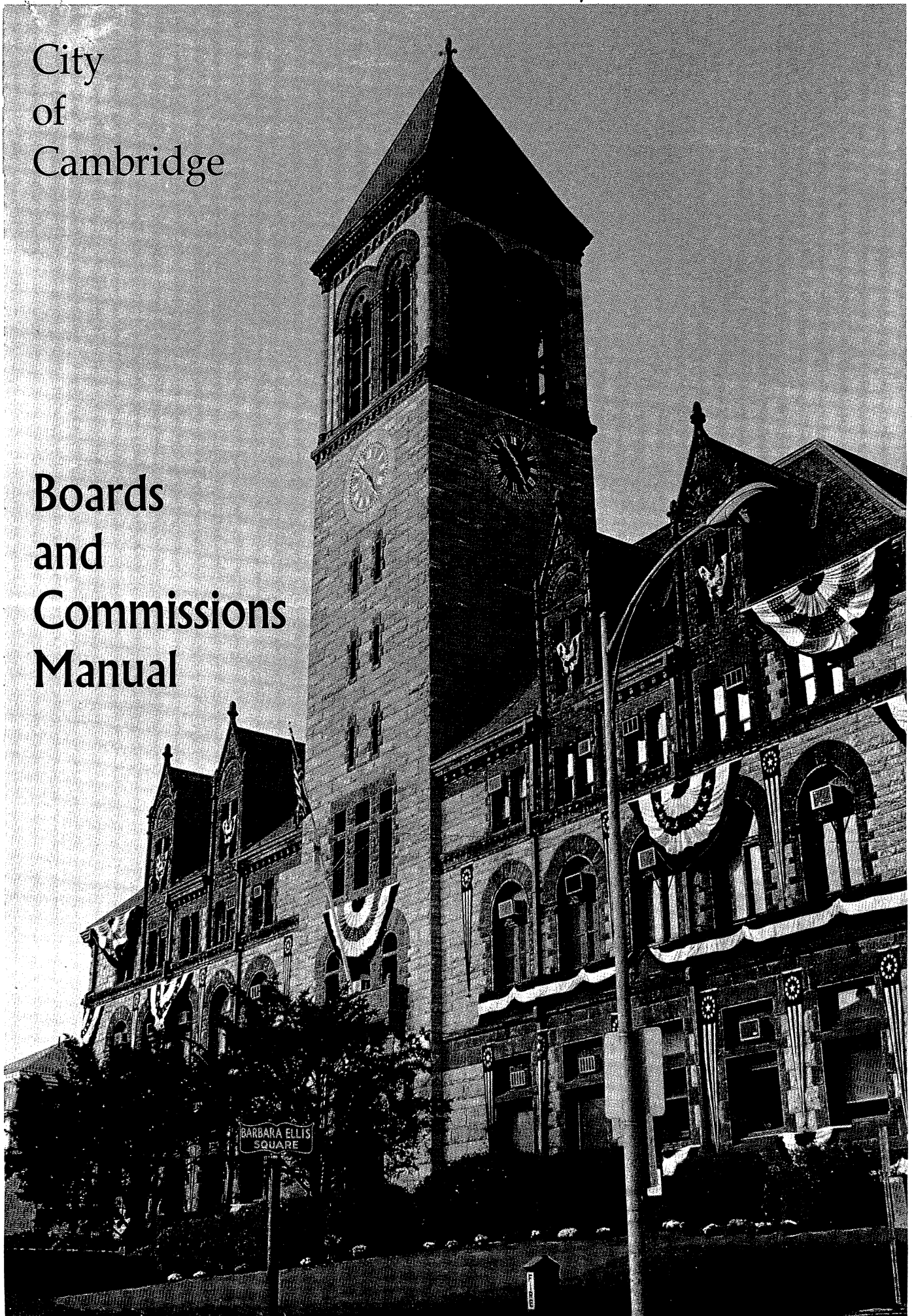


Consent Agenda #22

City
of
Cambridge

Boards
and
Commissions
Manual



ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

Printed: November 1997
Cambridge City Hall, Cambridge, MA

Prepared by: Marcia Brathwaite, Management Intern - 1997
City Manager's Office

Photo: Cambridge City Hall dressed up in celebration of the
City's 150th Year of Incorporation

Photographer: Jing Wu



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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

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To Current and Prospective Members of Cambridge's Boards and Commissions:

The lifeblood and vitality of any City is reflected by the commitment and character of citizens who serve through personal involvement in City government. Therefore, an important goal and commitment of the City is to broaden citizen involvement in the function of its government. Many opportunities to contribute exist in the City, and are open to all members of the Cambridge community.

Many of you have already expressed your commitment by serving on a board or commission, and have demonstrated tremendous contributions of talent, expertise and countless personal hours. It is concerned and active citizens, like yourselves, who are the driving force that keep the City of Cambridge a first-class City and proud community. Your enthusiasm, perseverance and insight help us face the challenge of meeting the diverse needs of our residents.

The purpose of this manual is to assist board and commission members as they serve the City, and provide information on the City's background, methods of operations, and relevant laws and ordinances. I hope it is a useful tool as you continue your involvement in civic affairs.

If you are not already a member of a board or commission, I hope this manual helps inform you of the myriad of opportunities to volunteer for the City, and the responsibilities you would be assuming. If you desire to become a member of a board of commission, please send a letter of application to the City Manager's Office for the board or commission of your choice. We look forward to hearing from you.

On behalf of the residents of the City of Cambridge, I take this opportunity to say thank you for what you have done, for what you are about to do, and what we can achieve together as a community.

Very truly yours,

Robert W. Healy
City Manager

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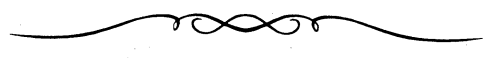
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INTRODUCTION

Input is the key to forming good goals. *Participation* is the method by which goals are accomplished.



The City of Cambridge encourages and promotes participation by residents in the decision-making process through participation in a variety of boards and commissions. The level of resident involvement in local government is growing, and with it the challenges and opportunities that will require the careful attention of our residents, City staff, City Council and City Manager working together towards common goals.

Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Thousands of individuals who live or work in Cambridge have served the City in a volunteer capacity in its three hundred plus year history. Contributions to many issues confronting the City are appreciated. Through service to Cambridge, individuals have a unique opportunity to understand and contribute to the working of City government.

Most notable is the appointment of residents to a number of boards and commissions. Selection for appointment is generally based on the following characteristics:

- A broad perspective and concern for the welfare and progress of the City.
- A familiarity with the City's history, issues and goals.
- An interest in the functions and area of responsibility of the particular commission.
- City residency, in many cases.
- A readiness to devote time and effort to carrying out the duties and responsibilities of the particular board or commission.
- A willingness to be aware of and understand the policies of the City.
- Balanced representation that reflects race, the City neighborhoods, perspectives, and gender.

This manual has been prepared by the City Manager's Office as a general informational aid to members of the City's boards and commissions and persons interested in serving on boards and commissions.

HISTORY AND DEMOGRAPHICS OF CAMBRIDGE

The City of Cambridge has a long and colorful history beginning in 1630, when a fleet of eleven ships carrying 700 passengers set sail from England, bound for the Massachusetts Bay Colony. This dedicated band of Puritans hoped to build a new way of living, centered around a purer, more Biblical church.

The newcomers settled several villages around Massachusetts Bay, but could not agree on a capitol. Seeking a protected site, John Winthrop and his assistants chose a small hill on the north bank of the Charles River, at the entrance to a creek, five miles upstream from Boston. The Charles was deep enough to accommodate the era's large ships, yet the passage was treacherous for those unfamiliar with the narrow channel – ensuring some safety for the settlers. Later a “pallysadoe,” a series of stockade fences with a trench, was built around the settlement for greater protection.

Newtowne, as Cambridge was known until 1638, was laid out in an orderly grid of streets, bounded today by Eliot Square and Linden Street, Massachusetts Avenue, and the River. Each family owned a house lot within the village, planting fields outside, and a share in the common land. Boston was eight long miles away; a ferry at the foot of what is now called JFK Street carried passengers over the River to a path – known today as North Harvard Street – that led through Brookline and Roxbury, eventually traversing the spit of land that is now Washington Street. Until the Great Bridge was built in 1660 to 1662, this was the *only* way to Boston, except on the Charlestown ferry. Soon, Newtowne had a meetinghouse, a school, and a marketplace (Winthrop Square). Harvard College was founded six years later, to train young men for the ministry and for positions of leadership within the godly community.

By the time of the American Revolution, Cambridge was a quiet New England farming village clustered near the Common and the College. The majority of residents were descendants of the original Puritans – farmers, artisans, and tradesmen – whose lives focused on Cambridge. Distinctly different were a small group of Anglicans, who lived apart from village affairs and entertained lavishly in grand homes along Tory Row (now Brattle Street). General George Washington used the Vassal-Craigie-Longfellow House as his military headquarters for nine months during 1775 and 1776. During that time, he supervised the construction of three earthenwork forts along the Cambridge side of the Charles River. The remains of Fort Washington can still be seen in Cambridgeport.

Cambridge became a City in 1846, uniting three rival villages – Old Cambridge, Cambridgeport, and East Cambridge. Old Cambridge had grown slowly and still retained its charming rural character. Small shops catered to the community and to students. Drawn by Harvard, and later Radcliffe College, brilliant men and women such as Henry Wadsworth Longfellow, James Russell Lowell, Elizabeth Cabot Cary Agassiz (founder of Radcliffe), and William Dean Howells were all seen on the streets of the village.

The opening of the West Boston Bridge (now Longfellow) in 1793 offered the first direct route from Cambridge to Boston and cut the distance between the two from eight to three miles. Cambridgeport grew up along the roads leading to this bridge. Pleasant residential neighborhoods spread out from Massachusetts Avenue, while Central Square became the new City's true downtown area. Margaret Fuller, writer and editor – and the first woman allowed to use the Harvard College library – grew up in Cambridgeport, where her house still stands today.

East Cambridge was opened for development in 1809, when the Canal Bridge (adjacent to the present Museum of Science) was completed. The area was the City's major industrial center until the 1880s. Furniture and glass factories were among the industries attracted by cheap land, water transportation, and the proximity to Boston.

The devastating potato blight that struck Ireland in 1845 caused many of that country's rural population to flee. Many of these Irish immigrants worked in the clay pits and brickyards of North Cambridge, housed in crowded workers' cottages. The majority of the City's Irish families lived in East Cambridge, laboring at unskilled jobs in the glass works and furniture factories. By 1855 more than 22% of the adults in East Cambridge were Irish-born.

Around the turn of the century, immigrants from Italy, Poland, and Portugal began to arrive in the City, settling primarily in Cambridgeport and East Cambridge. French Canadians and Russian Jews came at this time as well, settling in North Cambridge and Cambridgeport, respectively.

A small population of African-Americans had lived in Cambridge from the earliest colonial days, and in the early 19th century, Cambridge's integrated schools attracted many families from Boston. Harriet Jacobs, who was born a slave in North Carolina, ran a Cambridge boarding house in the 1870s. She had lived in hiding for seven years before escaping to the North and later wrote an account of her years in bondage – *Incidents in the Life of a Slave Girl*. Educator Maria Baldwin, a native Cantabrigian, held home study classes for Harvard's Black students, including W.E.B. DuBois. In 1889, she was appointed headmaster

of the Agassiz School, the first African-American to hold such a position in the North. Twenty markers commemorating prominent Cambridge African-Americans have been erected throughout the City. Directions to the sites, along with the narrative text, may be obtained at the Cambridge Historical Commission, located in the Lombardi Building right next to City Hall.

Physically, the City of Cambridge is located in southeast Middlesex County across the Charles River from the City of Boston. Cambridge is bordered by the towns of Watertown and Belmont on the east, and the town of Arlington and the City of Somerville on the north; it occupies a land area of 6.26 square miles. According to the U.S. Bureau of Census, the City's estimated population in calendar year 1990 was 95,802, down from a 1950 peak of 120,740.

