Act Regulating the Privatization of City Services

There is hereby added to the Municipal Code of Cambridge, Chapter __, which shall read as follows:

Chapter __ . The Privatization of City Services.

A. The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

B. As used in this ordinance, the following words shall have the following meanings: -

"City" or "Agency" an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract", an agreement or combination of series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

C. The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

(1) The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public records, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or affect of avoiding any requirement of this section.

(2) For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement requirement by paragraph (1) shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by

collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

(3) Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

(4) The City Manager shall prepare a comprehensive written estimate of the costs of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees' providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to paragraph (1) and after notice and opportunity,, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to paragraph (6). Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to paragraph (1) which time the estimate shall become a public record, shall be filed in the City Manager's office and shall be transmitted to the City auditor and sub-committee of the City Council for review.

(5) After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

(6) After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

(7) The City Manager shall certify in writing to the City auditor and City Council that:

(i) he has complied with all provisions of this ordinance and of all other applicable laws;

(ii) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to paragraph (1), and to equal or exceed the quality of services which could be provided by regular City employees pursuant to paragraph (4);

(iii) the contract cost pursuant to paragraph (6) will be less than the estimated cost pursuant to paragraph (4), taking into account all comparable types of costs;

(iv) the designated bidder and its supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any

relevant federal or state regulatory statue including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(v) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City auditor and City Council.

D. (a) the City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section B.(7), the City auditor or City Council notifies the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this ordinance, including that the City auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by paragraph (7) of said Section C.

(b) For the purpose of reviewing the City's compliance and certificate pursuant to said Section C, the City auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

DRAFT--February 17, 1995

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

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2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

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of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

April 5, 1995

To: Mayor Reeves, Vice Mayor Russell, Councillors Born, Triantafillou, Sullivan, Toomey, Myers, Duehay, Galluccio.

From: John Moot, 44 Coolidge Hill Rd. Cambridge

Subject: **A Residency Requirement for City Employees**

A residency requirement for City employees is not in the best interest of the residents of Cambridge.

1.- It inevitably will lead to limitations of job opportunities for Cambridge residents. Other communities in metropolitan Boston will retaliate and adopt similar regulations, as Somerville and Boston already have. Do Cambridge workers wish to give up the opportunity of jobs in adjacent communities in exchange for a lock on the municipal jobs in Cambridge?

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C. C. 106

City of Cambridge

The Ordinance Committee held a public hearing on February 28, 1995, beginning at 6:45 p.m. in the Sullivan Chamber for the purpose of a proposed amendment to the Municipal Code to regulate the privatization of city services. (Attachment A).

Present at the hearing were Councillor Francis H. Duehay who chaired the Committee, Councillor Kathleen L. Born, Councillor Timothy J. Toomey, Jr., Councillor Anthony D. Galluccio, and City Clerk D. Margaret Drury. Also present were City Manager Robert W. Healy, Deputy City Solicitor Donald Drisdell, Personnel Director, Michael Gardner and Assistant to the City Manager, Ellen Semonoff.

Councillor Duehay convened the meeting and explained the purpose. He noted that the proposal originated with Councillor Toomey and invited him to make a presentation.

Councillor Toomey stated that this proposed ordinance is based on state legislation enacted in 1993 and commonly referred to as "the Pacheco Bill." He added that this ordinance will save money for the city by ensuring that the citizens of Cambridge receive high quality public services at low cost. Councillor Toomey noted that privatization has often been more costly and has been the source of blatant cronyism.

Councillor Toomey stated that his proposed ordinance will ensure that if privatization occurs citizens will benefit and longtime employees will be protected. He noted that this ordinance would prevent the methods that the MBTA has used to privatize bus routes which have been critized by the City Council. Councillor Toomey moved that it be forwarded to the full City Council.