Cambridge is known throughout the world as a university City. Harvard, one of America's oldest universities, was established here in 1636, just six years after the City itself was founded. It is also home to Radcliffe College, Lesley College, Cambridge College, and the Massachusetts Institute of Technology. Over one-fourth of its residents are students, and over one-sixth of all jobs are in these institutions. Yet Cambridge is more than a college town – blue collar workers rub shoulders with professionals, political activists, street musicians, and immigrants from around the world.

As in the past, Cambridge is a port of first arrival for immigrants from many nations; it is where they first settle when moving to the United States. More than one in five residents is foreign-born--compared to only one in ten of the state's population. Major immigrant groups in Cambridge today include: Latin Americans, Haitians, Portuguese, Chinese, Koreans, Cape Verdeans, and people from the West Indies – Barbados, Jamaica, and Trinidad.

Students from 82 nations attend the public schools, and their families speak 46 different languages. Almost 25% of Cambridge's population speaks a language other than, or in addition to, English. Some of these foreign languages include: Spanish, Haitian Kreyol, Portuguese, Chinese, and Korean. Some of the most common ancestries cited by Cambridge residents at the time of the 1990 Census included: Chinese, English, German, Irish, Italian, Portuguese, Russian, and West Indian. Since the City is committed to serving such a varied population, it is vitally important that respect for all people, their cultures, and traditions be demonstrated by the actions of representatives of the City.

Cambridge has long been an industrial innovator, producing America's first factories for ladders, piano keys, and waterproof hats – not to mention mechanical egg beaters. At one point, it was the third largest industrial center in the Commonwealth. Now former factory buildings house biotechnology and

computer software firms, along with other emerging technologies. Today, Cambridge is a unique community in its mix of cultural and social diversity, intellectual vitality, and technical innovation. The City is home to internationally-known institutions of higher learning and cutting-edge biotechnology firms – and also the NECCO Wafer, Junior Mint and Squirrel Nut Zippers.

The fastest growing sector of the economy today is the medical and biotechnical area, including biotechnology firms, hospitals, medical laboratories, and medical instrument makers. Nearly two-thirds of all local jobs are in services. Major occupations in the City include: government, finance, insurance, real estate, and transportation. In fact, almost two-thirds of all local jobs are considered to be in the service industries. The largest employers in Cambridge include: Harvard University, MIT, the City government itself, Mt. Auburn Hospital, and IBM/Lotus Development Corporation. Median family income in 1990 was \$39,990, compared to \$17,485 in 1979.

On the whole, Cambridge residents live closely together – only six U.S. cities with populations over 75,000 are more densely populated. However, there is wide variation within the City's 13 neighborhoods. According to the 1990 Census, only 582 people live in Cambridge Highlands, while 13,006 live in Mid-Cambridge.

This section was compiled by Lindsey Fields, Personnel Department, through information from the Cambridge Historical Commission and other sources.

STRUCTURE OF CAMBRIDGE GOVERNMENT

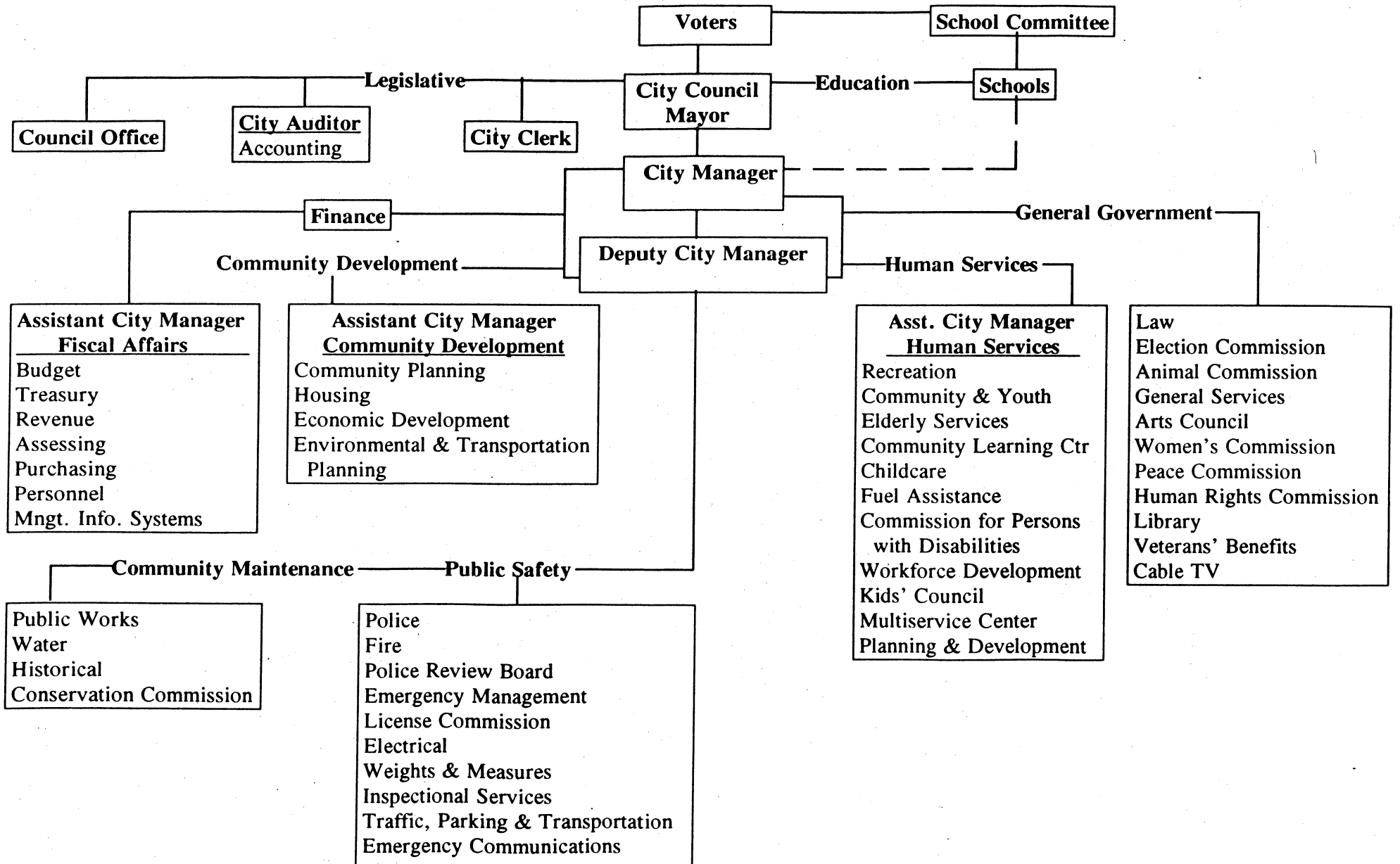
The City operates under the Council-Manager, also known as the Plan E, form of government. The legislative and policy-making body of the City is the nine-member City Council whose members are elected for two-year terms. The Council elects a Mayor and Vice Mayor from among its members; the Mayor serves as the Chair of the City Council and the School Committee.

The City Manager is the chief executive officer for the City and carries out the policies of the City Council. With the assistance of the Deputy City Manager and staff, he coordinates the functions of 40 municipal departments responsible for the delivery of services to residents. The City Manager is appointed by the City Council.

The School Committee, comprised of six elected members plus the Mayor, is elected for two year terms. The School Superintendent is responsible for the day-to-day activities of the School Department and is appointed by the School Committee.

ORGANIZATIONAL CHART

City of Cambridge, Massachusetts



RESPONSIBILITIES OF BOARDS AND COMMISSIONS

MEMBERSHIP

a. **Appointments**

The City Manager makes all appointments for boards and commissions listed in this manual, except where otherwise noted. Residents can apply by sending a letter of application to the City Manager for the board or commission of their choice, or by expressing general interest in serving on any board or commission.

b. **Duration of Appointments**

Appointment lengths vary. Some appointments are for the duration of a project, some yearly. The most common length of a term is three years, however, members serve until they are replaced or reappointed.

c. **Duties and Categories of Boards and Commissions**

Many boards and commissions are connected to a City department or agency. Unless specified otherwise, the department head reports to the City Manager, and the staff report to the Department Head. All requests from members of boards or commissions must be made through the Department Head, never to staff directly.

The City's legal department is available to offer further clarification of the roles of boards and commissions.

Boards and commissions have advisory, executive, regulatory or permitting authority. Some like the Conservation Commission, the Historical Commission and the Zoning board of Appeals, have specific statutory responsibilities from Massachusetts General Laws. Others like the Women's Commission and the Recycling Committee provide advice on programs and services.

Following is an explanation and listing for each authority. Many boards have authority that fall in more than one category, but are listed in the area under which their predominant responsibility falls.

Advisory Authority

Boards and commissions with advisory authority recommend action by the Department Head and the City Manager.

- Advisory Committee on Environmentally Desirable Practices
- Affirmative Action Advisory Committee
- Arts Council
- Arts Council, Public Art Committee
- Bicycle Committee
- Central Square Advisory Committee
- Commission for Persons with Disabilities
- Commission on the Status of Women
- Council on Aging
- Harvard Square Advisory Committee
- Human Services
- Kids' Council (Coordinating Council for Children, Youth and Families)
- Peace Commission
- Pedestrian Committee
- Consumer Advisory Commission
- Library Board of Trustees
- Public Health Commission
- Public Planting Committee
- Recycling Advisory Committee
- Water Board

Executive Authority

Executive boards and commissions establish policy, and/or supervise departmental operations through an executive officer who is the administrative head of the authority.

- Affordable Housing Trust Board
- Cambridge Housing Authority*
- Cambridge Industrial Development Financing Authority
- Cambridge Redevelopment Authority*

* City Council confirmation of appointments is required.

Permitting Authority

Boards and commissions with permitting authority are empowered to determine whether permits should be issued in accordance with the ordinances of the City and Massachusetts General Laws.

- Board of Examiners
- Board of Zoning Appeals
- Conservation Commission
- License Commission
- Planning Board
- Pole, Conduit Commission

Regulatory Authority

Regulatory boards and commissions have responsibilities relating to the application and enforcement of laws and regulations, and have the power to adjudicate disputes regarding the application of laws and regulations; to issue permits or licenses; and to hear appeals from aggrieved persons complaining about administrative actions.

- Animal Commission
- Biohazards Committee
- Board of Assessors
- Consumer Advisory Commission
- Election Commission
- Half Crown Neighborhood Conservation District Commission
- Historical Commission
- Human Rights Commission
- Mid-Cambridge Neighborhood Conservation District Commission
- Police Review and Advisory Board
- Retirement Board
- Traffic Board

d. **Leadership**

Unless otherwise specified in the board's or commission's authorizing document, the chair and other officers of every board and commission are chosen by the voting members of that committee. The name of the chair should be made known to the City Manager's Office to facilitate communications with that group.

e. **Resignations**

A resignation must be submitted in writing to the chair and the City Manager.

f. **Filling Vacancies**

1. When a vacancy occurs, notice is to be provided to newspapers of local circulation that a vacancy exists and that the City Manager is soliciting applicants for the position.
2. The board or commission (and the City Manager's Office) shall maintain a list of interested candidates, even when vacancies do not exist, and these applicants are considered along with those who respond to the public notice.
3. Recommendations for reappointments at the expiration of a term should be carefully evaluated and based on attendance, contribution and whether the composition of the board or commission meets the criteria set fourth in (4).
4. Every reasonable effort should be made to recommend individuals who provide a balance to the total membership of the board or commission taking into consideration, race, gender, ethnicity, geographical and philosophical balance and subject matter competency.
5. Any submittal of recommended appointments to the City Manager shall be in a number twice the number of vacancies to be filled so that the City Manager has a choice that will enhance the compliance with the issue of balance referred to in item (4).
6. While the City Manager recognizes the fact that these appointments are voluntary and time-consuming positions, a thorough effort must be made to broadly balance the membership.
7. Copies of interested parties' resumes that are sent directly to the board or commission shall be copied and sent to the City Manager's Office, and the reverse will also occur.