Councillor Born asked if the impetus for introducing the proposed ordinance comes from the State's experience with privatization. Councillor Toomey said that the impetus was the privatization of certain services at the Cambridge Hospital. If privatization occurs, it should save money and not sacrifice hard working employees.

Councillor Duehay then invited testimony from those in favor of the proposal. There was none.

Councillor Duehay then invited testimony in opposition to the proposal.

Robert W. Healy, City Manager, expressed his opposition to the proposed ordinance. He submitted and read a written statement setting forth the basis of his opposition. (Attachment B)

Mr. Robert W. Healy, City Manager, noted that the City has used privatization to provide cost effective and efficient services. There are many city services performed by private contractors. He noted that there are no unions at this hearing to support this proposal. The City has always engaged in appropriate negotiations with the union when privatization is an issue.

Councillor Toomey stated that he views this ordinance as a longterm protection of goals which he is sure that he and Mr. Healy share. Five or ten years from now, with the possibility of different leadership, the ordinance will still be there as a protection.

Councillor Born asked if the ordinance would govern union relations if it were passed. Robert W. Healy stated that the City would be bound by both the union contract and the ordinance.

Councillor Born asked how many services are now privatized that could not be under this ordinance, and how many unions would be impacted with relation to services currently perform by private parties, Mr. Healy said that agency nurses aides are used; curbside recycling uses Laidlaw; during heavy snowstorms private contractors do snow removal. In addition some building cleaning, some park maintenance, the management of the cafeteria and housekeeping at the Cambridge Hospital, Neville Manor, and street sweeping are all utilizing private services. All are services which would otherwise be performed by Local 195, except for agency nurses.

In response to a question from Councillor Born, Mr. Healy stated that this would not affect consultant services.

Robert W. Healy emphasized that there have been no layoffs on account of privatization. He also stated that there is always a fear of privatizing rubbish collection, but this is not something that he is considering recommending. Rubbish collection by city employees works well, and he does not want to change to change this.

Councillor Toomey's motion was passed unanimously on a voice vote, and the matter was referred to the full City Council without recommendations.

The hearing has adjourned at 7:18 p.m.

For the Committee

Francis H. Duehay
City Councillor

A

DRAFT--February 17, 1995

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

2.113.020 Definitions

As used in this ordinance, the following words shall have the following meanings:

"City" or "Agency" - an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract" - an agreement or combination or series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more, which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

B

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 28, 1995

To The Honorable, The City Council:

I would like to express my opposition to the proposed privatization ordinance. The City has never used privatization as a means to cut the public workforce. We have instead used it in a manner which has enabled the City to provide cost effective and efficient services. We have used it to enable the City to respond in a timely manner to new initiatives and regulatory requirements.

Our experience is quite contrary to the experience at the State level, where a less onerous privatization law was passed two years ago in the midst of great labor unrest at the state level in response to Governor Weld's big privatization push. We are not in the process of any privatization push.

We have not heard from any City union expressing particular concerns about privatization. We are well aware of and meet our obligations to negotiate with unions the privatization of existing services performed by union employees.

Our history of privatization of services illustrates the tremendous importance of the flexibility that limited use of privatization offers to the City. This flexibility is especially important today, as the Council heard last night, when the federal revenues to the City may be significantly reduced. In the face of those reductions and with the City at its levy limit, any new law which restricts the City's ability to provide services in the most efficient and cost effective manner possible should give the Council great pause.

There are serious inflationary costs associated with this proposed law. The law is inherently inflationary by requiring the City to pay private employees the same wages and equivalent health benefits as the City pays its employees. The City's health benefit package, in particular, is more generous than almost any private employers.

There are numerous successful examples of the City's privatization efforts. For example, several years ago, in response

to City Council and state regulatory initiatives, the City began its curb side recycling program. We negotiated with the unions that there would be no layoffs. Had the City been forced to invest in all the capital equipment required, we would not have been able to provide weekly pickup of recycling.