MEETINGS

a. **Location**

A regular meeting schedule should be established to suit the needs and convenience of the members. Meetings must be held in a public location that is *wheelchair accessible*. A list of the locations of accessible meeting rooms within the City, which includes the telephone number to reserve the room and the seating capacity, is included on page 17 of this manual.

b. **Public Meetings**

Massachusetts General Laws, Chapter 39, Section 23A, et seq., also known as the Open Meeting Law, requires a governmental body to have meetings that are open to the public. A governmental body refers to every board or commission, committee or subcommittee, however elected, appointed or otherwise constituted.

Any meeting called by a board or commission must be an open meeting if a quorum will be in attendance. If a sub-committee has decision-making authority or is large enough to constitute a quorum of the board, these meetings must also be open to the public.

The Open Meeting Law also requires that notice of the meeting which includes date, time and place, be posted with the City Clerk 48 hours in advance of the meeting. Saturdays can be counted in the 48 hours; however, Sundays cannot. Emergency meetings can be held with 24-hour notice, but the emergency must be an emergency of the City and not of an individual. Ideally, seven days notice is desirable for notice to the public through the newspaper and/or cable television. Sample notices are included in Appendix I.

c. **Public Hearings**

Public hearings are held for the purpose of gathering information, and hearing testimony, from which a board or commission can draw a conclusion. A board or commission will need to hold public hearings if it is governed by particular provisions of Massachusetts General Laws.

Appendix II gives guidelines for conducting a hearing.

d. **Executive Sessions**

An executive session is any meeting of a government body which is closed to the public for deliberation on certain matters. The purposes for which a governmental body may vote to go into executive session are strictly limited by the Massachusetts General Laws, Chapter 39, Section 23B. This section is complex, therefore legal advice should be sought through the City Manager's office before such an executive session is called. See Appendix III for a copy of this law.

e. **ADA Compliance**

In compliance with the Americans with Disabilities Act (ADA), the City of Cambridge does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. The City does not discriminate on the basis of disability in its hiring or employment practices. When necessary to achieve equally effective communication in City activities, programs and services, auxiliary aids and services are provided upon request to qualified individuals with disabilities. Examples of such auxiliary aids and services include sign language interpreters and written materials in alternative formats, such as large print, Braille and cassette tape. Reasonable modifications in policies and procedures are also provided where necessary to ensure access to City activities, programs and services. For more information contact the City ADA Coordinator at (617) 349-4652 or (617) 492-0235 (TTY/TDD).

f. **Minutes**

A written record of all meetings is required by Massachusetts General Law, Chapter 39, Section 23B, which immediately becomes part of the public record. Minutes must contain:

- Date, time and place
- Names of members present and absent
- Action taken at each meeting
- A record of all votes
- A record of any vote to enter an executive session and the reason
- A summary of the discussion

Minutes should be approved by the members at the next regularly scheduled meeting. After approval, all minutes should be maintained in a permanent file.

If a tape recorder is used during meetings, that taped record is also part of the public record until formal minutes are adopted. They can then be erased or reused. Participants and/or members of the public are allowed to videotape or audio record the meetings.

g. **Staff Support**

Minutes of meetings and mailings are usually done by the Clerk of the board or commission. Some boards have members rotate for minute-taking so that one member is not over taxed with the responsibility. Some

commissions have paid City employees working for them. All appointments of such personnel are made by the City Manager. Commissions appointed by the City Manager do not have the power of appointment unless specifically authorized by the City Council or City Manager.

FINANCIAL MATTERS

Out-of-pocket expenditures directly related to the board or commission may be reimbursable and are generally covered by the operating budget of the department with which a board or commission works. Serving as a member of a board or commission is voluntary, therefore there is no salary allocation.

- a. **Submission of Bills.** All expenditures must be preapproved by City Department Heads for the board or commission, who will then process receipts for payment or reimbursement.
- b. **Turning in Receipts.** If your board or commission charges a fee for any of your services or programs, that money must be kept in a secure place and then turned over immediately to the Department Head for processing. To eliminate security problems, moneys should be turned in as they are received. Please keep in mind that unauthorized expenditures of public money for goods or services will not be reimbursed.

CONFLICT OF INTEREST LAWS

Members of boards and commissions must abide by state and local laws which govern conflict of interest and in certain cases, require financial disclosure.

- a. **The Massachusetts Conflict of Interest Law, Chapter 268A of the General Laws of Massachusetts**, enacted in 1962, sets a minimum standard of ethical conduct for all municipal employees and officials. The conflict law's goal is to promote confidence in our government and in the integrity of its officials. The conflict of interest law applies to City and town officials and employees - full-time, part-time, paid and unpaid positions and anyone who serves local government, either elected or appointed.

The State Ethics Commission, which enforces the conflict of interest law, is authorized to impose civil fines of up to \$2,000 for each violation of the law and to recover damages. In egregious cases, criminal penalties, including fines and terms of imprisonment may be imposed.

The Conflict of Interest Law prohibits all public employees either elected or appointed from seeking or receiving bribes, gifts, promises, or anything else of value in return for an official favor or a promise of action or inaction. In addition, the law prohibits public employees from accepting anything of value in exchange for committing any fraud on a state, county or municipal agency. The law also prohibits public employees from being influenced in giving testimony under oath or rendering themselves unavailable to testify.

This code prohibits any activities that could result in a conflict of interest or create the appearance of a conflict of interest (e.g. vested interest/ownership in a business being considered for contractual work by the board or commission). Exceptions to the law's prohibitions are limited to specific circumstances in which an overriding public interest is served by the exception or in which the relationship in question would not affect the employee's judgment. Misuse of position (e.g. using the position for personal gain, hiring of family members) is also prohibited.

- b. **Chapter 2.117 of the Cambridge Municipal Code** establishes standards of conduct for officials and employees of the City of Cambridge, in addition to those established by Chapter 268A of the Massachusetts General Laws.

Both of these laws are included in Appendices IV and V.

- c. **Chapter 2.118 of the Cambridge Municipal Code** establishes the process for financial disclosure by City officials and some members of boards and commissions who are required to file these forms each year. Appendix VI contains a copy of the ordinance and a sample form to be submitted. For specific information about your board or commission regarding this procedure, call the Election Commission at 349-4361.

PUBLIC MEETING ROOMS

LOCATION	ROOM	TO RESERVE	CAPACITY
795 Mass. Ave., <i>City Hall</i>	<i>Barbara Ackerman Room, 2nd flr.</i>	349-4280	30
	<i>Sullivan Chamber, 2nd flr.</i>	349-4280	100
831 Mass Ave.	<i>Lombardi Building Conf. Room</i>	349-6140	50
57 Inman St., <i>City Hall Annex</i>	<i>George Teso Room - 1st floor</i>	349-4700	15
	<i>Community Development Conference Room - 3rd floor</i>	349-4610	25
51 Inman St.	<i>Human Services - Conference Room - 2nd floor</i>	349-6200	25
Libraries			
449 Broadway	<i>Main Library - Sakey Lecture Hall</i>	349-4031/32	100
19 Pearl St.	<i>Central Square Library - Lewis Room</i>	349-4010	100
Cambridge Hospital & Health Centers			
1493 Cambridge St.	<i>Main Building, Board Room., 1st Floor</i>	498-1001	25
1493 Cambridge St.	<i>Main Building, Lecture Hall, 1st Floor</i>	498-1001	50
16 Camelia Ave.	<i>Macht Building, Auditorium, 2nd Floor</i>	498-1383	75
8 Camelia Ave.	<i>Nursing Offices, Conference Room</i>	498-1001	10
650 Cambridge St.	<i>East Cambridge Health Ctr., Conference Rm., 2nd Flr.</i>	498-1139	25
205 Western Ave.	<i>Riverside Health Center, Conference Room</i>	498-1109	20
105 Windsor St.	<i>Windsor Street Clinic, Conference Room</i>	498-1119	7
Cambridge Public Schools	To reserve a room in any public school, a form needs to be completed in advance. Fee charged. <i>Cafeteria, gymnasiums or auditoriums.</i>	349-6836	-
147 Hampshire St.	<i>Public Works, Conference Room</i>	349-4800	25
806 Mass Ave.	<i>Senior Center, 1st Floor</i>	349-6060	100
	<i>3rd floor</i>	or 349-6216	10
Police Department			
5 Western Ave.	<i>Police Academy Conference Room, 4th floor</i>	349-3331	24

LIST OF BOARDS AND COMMISSIONS

Advisory Committee on Environmentally Desirable Practices

- Authority: Chapter 8.56.030 of Cambridge Municipal Code.
- Purpose: Develop and promote source reduction, recycling and other environmentally desirable methods to be used by Cambridge institutions in dealing with their solid waste; implement an environmental practices recognition program for Cambridge institutions.
- Membership: 12 members (*1 member - Public Works, 1 member - Consumer Advisory Council, 5 representatives from community of for-profit and non-profit institutions, 5 residents*)
- Term: 2 years

Affirmative Action Advisory Committee

- Authority: Established in Affirmative Action Plan. Created by Executive Order in 1992.
- Purpose: Serve as an information link among City departments and constituencies concerned with Affirmative Action (AA) and fair labor/employment practices. Discuss developments in the law which impact the City's Affirmative Action efforts. Advise City Manager, AA Director, and others on how legal changes affect current AA initiatives. Provide assistance to the City Affirmative Action Director in updating and monitoring progress of the City's Affirmative Action Plan. Provide assistance to the City in its recruitment efforts. Provide other advice and assistance to the City Manager to further the City's AA efforts.
- Membership: 17 members (*9 residents, 9 City employees*)
- Term: 2 years

Affordable Housing Trust Board

- Authority: Article 11.205 of the Zoning Ordinance; Massachusetts General Laws, Chapter 482.
- Purpose: Encourage the expansion and upgrading of the City's housing stock. The Trust is specifically charged with providing loan funds to build new affordable units, as well as with helping nonprofit housing organizations finance substantial rehabilitation of distressed properties.

Affordable Housing Trust Board cont'd

Membership: 9 members (*representatives from different sections of the community with housing policy, representatives from the City, non-profit housing and the community*)
Term: 3 years

Animal Commission

Authority: Chapter 2.83 of the Cambridge Municipal Code.
Purpose: Facilitate and promote programs affecting animal control in the City.
Membership: 7 members (*permanent members - Commissioner of Police and Commissioner of Health and Hospital, 5 members - persons with demonstrated ability in the animal welfare field with related experience in any of the following: public information programs, animal shelter operations, spaying and neutering programs, affiliations with national and local animal protection societies, and knowledge of animal health care and diseases*)
Term: 3 years

Arts Council

Authority: City Council Order, 1974.
Purpose: Provide guidance and advice on enhancing the lives of the citizens of Cambridge through the arts; stimulate public awareness of the arts and of the development of ways to improve the aesthetic experience of living, working, playing and passing through the City.
Membership: 9 - 15 members (*residents and employees of the City experienced in some phase of artistic expression, creation, performance, production, financing or organizing*)
Term: 3 years

Arts Council, Public Art Committee

Authority: Chapter 2.114 of the Cambridge Municipal Code.
Purpose: Provide guidance and advice for the proper administration and implementation of the Public Development Arts Ordinance.
Membership: 7 members
Term: 2 years

Bicycle Committee

Authority: City Council Order, 1991.
Purpose: Work on improving conditions for bicycling in the City of Cambridge, to promote bicycling as a means of transportation, and to improve safety conditions for pedestrians.
Membership: Unlimited number of citizens and representatives from City departments.
Term: 2 years

Biohazards Committee

Authority: Chapter 8.20 of the Cambridge Municipal Code.
Purpose: Oversight of all use of recombinant DNA in the City and advise Commissioner of Health and Hospital's Policy Board.
Membership: At least 5 members (*including Commissioner or designee and a member a Cambridge Health Policy Board*)
Term: Undefined

Board of Assessors

Authority: Chapter 2.40 of the Cambridge Municipal Code; Massachusetts General Laws, Chapter 59.
Purpose: Determine real personal property evaluations in the City. Make decisions on abatement applications, and tax exemptions.
Membership: 3 members (*Director of Assessing and 2 City Assessors*)
Term: 3 years

Board of Examiners

Authority: Massachusetts General Laws, Chapter 143, Para. 94; Massachusetts State Building Code, Article 1, Section 108.3.5.3.
Purpose: Issue licenses for the purpose of supervising construction in Cambridge.
Membership: 3 members
Term: Undefined

Board of Zoning Appeal

Authority: Massachusetts General Laws, Chapter 40A; Article 10.0 of the Cambridge Zoning Ordinance.
Purpose: Hear requests for appeals, variances and special permits as provided for in the Zoning Ordinance.
Membership: 5 members, 7 associate members
Term: 5 years

Cambridge Housing Authority

Authority: Massachusetts General Laws, Chapter 121B, Section 3.
Purpose: Provide housing for families or elderly persons of low income at rent which they can afford.
Membership: 5 members (*4 appointed by the City Manager, subject to confirmation by the City Council, and 1 appointed by the State*)
Term: 5 years

Cambridge Industrial Development Financing Authority

Authority: Massachusetts General Laws, Chapter 40D, 1974.
Purpose: Issue and approve the issuance of bonds which finance the capital needs of the City's businesses and institutions. Address the unemployment issues in the City.
Membership: 5 members (*experience in financial matters, real estate and City government*)
Term: 5 years

Cambridge Redevelopment Authority

Authority: Massachusetts General Laws, Chapter 121A.
Purpose: Engage in urban redevelopment projects and other activities provided for in the enabling legislature.
Membership: 5 members (*4 members appointed by the City Manager, subject to confirmation by the City Council, and 1 member appointed by the State*)
Term: 5 years

Central Square Advisory Committee

- Authority: Article 11.304 of the Cambridge Zoning Ordinance.
- Purpose: Establish a formal, ongoing body that will review all major development actions in the Central Square Overlay District. Provide a forum within which a wide range of perspectives on development actions can be heard. Establish a citizen/professional body which can advise both public agencies and private interest as to the development and urban design issues.
- Membership: 9 members (*architect or landscape architect, Central Square business community, and residents of four abutting Cambridge neighborhoods*)
- Term: 3 years

Commission for Persons with Disabilities

- Authority: Chapter 2.96 of the Cambridge Municipal Code.
- Purpose: Act as a centralizing force in the City which will deal with all issues affecting persons with disabilities; take action to insure equal status of person(s) with disabilities of every race, creed, color, national origin, age, sexual preference; assure that no otherwise qualified person with a disability in the City shall, solely based on his/her disability, be excluded from participation or be denied the benefits of or be subject to discrimination under any program or activity in the City.
- Membership: 11 members (*representative from Department of Public Works, Department of Human Services, 5 persons with disabilities, remaining members - parents, friends or other interested persons of the disabled*)
- Term: 3 years

Commission on the Status of Women

- Authority: Chapter 2.88 of the Cambridge Municipal Code.
- Purpose: Act as a centralizing force in the City which will deal with all women's issues; take action to insure equal status of women of every race, creed, color, national origin, age and sexual preference.
- Membership: 20 members
- Term: 3 years

Conservation Commission

Authority: 1961 Council Order pursuant to Massachusetts General Laws, Chapter 40, section 8c.
Purpose: Protect the City's natural resources. Administer the Massachusetts Wetlands Protection Act.
Membership: 7 members
Term: 3 years

Consumer Advisory Commission

Authority: Chapter 2.92 of the Cambridge Municipal Code.
Purpose: Undertake or recommend programs to correct, improve or coordinate the protection of consumers in the marketplace. Advise the Consumer Commission staff in their efforts to mediate individual consumer/business disputes to try to eliminate the need for either party to go to court to resolve the conflict. Provide resources and materials to educate Cambridge consumers of their consumer rights and options available to them.
Membership: 7 members (*ex-officio members - Sealer of Weights and Measures and the Chair of the License Commission*)
Term: 2 years

Council on Aging

Authority: Chapter 2.100 of the Cambridge Municipal Code, by authority of Massachusetts General Laws, Chapter 40, Section 8B.
Purpose: Evaluate, coordinate, promote and encourage new and existing services and activities intended to enhance or improve the quality of life of older persons in the City; act as an information and referral source regarding services, benefits, activities and programs available to them; advise City Manager on all matters pertaining to the welfare of elderly Cambridge citizens; and advocate for Cambridge elderly residents.
Membership: 11 members (*7 members aged 60 and over, 4 community representatives, and agency staff*)
Term: 3 years - elder residents who are 60 years and older
2 years - community representatives and agency staff

Election Commission

- Authority: Special Act of the Massachusetts Legislature: Chapter 239 of the Acts of 1921, as amended in Chapter 432 in the Acts of 1939.
- Purpose: Conduct voter registration, supervise all elections, carry out the annual census, certify voter signatures on nomination papers and ballot question petitions, administer municipal campaign and political finance reporting and implement the City of Cambridge "Ethics Ordinance."
- Membership: 4 members (*nominations made by Democratic and Republican Committees to the City Manager - 2 members chosen from each party*)
- Term: 4 years

Half Crown Neighborhood Conservation District Commission

- Authority: Chapter 2.78 of the Cambridge Municipal Code; City Council Order, 1984.
- Purpose: Preserve, conserve and protect the distinctive features of the Half Crown neighborhood through identification, conservation and maintenance of its areas, sites and structures.
- Membership: 5 members, 3 alternates (*3 residents and homeowners of neighborhood, neighborhood property owner, representative from the Cambridge Historical Commission*)
- Term: 3 years

Harvard Square Advisory Committee

- Authority: Chapter 11.54.1 of the Cambridge Municipal Code.
- Purpose: Review all major development actions in the Harvard Square Overlay District. Provide a forum within which a wide range of perspectives on development actions can be heard. Establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues.
- Membership: 13 members (*architect or landscape architect, real estate developer or financial expert, 2 owners of Harvard Square commercial property owner, 5 residents of abutting neighborhoods, additional resident, City representative*)
- Term: 3 years

Historical Commission

- Authority: Chapter 2.78 of the Cambridge Municipal Code, by authority of the Historic District Acts, Massachusetts General Laws, Chapter 40c.
- Purpose: Preserve and protect significant buildings, sites, structures and places within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City.
- Membership: 7 members, 3 alternates (*nominee by Cambridge Historical Society, Chapter of the American Institute of Architects covering Cambridge, the Boston Society of Landscape Architects, Board of Realtors covering Cambridge, resident(s) of historic district, lawyer*)
- Term: 3 years

Human Rights Commission

- Authority: Chapter 2.76 of the Cambridge Municipal Code.
- Purpose: Protect the human rights of all citizens of Cambridge, and serve as commissioners in the City's civil rights law enforcement agency.
- Membership: 11 members
- Term: 3 years

Human Services Commission

- Authority: Chapter 2.98 of the Cambridge Municipal Code.
- Purpose: Advise the City Manager on all policy issues and major problem areas pertaining to human service matters and to promote activities that enhance the quality of life for all citizens of Cambridge.
- Membership: 9 members (*representative from School Department, 2 representatives from the private sector, and the community*)
- Term: 3 years

Kids' Council (Coordinating Council for Children, Youth and Families)

Authority:	Chapter 2.84 of the Cambridge Municipal Code.
Purpose:	Direct a comprehensive local response to the needs of children, their families and other caregivers, in accordance with the principals set forth in the Children, Youth and Families Policy Plan.
Membership:	20 members (<i>Mayor; City Councillor, member of School Committee; City Manager; Superintendent of Schools, Assistant City Manager for Human Services, Commissioner of Health and Hospitals, representative from philanthropic community; a representative from a State agency serving children, youth and families, corporate/business community representative, university community representative, early childhood community representative, and 5 residents to represent the community-at-large and/or represent active parents' groups or other groups involved with children and their families</i>)
Term:	3 years, except for 3 one-year term members. Elected/appointed City officials' terms coterminous with election/appointment.

License Commission

Authority:	Act of the Legislature: Chapter 95 of the Acts of 1922.
Purpose:	Regulate and oversee the licenses issued in the City.
Membership:	3 members (<i>Fire Chief, Police Commissioner or designee, and Chair of License Commission</i>)
Term:	3 years for Chair; indefinite for other members

Library Board of Trustees

Authority:	Chapter 2.46 of the Cambridge Municipal Code.
Purpose:	Advise on the expenditure of all money presented to the Library for the purpose of books, the improvement of the Library, its care, custody, maintenance and repairs of the building.
Membership:	5 members (<i>representative from School Committee, community</i>)
Term:	3 years

Mid Cambridge Neighborhood Conservation District Commission

- Authority: Chapter 2.78 of the Cambridge Municipal Code and City Council Orders 1985, 1992.
- Purpose: Preserve, conserve and protect the distinctive features of the Mid Cambridge neighborhood through identification, conservation and maintenance of its areas, sites and structures.
- Membership: 5 members, 3 alternates (*3 residents and homeowners of neighborhood, neighborhood property owner, representative from Cambridge Historical Commission*)
- Term: 3 years

Peace Commission

- Authority: Chapter 2.90 of the Cambridge Municipal Code.
- Purpose: Originally setup to confront the concerns of nuclear war, the Peace Commission has expanded its mission to incorporate challenging local forms of discrimination which foster violence and promoting those ideas and programs which affirm the diversity and community within the City.
- Membership: 20 members (*must be residents of the City at the time of appointment*)
- Term: 3 years

Pedestrian Committee

- Authority: City Council Order, 1991.
- Purpose: Work on improving conditions for walking in the City of Cambridge, to promote walking as a means of transportation, and to improve safety conditions for pedestrians.
- Membership: Unlimited number of citizens and representatives from City departments
- Term: 2 years

Planning Board

- Authority:** Chapter 2.68 of the Cambridge Municipal Code, by authority of Massachusetts General Laws, Chapter 41, sections 70-72, 81A.
- Purpose:** Carefully study and when necessary, prepare plans for the allocation of the City's physical resources through the development of land use plans and regulatory controls, principally through the Zoning Ordinance. Review plans and proposals under the Special Permit provisions of the Zoning Ordinance and Chapter 40A of the Massachusetts General Laws in order to encourage the most rational use of the land in the City. Propose or review zoning amendments and make recommendations to the City Council based on the merits of the proposed amendments.
- Membership:** 7 members, 2 associates
- Term:** 5 years

Pole, Conduit Commission

- Authority:** Chapter 15.16.160 of the Cambridge Municipal Code
- Purpose:** Regulate the installation and maintenance of electrical poles and underground conduits for City property.
- Membership:** 3 members (*Superintendent of Streets, City Electrician, and License Commission Chair*)
- Term:** 3 years

Police Review & Advisory Board

- Authority:** Chapter 2.74 of the Cambridge Municipal Code.
- Purpose:** Provide citizen participation in reviewing Police Department's policies, practices and procedures and provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought, and employees of the Police Department.
- Membership:** 5 members (*1 member from each section of the city: Cambridgeport/Riverside, Eastern, Northern, Mid-Cambridge and Western*)
- Term:** 5 years