There are currently a large number of city services that are performed by private contractors or that are performed by a combination of city workers and private contractors. I would urge the Council not to consider adoption of this proposed ordinance and to leave the City with the maximum flexibility for the future provision of services.

Very truly yours,

Robert W. Healy
City Manager

Committee Report #2

A communication was received from
D. Margaret Drury, City Clerk, transmitting
a report from Councillor Duehay, Chair
of the Ordinance Committee for a public
hearing held on February 28, 1995
for the purpose of a proposed
amendment ot he Municipal Code to regulate
the privitization of city services.

6/26/95 - Failed of Adoption
Reconsideration filed
by Councillor Triantafillou
4-4-0-1.

In City COuncil March 20, 1995

Report accepted
Passed to a second
reading.

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Timothy J. Toomey, Jr.
City Councillor

MEMORANDUM

TO: The Honorable, The City Council

FROM: Councillor Timothy J. Toomey, Jr.

DATE: December 14, 1995

SUBJECT: **Privatization of City Services**

* * * *

C. Triantafillou

RESOLVED: The City Council hereby finds and declares that using private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that citizens of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of Cambridge and the needs of public and private workers, the City Council finds it necessary to request that the City Manager be and hereby is requested to provide the City Council with a list of city services that have been privatized during the past year; and be it further

RESOLVED: That the City Council express its strong support that City services not be "privatized" unless a compelling need is shown.

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council 6/26 1995

Unfinished Bus # 16

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	✓			Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
	✓			Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
			✓	Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
4	4	0	1	

C. C. 106

City of Cambridge

(1)

MASSACHUSETTS

In City Council 7/31 1991

Reconsideration

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	✓			Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
	✓			Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
5	4	0	0	

C. C. 106

City of Cambridge

(2)

MASSACHUSETTS

C. Sullivan Recognized ~~[illegible]~~ Table Ordinance on privatization

In City Council 7/31 1995

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	✓			Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
5	4	0	0	

C. C. 106

(3)

City of Cambridge

MASSACHUSETTS

C. Trim's order

In City Council 7/31 1995

C. Toomey Financial Analysis of whether ~~[illegible]~~ privatization savings by ~~[illegible]~~ City Auditor

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves
9	0	0	0	

C. Trianta Fillou

by ~~9~~ Sept 11 C. Sullivan cured friendly

RESOLVED: The City Council hereby finds and declares that using private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that citizens of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of Cambridge and the needs of public and private workers, the City Council finds it necessary to request that the City Manager be and hereby is requested to provide the City Council with a list of city services that have been privatized during the past year; and be it further

RESOLVED: That the City Council express its strong support that City services not be "privatized" unless a compelling need is shown.

~~further resolved. That proposed and be placed on the table~~

TT with indep
Financial analysis ~~by indep~~ of whether any savings to be done by the City Auditor

CCM-101

City of Cambridge

RECONSIDERATION # 1

IN CITY COUNCIL

July 31, 1995

COUNCILLOR TRIANTAFILLOU

RESOLVED: The City Council hereby finds and declares that using private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that citizens of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of Cambridge and the needs of public and private workers, the City Council finds it necessary to request that the City Manager be and hereby is requested to provide the City Council with a list of city services that have been privatized during the past year; and be it further

RESOLVED: That an independent consultant, the City Auditor and not the Personnel Director do the financial analysis of the funds saved by privatization of previously provided services; and be it further

RESOLVED: That the City Council express its strong support that City services not be "privatized" unless a compelling need is shown; and be it further

RESOLVED: That the City Manager be and hereby is requested to report back to this City Council by September 11, 1995 on this matter.

In City Council July 31, 1995.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

C. Triantafillou

RESOLVED: The City Council hereby finds and declares that using private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that citizens of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of Cambridge and the needs of public and private workers, the City Council finds it necessary to request that the City Manager be and hereby is requested to provide the City Council with a list of city services that have been privatized during the past year; and be it further

RESOLVED: That the City Council express its strong support that City services not be "privatized" unless a compelling need is shown.