Public Health Commission

- Authority: Special Act of the Massachusetts Legislature, Chapter 147 of the Acts of 1996. Chapter 2.72 of the Cambridge Municipal Code.
- Purpose: Address all aspects of the health of the City and oversee operations of Cambridge Public Health Commission which operates Cambridge and Somerville Hospitals and health centers in both cities.
- Membership: 19 members (*representation from the medical profession, public interest, low income, elderly, non-English speaking and other consumer groups*)
- Term: 3 years

Public Planting Committee

- Authority: Chapter 2.106 of the Cambridge Municipal Code.
- Purpose: Promote and improve the quality and diversity of public plantings throughout all areas of the City.
- Membership: Not to exceed 21 members (*representation for each community school district, representative from Conservation Commission, Planning Board, Arts Council, and Historical Commission, 3 qualified horticulturists*)
- Term: 2 years

Recycling Advisory Committee

- Authority: Chapter 8.24.070 of the Cambridge Municipal Code.
- Purpose: Provide advice, assistance and recommendations to the Commissioner of Public Works regarding the recycling program.
- Membership: At least 9 members (*exofficio member Commissioner of Public Works or designee, volunteer in City's recycling drop-off program, private real estate industry, Cambridge Housing Authority, business community, nonprofit institutions*)
- Term: 3 years

Retirement Board

Authority: Massachusetts General Laws, Chapter 32, section 20, para 46.
Purpose: Implement retirement law. Make determinations regarding entitlement to ordinary and disability pensions. Advise employees and retirees of pension rights.
Membership: *5 members (mandatory -City Auditor, 2 representatives elected by employees and retirees, 1 member appointed by City Manager and the remaining member chosen by the four members)*
Term: 3 years

Traffic Board

Authority: Special Act of the Massachusetts Legislature: Chapter 455 of the Acts of 1961.
Purpose: Hold a public hearing upon petition of 50 registered voters relative to any rule or regulation proposed to be adopted, altered or repealed and not yet in effect and approve or disapprove the proposed action. Available to the traffic director for advice and consultation.
Membership: 3 members
Term: 3 years

Water Board

Authority: Chapter 2.70 of the Cambridge Municipal Code; Regulated under federal and state drinking water laws.
Purpose: Serve as a citizen's advisory board to the Managing Director of the Cambridge Water Department. Exercise some authority over city-owned watershed property.
Membership: 5 members (*City Councillors are ineligible for board membership*)
Term: 5 years


APPENDIX I

SAMPLE NOTICES OF PUBLIC MEETING

City of Cambridge

Commission for Persons with Disabilities

51 Inman Street • Cambridge, MA • 02139-1732

617/349-4692 voice • 492-0235 tty  TDD • 349-4766 fax



RECEIVED
JUL 17 AM 9:46
OFFICE OF THE CITY MANAGER

Jane C. Carroll
Paul Schlaver
Co-Chairs

Judith Van Ingen
Secretary

Moe Armstrong
Sam Berk
Jeanne Burton
Diana Cormican
Gayle E. Johnson
Peter Morth
Bob Patterson
Robert Vilinsky

THE NEXT MEETING OF THE
COMMISSION FOR PERSONS WITH DISABILITIES
WILL BE ON THURSDAY, JUNE 12, 1997 AT 6:00 P.M.
51 INMAN STREET, CAMBRIDGE
SECOND FLOOR CONFERENCE ROOM

AGENDA

- I. Review and Approval of Minutes - All
- II. Introductions and Announcements - All
- III. Report from the Chair - Cormican
- IV. Committee Reports
 - A. Access Cambridge - Johnson
 - B. Disability Issues in Education - Armstrong
 - C. Outreach Committee - Vilinsky
- V. Office Report - Muehe
- VI. Director's Report - Muehe
- VII. Old Business - All
- VIII. New Business - All

Commission members are invited to bring a snack to share with fellow attendees. Soft drinks will be provided by staff.

The City of Cambridge, Commission for Persons with Disabilities, does not discriminate on the basis of disability. The Commission for Persons with Disabilities will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request.





CITY OF CAMBRIDGE
CAMBRIDGE HUMAN RIGHTS COMMISSION

97 MAR 26 11 15 18

MARGOT P. KOSBERG,
Executive Director

March 26, 1997

PLEASE POST

The Cambridge Human Rights Commission regular Commission meetings will be on the following dates:

- Thursday, April 3, 1997
- Thursday, May 1, 1997
- Thursday, June 5, 1997
- Thursday, September 4, 1997
- Thursday, October 2, 1997
- Thursday, November 6, 1997
- Thursday, December 4, 1997

They will be held at 51 Inman Street, 2nd floor Conference Room. We will notify you if there are any changes.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

RECEIVED BY
OFFICE OF CITY CLERK

97 JUN 16 AM 11.09

CAMBRIDGE MA.

TO: CITY CLERK
PLANNING BOARD

The Board of Zoning Appeal will hold their continued cases meeting on THURSDAY, JUNE 19, 1997, to discuss the following petitions which will be held in Room 200, City Hall.

7:00 P.M. CASE NO. 7451:

23 WHITE STREET
LEFF CONSULTING GROUP
DREW M. LEFF

Variance: To install new signs at the Porter Square Shopping Mall.

7:00 P.M. CASE NO. 7460:

310 1/2-312 1/2 PEARL STREET
JOHN TYSON

Variance: To construct an addition to the third floor.

7:15 P.M. CASE NO. 7432:

1000-1008 MASS AVENUE
HARRIET FEINBERG, MARCIA
DWORKIND, JOHN J. WALSH,
ELIZABETH SNOW & JOHN J.
VYHNANEH

Appeal: To appeal the determination of Commissioner of Inspectional Services Department letter, dated January 24, 1997, concerning the Floor Area Ratio calculation for 1000-1008 Mass Avenue.

Maria L. Pacheco
Secretary

APPENDIX II

HOW TO CONDUCT PUBLIC HEARINGS

HOW TO CONDUCT PUBLIC HEARINGS

Public hearings or citizen input meetings are sometimes difficult to manage. Participants at public hearings may be highly motivated and emotional. When you have a group of potential adversaries in one room, the possibility of conflict is high. As commissioners, your role is to *guide* conflict to positive outcomes, *not to eliminate* it, which is usually not possible.

The following guidelines should help you manage the meeting effectively:

1. Study your agenda and do your homework prior to the meeting so you can fully concentrate on the dynamics of the meeting.
2. Treat all sides fairly. Set the rules of the meeting at the beginning and make sure that *everyone* follows them without exception.
3. Explain the purpose of the public hearing and what action is expected at the conclusion of the hearing. Reiterate that the rules set at the beginning of the meeting will govern the process of the meeting.
4. Ask all persons who desire to speak to identify themselves, not only for the record, but also so you can address them by name.
5. Set a reasonable time limit for testimony and enforce it.
6. Make decisions as promptly as possible. Commissions sometimes get so bogged down in procedural distractions, petty details, and endless searches for more information, that the issue never seems to get resolved.
7. Set time limits on the public hearing; don't let it ramble on. This can cause people to leave before a decision is made.
8. Try to redirect frustration into constructive avenues. Ask questions, being as specific as possible. Refer to the speaker by name, reinforcing the areas that you agree. Do not return insult for insult as this will cause the audience to turn against you for lack of control and unfairness.
9. Try to avoid speaker-to-audience conversation. The purpose of a hearing is to help your commission act, not engage in debate.
10. If other commissioners have questions of the speaker, permit these questions during the time the speaker has the floor.

11. Be careful of prejudging the action of the commission. Gather relevant information about the project and the individual concerns and desires concerning the issue. Commissioners should not express their views until *after* testimony has ended and when they do speak, their comments should not reflect a position one way or the other.
12. Once testimony has ended, each commissioner should be invited to discuss their views on the proposal.



View the public hearing as an example of basic democracy in action at the local level. Each commissioner's goal should be to make the public hearing work which means that:

Everyone will feel fairly treated and believe the commission has all the facts, is open in its deliberations and acts accordingly. No one person will dominate the meeting, and there is sufficient time for all to speak. Everyone will leave the meeting feeling satisfied that they were heard.

Summarized from San Bernardino's Commissioner Handbook.

APPENDIX III

EXECUTIVE SESSION LAW

Even if terms of former c. 39, §§ 23A and 23C as to open meetings required that action for removal of assessor under c. 41 § 25 be made at open meeting, such removal was not invalid because made at hearings in executive session. *Reilly v Board of Selectmen* (1963) 345 Mass 363, 187 NE2d 838.

Instant section was referred to in case in which it was held that taxpayer could prove by oral evidence that assessors were following illegal assessment policy and that proof of that fact was not restricted to proof by official records of assessors, in connection with statement by court that it was unnecessary to decide whether proof by official records would be mandatory with respect to action in fact taken at assessors' meetings, if required by statute to be recorded. *Shoppers' World, Inc. v Board of Assessors* (1965) 348 Mass 366, 203 NE2d 811.

§ 23B. Meetings of Governmental Bodies to be Open; Procedure; Enforcement.

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

- (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individ-

Action filed beyond 14 day period, alleging violation of Open Meeting Law, properly dismissed (prior to extension of time period, in 1978, to 21 days). *Nantucket Land Council, Inc. v Planning Board of Nantucket* (1977) 5 Mass App 206, 361 NE2d 937.

Suspension of high school student was proper matter for hearing in executive session; in view of statute authorizing school committee to go into executive session with regard to matters which, if made public, might adversely affect reputation of any person, student was not entitled to open hearing on. *Pierce v School Committee of New Bedford* (1971, DC Mass) 322 F Supp 957.

This section is inapplicable to collective bargaining sessions between school committees and school employees. 1967-1968 Op Atty Gen 92.

ual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

(4) To discuss the deployment of security personnel or devices.

(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the

negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meeting, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session

may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgment that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A^{1/2} of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

History—

1958, 626, § 4; 1960, 437, § 4; 1975, 303, § 3; 1976, 397, § 6; 1977, 527; 1977, 829, § 3; 1978, 372, §§ 10–12; 1980, 220, § 3; 1983, 648; 1985, 333; 1986, 694; 1987, 159; 1988, 116, § 4; 1988, 291; 1989, 341, §§ 18, 19.

Editorial Note—

Acts 1975, ch. 303 § 3, replaced former 23B with a new section pursuant to a statutory scheme to provide a uniform procedure for meetings of governmental bodies at all levels of government.

The 1976 amendment made special provision for filing the notice of a meeting of a regional or district governmental body, prescribed certain duties for district attorneys in specified counties rather than districts, and substituted the word "complaint" for the word "petition".

The first 1977 amendment rewrote the second sentence of the sixth paragraph, relating to the posting of notices for a regional school district committee meeting.

The second 1977 amendment rewrote the fourth sentence of the eleventh paragraph, deleting the reference to § 11B and inserting a reference to § 11A^{1/2}.

The 1978 amendment, by § 10, added the notification and individual rights provisions to clauses (1) and (2) of the fourth paragraph, and the words "or to discuss the filing of criminal complaints" to clause (5) of said paragraph; by § 11, provided in the seventh paragraph that votes in executive session be roll call votes; and, by § 12, provided in the twelfth paragraph for a 21-day limit, rather than a 14-day limit, deleted the words "by provision of this section"

from the first sentence of the thirteenth paragraph, and added the fourteenth paragraph, dealing with individual rights before governmental bodies.

The 1980 amendments rewrote the fourth sentence of the sixth paragraph to require notice of municipal governmental meetings to be printed in easily readable type.

The 1983 amendment added a sentence to the thirteenth paragraph concerning reinstatement of an employee discharged at a meeting or hearing held in violation of the provisions of this section.

The 1985 amendment rewrote clause (3) of the fourth paragraph, adding at the end of the clause, the words "or contract negotiations with nonunion personnel."

The 1986 amendment added the eighth clause to the fourth paragraph relative to a governmental body's power to consider and interview applicants for employment by preliminary screening committee or subcommittee in executive session.

The 1987 amendment, in the eighth paragraph, added language relating to videotaping as a permitted means of recording a meeting of a governmental body.