C. Sullivan

Report back by Sept. 11, 1995.

C. Toomey

An independent consultant and not the personnel Director do the financial analysis of the funds saved by privitization. of previously provided services the City Auditor.

9-0-0-0

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

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

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.113 entitled: "Privatization of City Services," which reads as follows:

Chapter 2.113

PRIVATIZATION OF CITY SERVICES

Sections:

2.113.010 Findings.
2.113.020 Definitions.
2.113.030 Procedures and requirements for entering into privatization contracts
2.113.040 Certification to City Auditor and City Council

2.113.010 Findings

The City Council recognizes that the use of private contractors to provide public services formerly provided by City employees does not always promote the public interest. To ensure that the citizens of the City of Cambridge receive high quality public services at low cost, with due regard for the taxpayers of the City of Cambridge and the needs of public and private workers, the City Council finds it necessary to regulate such privatization contracts in accordance with this ordinance.

2.113.020 Definitions

As used in this ordinance, the following words shall have the following meanings:

"City" or "Agency" - an executive office, department, division, board, commission or other office or officer in the executive branch of the government of the City of Cambridge.

"Privatization Contract" - an agreement or combination or series of agreements by which a non-governmental person or entity agrees with the City to provide services, valued at $5,000 or more, which are substantially similar to and in lieu of services theretofore provided, in whole or in part, by regular employees of the City. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization contract. An agreement solely to provide legal, management, consulting, planning, engineering, or design services shall not be considered a privatization contract.

2.113.030 Procedures and requirements for entering into privatization agreements

The City shall not make any privatization contract and no such privatization contract shall be valid unless the City complies with each of the following requirements:

A. The City Manager shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard of quality of the subject services. The City shall solicit

competitive sealed bids for the privatization contracts based upon this statement. The day designated by the City upon which it will accept the sealed bids shall be the same day for any and all parties. The statement shall be of public record, shall be filed in the City Manager's office and with the City Council, and shall be transmitted to a subcommittee of the City Council, established and appointed by the Mayor for this purpose. The term of any privatization contract shall not exceed three years. No amendment to a privatization contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

B. For each position in which the bidder will employ any person pursuant to the privatization contract and for which the duties are substantially similar to the duties performed by a regular City employee or employees, the statement required by subsection A or this section shall include a statement of the minimum wage rate to be paid for said position, which rate shall be the lesser of Step 1 of the grade or classification under which the comparable or regular City employee is paid, or the average private sector rate for said position as determined by the Executive Office for Administration and Finance of the Commonwealth of Massachusetts from data collected by the Department of Employment and Training and the Division of Purchased Services of the Commonwealth of Massachusetts. Every bid for a privatization contract and every privatization contract shall include provision specifically establishing the wage rates for each such position, which shall not be less than the said minimum rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to the percentage paid by the City for City employees, of the cost of health insurance plans for every employee employed for not less than 20 hours per week pursuant to such contract. Such health insurance plan shall be substantially equivalent to the health insurance plans provided by the City of Cambridge for its employees covered by collective bargaining agreements. Each contractor shall submit quarterly payroll records to the City and to the City Council subcommittee established by the Mayor for this purpose listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter. Any interested party, including any labor organization, who represents employees in the City of Cambridge, may bring a civil action for equitable relief in the superior court to enforce this provision or to prevent or remedy the dismissal, demotion or other action prejudicing any employee as a result of a report of violation of this paragraph.

C. Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose employment is terminated because of the privatization contract and who satisfies the hiring criteria of the contractor. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by chapter one hundred and fifty-one B of the General Laws of the Commonwealth of Massachusetts, and to take affirmative steps to provide such equal opportunity for all such persons.