The first 1988 amendment, in the seventh paragraph, inserted the sentence "No votes taken in open session shall be by secret ballot."

The second 1988 amendment, in clause (3) of the fourth paragraph, inserted ", to conduct strategy sessions in preparation for negotiations with nonunion personnel".

The 1989 amendment, in the fourth sentence of the eleventh paragraph, following "In the hearing of such", substituted "complaints" for "complaint", and in the twelfth paragraph, substituted "order" for "orders".

Cross References—

Applicability of section to meetings of Boston Water and Sewer Commission, see ALM Spec L c 17 § 3.

Total Client-Service Library® References—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 140, 147, 148, 151–168.

Annotations—

Validity, construction, and application of statutes making public proceedings open to the public. 38 ALR3d 1070.

Texts—

Massachusetts Real Estate Form 38.

Law Reviews—

Johnson, The "City Lawyer" and the Town Meeting. 55 Mass L Q 363, 1970.

Gahan, The Headless Fourth Branch of Government. 64 Mass L Rev 21 February, 1979.

Arzt, Privacy Law in Massachusetts: Territorial, Informational and Decisional Rights. 70 Mass L Rev December 1985.

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III. DECISIONS UNDER FORMER LAW

23. Under former ALM GL c 39 § 23C
24. Under former law provisions

I. IN GENERAL

1. Generally; purpose

That concept of town meeting divided in time and method of action on articles for meeting, but called under single warrant, is well understood in this Commonwealth is shown by provisions of predecessor to this section. *Robinson v Selectmen of Wattertown* (1957) 336 Mass 537, 146 NE2d 900.

Open-meeting law is designed to eliminate secrecy surrounding deliberations and decisions on which public policy is based; however, all gatherings of members of governmental bodies need not be open to public. *Ghiglione v School Committee of Southbridge* (1978) 376 Mass 70, 378 NE2d 984, 99 BNA LRRM 3070.

General policy of Open Meeting Law is that all meetings of governmental body should be open to public unless exempted by statute. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

Under Open Meeting Law all meetings of governmental body must be open to public and no quorum of governmental body may meet in private for purposes of deciding on or deliberating toward decision on any matter, with 7 specified exceptions. *District Attorney for Plymouth Dist. v Board of Selectmen* (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

ALM GL c 39 § 23B is statutory public waiver of any possible privilege of public client in meetings of governmental bodies except in narrow circumstances stated in statute. *District Attorney for Plymouth Dist. v Board of Selectmen* (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

Open Meeting Law (ALM GL c 39 § 23B) embodies general policy that all meetings of governmental bodies should be open to public unless they are specifically exempted. *Pearson v Board of Health* (1988) 402 Mass 797, 525 NE2d 400.

Goal of Open Meeting Law is to advance democracy by providing broad access to governmental decision-making and eliminating secrecy surrounding deliberations and decisions on which public policy is based. *Bartell v Wellesley Housing Authority* (1990) 28 Mass App 306, 550 NE2d 883.

2. Applicability

GL c 39 § 23B(2) is inapplicable to massive layoffs of public employees based on financial inability of public employer to pay its personnel. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

Meeting between governmental body and its attorney is not exception to Open Meeting Law. *District Attorney for Plym-*

outh Dist. v Board of Selectmen (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

Open Meeting Law did not apply to school committee's selection committee informally appointed by superintendent of schools to assist superintendent in nominating candidate for position of high school principal. *Connelly v School Committee of Hanover* (1991) 409 Mass 232, 565 NE2d 449, 18 Media L R 2166.

Legislative mandate of Open Meeting Law applies to zoning board of appeals. *Yaro v Board of Appeals* (1980) 10 Mass App 587, 410 NE2d 725.

Three member subcommittee of 7 member conservation commission is required to hold open meetings, to give notice of its meetings and to maintain accurate records thereof, whenever it makes findings of fact which are to be reported to commission or in formulating recommendations to commission. *Nigro v Conservation Com. of Canton* (1984) 17 Mass App 433, 458 NE2d 1219.

Judge's ruling that Open Meeting Law protections were inapplicable to members of governmental body which convened meeting was erroneous, but judge did not abuse discretion in not granting damages to assessor-clerk removed from his position, where assessor-clerk had actual notice of meeting and participated in it. *Pentecost v Spencer* (1990) 29 Mass App 991, 562 NE2d 843, review den (1991) 409 Mass 1101, 565 NE2d 792.

3. Relation to other provisions

Open Meeting Law is not inconsistent with statutes governing procedures for zoning boards of appeal. *Yaro v Board of Appeals* (1980) 10 Mass App 587, 410 NE2d 725.

Where inconsistency exists between Open Meeting Law requiring meetings of governmental bodies to be in public and teacher dismissal law giving school committees discretion to conduct dismissal hearings in public or in private, specific provisions of teacher dismissal law would prevail. *Kurlander v School Committee of Williamstown* (1983) 16 Mass App 350, 451 NE2d 138, review den (1983) 390 Mass 1103, 454 NE2d 1276.

Remedies under Open Meeting Law are not exclusive, and are in addition to all other remedies. *Bartell v Wellesley Housing Authority* (1990) 28 Mass App 306, 550 NE2d 883.

Express statutory right of public employee to have his dismissal considered at public meeting takes precedence over general exception which permits consideration of collective bargaining matters in closed session. *Bartell v Wellesley Housing Authority* (1990) 28 Mass App 306, 550 NE2d 883.

4. Notice and hearing

Notice and hearing requirements of Open Meeting Law and teachers' tenure law are analogous, in that individual hearings are not required where employees are laid off solely for budgetary reasons. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

Public notice made conformably with ALM GL c 39 § 23B (Open Meeting Law) sufficient for adjourned sessions. *Tebo v Board of Appeals* (1986) 22 Mass App 618, 495 NE2d 892, review gr (1986) 398 Mass 1105, 498 NE2d 1357 and affd (1987) 400 Mass 464, 510 NE2d 267.

Open Meeting Law requires 48 hours notice by filing and posting, of every meeting of governmental body, except in emergency. *Pentecost v Spencer* (1990) 29 Mass App 991, 562 NE2d 843, review den (1991) 409 Mass 1101, 565 NE2d 792.

Judge's ruling that Open Meeting Law protections were inapplicable to members of governmental body which convened meeting was erroneous, but judge did not abuse discretion in not granting damages to assessor-clerk removed from his position, where assessor-clerk had actual notice of meeting and participated in it. *Pentecost v Spencer* (1990) 29 Mass App 991, 562 NE2d 843, review den (1991) 409 Mass 1101, 565 NE2d 792.

5. Evidence; admissibility of records made at meetings

Minutes of town zoning board meetings were not admissible to prove truth of evidence before board recorded in minutes, i.e., date particular use of property began. *Building Inspector of Chatham v Ken-*

drick (1983) 17 Mass App 928, 456 NE2d 1151.

Minutes of town's zoning board are admissible to prove certain matters such as date of meeting, motions made, votes taken, members present and absent, and reasons stated for decision, but board's findings have no evidentiary weight. *Building Inspector of Chatham v Kendrick* (1983) 17 Mass App 928, 456 NE2d 1151.

Open Meeting Law did not give right to videotape city council proceedings. *Wright v Lawrence* (1985) 21 Mass App 343, 486 NE2d 1151.

6. Particular substantive matters—constituting violation of section

School committee violated open-meeting law by failing to disclose at public meeting names of applicants for position of superintendent of schools, where it could not show that disclosure of names would impinge on any candidate's statutory right of privacy. *Atty. Gen. v School Committee of Northampton* (1978) 375 Mass 127, 375 NE2d 1188.

Town planning board did not comply with Open Meeting Law when board specified conditions for approval of subdivision plan after adjournment of public hearing. *J. & C. Homes, Inc. v Planning Board of Groton* (1979) 8 Mass App 123, 391 NE2d 1232.

7. —Not constituting violation of section

Open Meeting Law does not require board to hold public hearing for purpose of reducing to writing decision reached at meeting which was open to public and where accurate records of meeting were kept and substance of decision was made known to public. *Yaro v Board of Appeals* (1980) 10 Mass App 587, 410 NE2d 725.

Where zoning board granted special permit complied with Open Meeting Law, any technical violations were de minimis. *Tebo v Board of Appeals* (1986) 22 Mass App 618, 495 NE2d 892, review gr (1986) 398 Mass 1105, 498 NE2d 1357 and affd (1987) 400 Mass 464, 510 NE2d 267.

8. Practice and procedure

In suits under Open Meeting Law each

party must bear its own legal costs. *Pearson v Board of Health* (1988) 402 Mass 797, 525 NE2d 400.

GL c 39 § 23B has strict statute of limitations for complaints seeking to invalidate actions taken at meetings held in violation of Open Meeting Law, i.e., 21 days of date when action is made public. *Benevolent & Protective Order of Elks, Lodge No. 65 v City Council of Lawrence* (1988) 403 Mass 563, 531 NE2d 1254, later proceeding (1992) 33 Mass App 701, 604 NE2d 715.

Any violation of Open Meeting Law, consisting of city council president's privately speaking with council members prior to meeting as to how they would vote on redevelopment project, was cured by holding of later meeting in compliance with law. *Benevolent & Protective Order of Elks, Lodge No. 65 v City Council of Lawrence* (1988) 403 Mass 563, 531 NE2d 1254, later proceeding (1992) 33 Mass App 701.

Judge did not abuse discretion in not exercising authority to order rescission of vote discharging housing authority maintenance director for violations of Open Meeting Law, while ordering public hearing to be held with notice to director of charges against him and opportunity to confront witnesses and present rebuttal. *McDermott v Watertown Housing Authority* (1988) 25 Mass App 995, 521 NE2d 1387.

9. —Remedies; enforcement

Redevelopment authority's violation of Open Meeting Law on one date did not have effect of invalidating determination made at meeting two days later at which Open Meeting Law's requirements were followed. *Benevolent & Protective Order of Elks, Lodge No. 65 v Planning Bd. of Lawrence* (1988) 403 Mass 531, 531 NE2d 1233, later proceeding (1988) 403 Mass 563, 531 NE2d 1254, later proceeding (1992) 33 Mass App 701, 604 NE2d 715.

School committee's screening committee did not violate Open Meeting Law by withholding names of individuals it considered during preliminary screening process. *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

Where zoning board granted special permit complied with Open Meeting Law, any technical violations were de minimis. *Tebo v Board of Appeals* (1986) 22 Mass App 618, 495 NE2d 892, review gr (1986) 398 Mass 1105, 498 NE2d 1357 and affd (1987) 400 Mass 464, 510 NE2d 267.

Power to set aside public action because of violations of ALM GL c 39 § 23B is discretionary in nature. *Tebo v Board of Appeals* (1986) 22 Mass App 618, 495 NE2d 892, review gr (1986) 398 Mass 1105, 498 NE2d 1357 and affd (1987) 400 Mass 464, 510 NE2d 267.

Remedies under Open Meeting Law are not exclusive, and are in addition to all other remedies. *Bartell v Wellesley Housing Authority* (1990) 28 Mass App 306, 550 NE2d 883.

Judge's ruling that Open Meeting Law protections were inapplicable to members of governmental body which convened meeting was erroneous, but judge did not abuse discretion in not granting damages to assessor-clerk removed from his position, where assessor-clerk had actual notice of meeting and participated in it. *Pentecost v Spencer* (1990) 29 Mass App 991, 562 NE2d 843, review den (1991) 409 Mass 1101, 565 NE2d 792.

10. —Judicial review

Interpretation of Open Meeting Law to require meeting between governmental body and its attorney to be in public does not violate Article 30 of Declaration of Rights. *District Attorney for Plymouth Dist. v Board of Selectmen* (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

Where board of selectmen violated Open Meeting Law by holding private executive session with its attorney, judge's order that records of closed session be made public was correct, but order that board carry out provision of law at future meetings was too broad and should be replaced with order that board hold executive sessions only for purposes enumerated in statute. *District Attorney for Plymouth Dist. v Board of Selectmen* (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

Judge erred in ordering that city board

of health pay attorney's fees and costs (\$3,050.18) to 3 plaintiffs who successfully brought action to invalidate board meetings due to violation of Open Meeting Law on private attorney general theory, but because violations were open and flagrant, case would be remanded for judge to determine if board's defenses were frivolous so as to allow award of attorney's fees to plaintiffs. *Pearson v Board of Health* (1988) 402 Mass 797, 525 NE2d 400.

Complaint alleging violation of Open Meeting Law based on conversations between president of city council with other members of city council, individually and privately, before council voted at public meeting to approve urban redevelopment project was barred by running of 21-day statute of limitations. *Benevolent & Protective Order of Elks, Lodge No. 65 v Planning Bd. of Lawrence* (1988) 403 Mass 531, 531 NE2d 1233, later proceeding (1988) 403 Mass 563, 531 NE2d 1254, later proceeding (1992) 33 Mass App 701, 604 NE2d 715.

Superior Court Judge had discretion to return case to Planning Board for new determination as to whether to grant request for endorsement of plan of land that approval of Board was not required. *Kelley v Planning Board of Dennis* (1978) 6 Mass App 24, 372 NE2d 275.

Judge has discretion to invalidate action of Board but is not required to do so. *Robinson v Planning Board of Hingham* (1978) 6 Mass App 835, 372 NE2d 279.

Action of school committee discharging school principal invalidated due to violation of Open Meeting Law; however, reinstatement to position is not proper remedy, rather backpay from date of faulty discharge was proper. *Puglisi v School Committee of Whitman* (1981) 11 Mass App 142, 414 NE2d 613.

Open Meeting Law was not violated by school committee which held public hearings on teacher's dismissal, deliberated in private, and voted in public to dismiss teacher, because school committee had unfettered discretion by statute (ALM GL c 71 § 42) to close all, part, or none of hearing. *Kurlander v School Committee of Williamstown* (1983) 16 Mass App 350, 451 NE2d 138, review den (1983) 390 Mass 1103, 454 NE2d 1276.

Where discharge of housing authority employee was invalidly approved by authority at executive session in violation of Open Meeting Law, employee was entitled to backpay from date of wrongfully-held closed hearing to date of properly-held open hearing. *Bartell v Wellesley Housing Authority* (1990) 28 Mass App 306, 550 NE2d 883.

11. Miscellaneous

Interviews by screening committee of school committee of candidates for position of school superintendent by use of prepared questions constituted "verbal exchange." *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

Open Meeting Law did not give right to videotape city council proceedings. *Wright v Lawrence* (1985) 21 Mass App 343, 486 NE2d 1151.

II. EXECUTIVE SESSIONS

12. Not to be used for subterfuge

Executive session held by school committee, although following letter of law, was sham, in that superintendent of schools called session to consider his own "reputation and character" when true purpose was to discuss of elementary school principal who was subject of discharge proceeding pending before committee. *Puglisi v School Committee of Whitman* (1981) 11 Mass App 142, 414 NE2d 613.

Exceptions in G L c 39 § 23B are not to be used for subterfuge to retreat from open meeting into executive session. *District Attorney for Northwestern Dist. v Board of Selectmen* (1981) 11 Mass App 663, 418 NE2d 642.

13. Vote to go into session

Majority vote to go into executive session was not achieved when one selectman voted in favor and two others abstained. *District Attorney for Northwestern Dist. v Board of Selectmen* (1981) 11 Mass App 663, 418 NE2d 642.

14. Effect of, and on, other statutory provisions

Provision in ALM GL c 71 § 42 giving school committee discretion to hold hear-

ing on dismissal of teacher in public or private does not supersede provision of Open Meeting Law (ALM GL c 39 § 23B) governing publication of minutes of executive sessions. *Foudy v Amherst-Pelham Regional School Committee* (1988) 402 Mass 179, 521 NE2d 391.

School committee did not violate Open Meeting Law by excluding teacher and his counsel from its deliberations regarding dismissal of teacher, because ALM GL c 71 § 42 governing dismissal of public school teachers authorized private deliberations. *O'Sullivan v School Committee of Worcester* (1991) 411 Mass 123, 579 NE2d 160.

15. Notice

School committee's screening committee's violation of Open Meeting Law by convening in executive session without first announcing whether it would reconvene in open session was de minimus, since committee did not reconvene in open session. *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

16. Secrecy; disclosure of records

School committee lacked authority and discretion to keep secret minutes of several executive sessions discussing whether to dismiss school administrator for engaging in acts of sexual harassment of other school employee after administrator had resigned and related litigation had terminated. *Foudy v Amherst-Pelham Regional School Committee* (1988) 402 Mass 179, 521 NE2d 391.

School committee which promised administrator charged with sexual harassment that it would keep minutes of its executive sessions private if administrator resigned did not have authority to carry out such promise in perpetuity. *Foudy v Amherst-Pelham Regional School Committee* (1988) 402 Mass 179, 521 NE2d 391.

Failure of minutes to recite how members of committee voted was not violation of ALM GL ch 39 § 23B, seventh paragraph, because nothing in record suggested that member who voted and discussed candidates for position actually voted at meeting. *Gerstein v Superinten-*

dent Search Screening Committee (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

ALM GL c 39 § 23B(7), fourth paragraph, requiring keeping of accurate records of meetings and executive sessions, does not prohibit governmental body from going "off record," nor does it require transcribing or recording of executive session discussions. *Perryman v School Committee of Boston* (1983) 17 Mass App 346, 458 NE2d 748.

17. Collective bargaining

School committee, by holding teacher's grievance hearing in closed session, did not violate open-meeting law, since grievance procedure is part of collective bargaining process which is specifically made one of purposes for closed executive sessions. *Ghiglione v School Committee of Southbridge* (1978) 376 Mass 70, 378 NE2d 984, 99 BNA LRRM 3070.

Where school committee could properly anticipate challenge by teachers' union to layoffs based on limited funds available to school committee, committee's meeting in executive session fell within exception provided by GL c 39 § 23B(3) and its action need not be ratified in open meeting. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

School committee, by holding executive session for purpose of discussing salaries and working conditions for certain non-union employees, was not in violation of open meeting law, since executive session fell within statutory exemption "to discuss strategy with respect to collective bargaining." *Atty. Gen. v School Committee of Taunton* (1979) 7 Mass App 226, 386 NE2d 1295, 5 Media L R 1073.

Selectmen who refused to conduct collective bargaining sessions in closed executive sessions committed unfair labor practice. *Board of Selectmen v Labor Relations Com.* (1979) 7 Mass App 360, 388 NE2d 302.

Executive session to allow selectmen to discuss with department heads salaries of nonunion employees was not exception to open meeting requirement, as it was not discussion of strategy for collective bargaining. *District Attorney for Northwest-*

ern Dist. v Board of Selectmen (1981) 11 Mass App 663, 418 NE2d 642.

18. Litigation strategy

GL c 39 § 23B(3) does not require school committee to reconvene in open meeting if, at time it goes into executive session, matters to be discussed concerned litigation strategy and open meeting might have adverse impact on committee's litigation position. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

19. Preliminary screening

Preliminary screening committee is authorized to consider and interview applicants for employment in executive session unless applicants have passed prior preliminary screening, and review of resumes and writing samples does not constitute "prior preliminary screening." *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

Exception (8) to Open Meeting Law means that once screening committee has completed its screening, which may include more than one step and may or may not include interviews, and has voted to recommend candidate, that process may not be repeated in executive session. *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

School committee's screening committee's violation of Open Meeting Law by convening in executive session without first announcing whether it would reconvene in open session was de minimus, since committee did not reconvene in open session. *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

Interviewing and evaluating applicants for position of school superintendent by screening committee of school committee in "executive session" closed to public did not violate Open Meeting Law, since under exception (8) interviews in open session might have detrimental effect in obtaining qualified applicants and candidates had not passed prior preliminary screening. *Gerstein v Superintendent Search Screening Committee* (1989) 405 Mass 465, 541 NE2d 984, 16 Media L R 2486.

20. Dismissal or suspension of employee

When school committee meets in executive session to consider dismissal of many tenured teachers due to budgetary constraints, it may do so without giving notice to teachers, because such dismissals do not involve any particular teacher nor are they concerned with misconduct or discipline of any individual teacher. *Doherty v School Committee of Boston* (1982) 386 Mass 643, 436 NE2d 1223.

School committee did not violate Open Meeting Law by excluding teacher and his counsel from its deliberations regarding dismissal of teacher, because ALM GL c 71 § 42 governing dismissal of public school teachers authorized private deliberations. *O'Sullivan v School Committee of Worcester* (1991) 411 Mass 123, 579 NE2d 160.

School committee's decision to meet in executive session while considering whether indicted teachers should be suspended fell within exemption of GL c 39 § 23B(3). *Perryman v School Committee of Boston* (1983) 17 Mass App 346, 458 NE2d 748.

School committee could close portion of meeting concerning suspension of indicted teachers, where executive session was held for appropriate reason and teachers were present but chose not to exercise right to speak. *Perryman v School Committee of Boston* (1983) 17 Mass App 346, 458 NE2d 748.

21. Other particular matters

Vote of zoning board at closed executive session was meeting held in violation of Open Meeting Law. *Yaro v Board of Appeals* (1980) 10 Mass App 587, 410 NE2d 725.

Executive session held by school committee, although following letter of law, was sham, in that superintendent of schools called session to consider his own "reputation and character" when true purpose was to discuss of elementary school principal who was subject of discharge proceeding pending before committee. *Puglisi v School Committee of Whitman* (1981) 11 Mass App 142, 414 NE2d 613.

22. Miscellaneous

Closed executive session between board

of selectmen and its attorney concerning negotiation of contract for rubbish disposal was "meeting" and was held in violation of Open Meeting Law. *District Attorney for Plymouth Dist. v Board of Selectmen* (1985) 395 Mass 629, 481 NE2d 1128, 12 Media L R 1064.

Open Meeting Law applies only to "governmental bodies" as defined by ALM GL c 39 § 23A. *Connelly v School Committee of Hanover* (1991) 409 Mass 232, 565 NE2d 449, 18 Media L R 2166.

III. DECISIONS UNDER FORMER LAW**23. Under former ALM GL c 39 § 23C**

Where Board of Zoning Adjustment of city of Boston voted to make certain changes in zoning law at executive meeting of which no notice of open meeting was given and no open meeting held, it was decided that such vote was validated by provisions of former § 23C, which validates action otherwise duly taken where no public notice of meeting is given, and which by construction also validates such action where no open meeting is held. *Elmer v Board of Zoning Adjustment* (1961) 343 Mass 24, 176 NE2d 16.

Legislative intent is plain that § 23C was to validate board meetings held in violation of requirement that such meetings be open. *Elmer v Board of Zoning Adjustment* (1961) 343 Mass 24, 176 NE2d 16.

Former § 23C took effect as of Jan. 5, 1959. *Elmer v Board of Zoning Adjustment* (1961) 343 Mass 24, 176 NE2d 16.

Provision of former § 23C that "action otherwise duly taken at any meeting shall not be invalidated by failure of any officer to carry out . . . responsibilities for public notice of meetings" was referred to in connection with discussion of validity of meetings of zoning board of appeals. *Dion v Board of Appeals* (1962) 344 Mass 547, 183 NE2d 479.

Even if terms of c. 39, §§ 23A and 23C as to open meetings required that action for removal of assessor under c. 41 § 25 be made at open meeting, such removal was not invalid because made at hearings in executive session. *Reilly v Board of Selectmen* (1963) 345 Mass 363, 187 NE2d 838.