D. The City Manager shall prepare a comprehensive written estimate of the costs

of regular City employees' providing the subject services in the most cost-efficient manner. The estimate shall include all direct and indirect costs of regular City employees providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. For the purpose of this estimate, any employee organization may, at any time before the final day for the City to receive sealed bids pursuant to subsection A of this section and after notice and opportunity, propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this paragraph below the contract cost pursuant to subsection F of this section. Such estimate shall remain confidential until after the final day for the City to receive sealed bids for the privatization contract pursuant to subsection A of this section at which time the estimate shall become a public record, shall be filed in the City Manager's office, and shall be transmitted to the City Auditor and sub-committee of the City Council for review.

E. After consulting any relevant employee organization, the City shall provide adequate resources for the purpose of encouraging and assisting present City employees to organize and submit a bid to provide the subject services. In determining what resources are adequate for this purpose, the City shall refer to an existing collective bargaining agreement of a similar employee organization whose members perform the subject services, if available, which agreement provides similar resources in Cambridge or elsewhere in Massachusetts; provided, however, that if no such collective bargaining agreement exists, the City shall refer to any existing collective bargaining agreements providing such resources, and shall provide such resources at the minimum level of assistance provided in said agreements. The City shall consider any such employee bid on the same basis as all other bids. An employee bid may be made as a joint venture with other persons.

F. After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The City Manager shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional retirement or other benefits, if any, and of monitoring and otherwise administering contract performance.

G. The City Manager shall certify in writing to the City Auditor and City Council that:

(1) he has complied with all provisions of this ordinance and of all other applicable laws;

(2) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subsection A of this section, and to equal or exceed the quality of services which could be provided by regular City employees pursuant to subsection D of this section;

(3) the contract cost pursuant to subsection F of this section will be less than the estimated cost pursuant to subsection D of this section, taking into account all comparable types of costs;

(4) the designated bidder and its

supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

(5) the proposed privatization contract is otherwise in the public interest.

A copy of the proposed privatization contract shall accompany the certificate transmitted to the City Auditor and City Council.

2.113.050 Certification to City Auditor and City Council

A. The City shall not make any privatization contract and no such contract shall be valid if, within thirty days after receiving the certificate required by section 2.113.040(G) of this chapter, the City Auditor or City Council notify the City Manager of their objection. Such objection shall be in writing and shall state specifically that the City Manager has failed to comply with one or more requirements of this chapter, including that the City Auditor finds incorrect, based on independent review of all the relevant facts, any of the findings required by section 2.113.040(G) of this chapter.

B. For the purpose of reviewing the City's compliance and certificate pursuant to said section 2.113.040(G), the City Auditor or the City Council may require by summons the attendance and testimony under oath of witnesses and the production of books, papers and other records relating to such review. All provisions of law relative to summonses in civil cases, including the manner of service, the scope and relevance to such review, and the compensation of witnesses who are not City employees, shall apply to such summonses.

RECEIVED BY
OFFICE OF CITY CLERK
1995 JUN 27 AM 9:05
CAMBRIDGE MA.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR _____

_____
Date

Councillor Triantafillou has notified the City Clerk of her intention to move reconsideration of the vote taken on June 26, 1995 failing to pass to be ordained a proposed amendment to the Municipal Code to create a new Chapter 2.113 entitled "Privatization of City Services."

Katherine Triantafillou
Signature

1. Cal # 9 O-744

Reconsideration filed by Councillor Triantafillou on the vote taken on June 26, 1995 failing to pass to be ordained a proposed amendment to the Municipal Code to create a new Chapter 2.113 entitled "Privatization of City Services."

12/18/95 - Failed to pass to be Ordained 5-2-0-2

In City Council,

July 31, 1995

Reconsideration Prevailed 5-4-0.

Order submitted by Councillor Triantafillou

Councillor Sullivan submitted amendment to Councillor Triantafillou's Order.

Councillor Sullivan tabled Ordinance 5-4-0.

Councillor Toomey submitted amendment to Triantafillou's order.

Order adopted 9-0-0