Instant section was referred to in case involving taking by town pursuant to school building committee's recommendation, in connection with proposition that nothing turned on absence of formal notice of committee's hearing. *Del Prete v Board of Selectmen* (1966) 351 Mass 344, 220 NE2d 912.

24. Under former law provisions

Action filed beyond 14 day period, alleging violation of Open Meeting Law, properly dismissed (prior to extension of time

period, in 1978, to 21 days). *Nantucket Land Council, Inc. v Planning Board of Nantucket* (1977) 5 Mass App 206, 361 NE2d 937.

Effect of 1974 amendment with respect to 14-day period is that it runs from date of forbidden "action" and not from date when action was made public, discovered by plaintiff, or intended to take effect (in case decided prior to extension of period to 21 days). *Nantucket Land Council, Inc. v Planning Board of Nantucket* (1977) 5 Mass App 206, 361 NE2d 937.

§ 23C. Meetings of Governmental Bodies; Permission to Address Meeting; Removal of Disorderly Persons.

No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

History—

1960, 437, § 5; 1964, 323, § 1; 1974, 83; 1975, 303, § 3.

Editorial Note—

The 1964 amendment rewrote this section.

The 1974 amendment struck out the first sentence and inserted two sentences in its place.

Acts 1975, ch 303 § 3, in replacing the former § 23C pursuant to a statutory scheme to provide a uniform procedure for meetings of governmental bodies at all levels of government, embodied the provisions of former § 23C in ALM GL c 30A, § 11B; ALM GL c 34, § 9G; ALM GL c 39 § 23B; and ALM GL c 66, § 17C.

Cross References—

Applicability of section to Massachusetts Wholesale Electric Company, see ALM Spec L c 13 § 19(a).

Applicability of section to meetings of Boston Water and Sewer Commission, see ALM Spec L c 17 § 3.

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56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 140, 147, 148, 151-168.

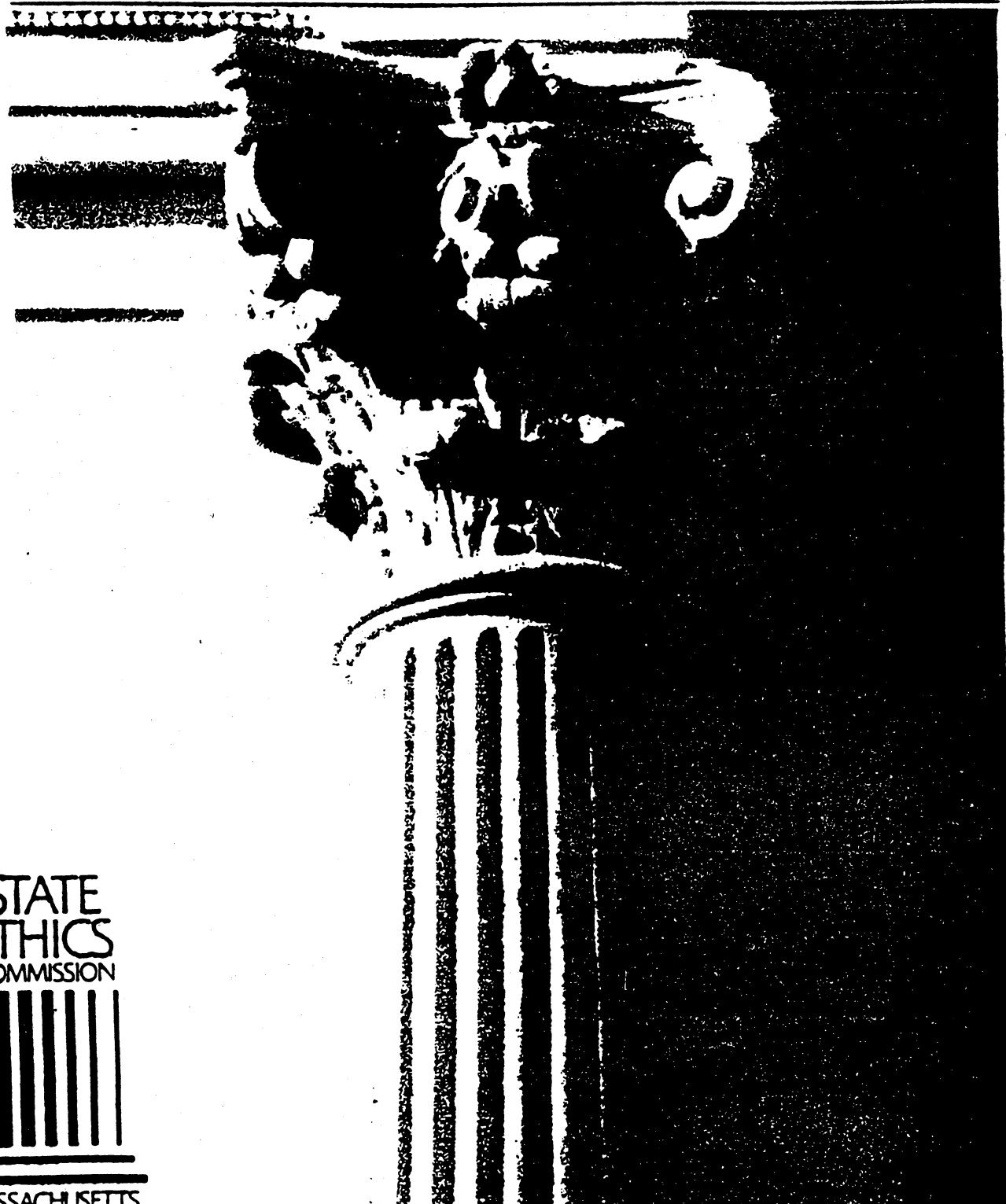
APPENDIX IV

CONFLICT OF INTEREST LAW – STATE

A Practical Guide to the

Conflict of Interest Law

for Municipal Employees



STATE
ETHICS
COMMISSION



MASSACHUSETTS

A Practical Guide to the

Conflict of Interest Law

for Municipal Employees

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The Massachusetts Conflict of Interest Law (Chapter 268A of the General Laws) sets a minimum standard of ethical conduct for all municipal employees and officials. Enacted in 1962, the conflict law's goal is to promote confidence in our government and in the integrity of its officials.

The Massachusetts State Ethics Commission was established in 1978 by the Legislature as an independent civil enforcement agency to enforce the conflict of interest and financial disclosure (Chapter 268B) laws.

The Commission is a bipartisan, five-member board appointed by the Governor, the Secretary of State and the Attorney General. The members serve part-time for staggered five year terms. The Commissioners appoint an Executive Director who heads a full-time staff employed in four divisions: Enforcement, Legal, Financial Disclosure and Public Education.

Note: The conflict of interest law applies to city and town officials and employees — all elected or appointed, full, part-time, paid and unpaid positions. This Guide uses the terms officials and employees to cover anyone who serves local government, either elected or appointed.

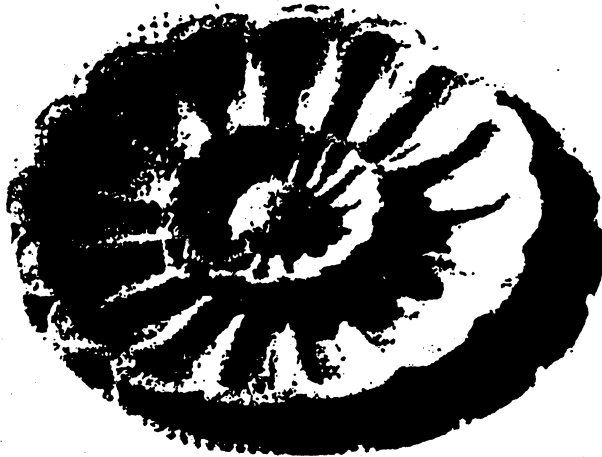
*Many terms used in this Guide can be found in the Glossary.

Preface

This Guide provides general guidance to town and city officials and employees on how to comply with the conflict of interest law. It is not meant to serve as formal advice or as a substitute for legal counsel.

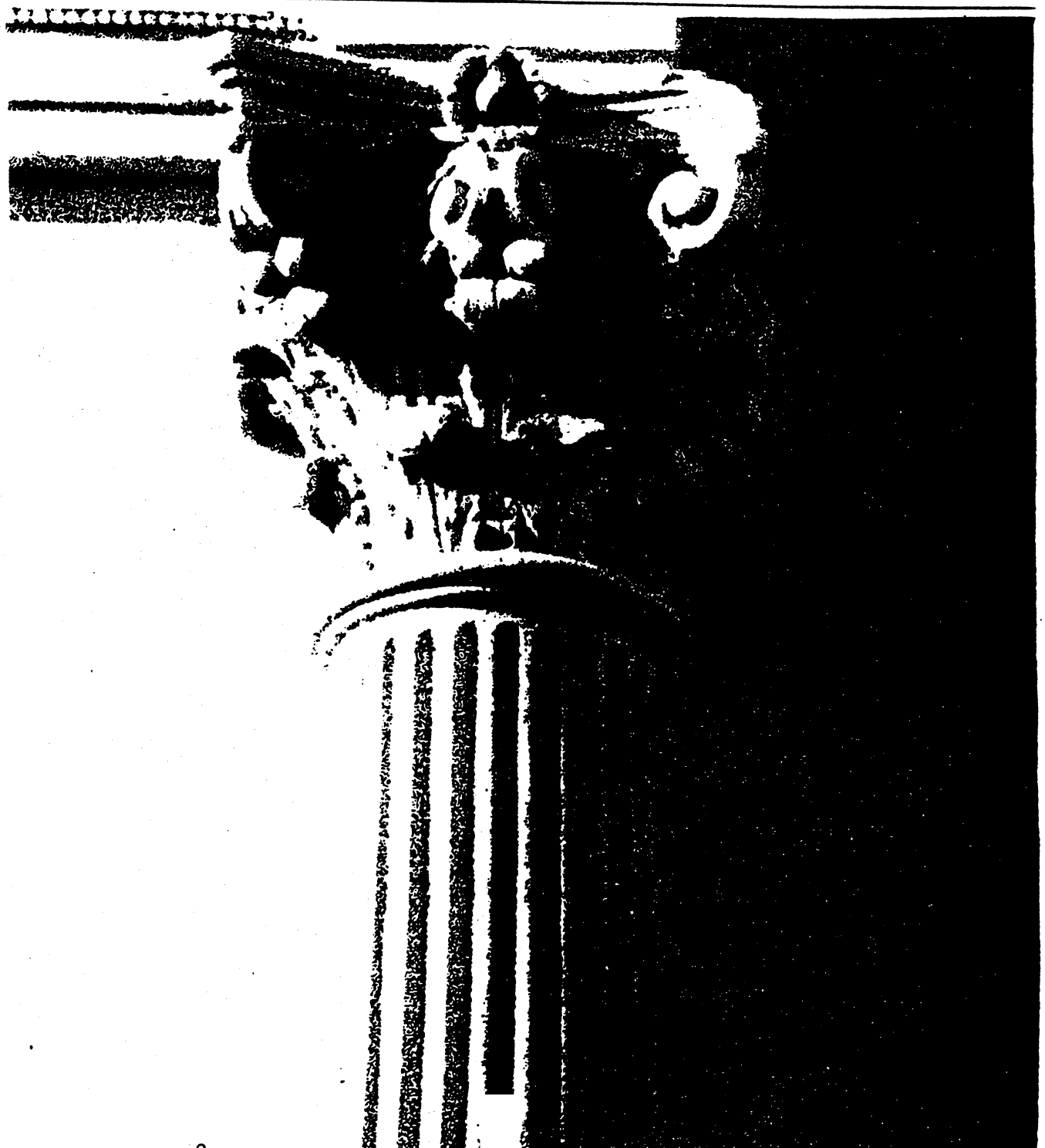
If after reading this booklet you have questions about particular situations, you may call the State Ethics Commission and receive informal legal advice or you may request an advisory opinion from either the Ethics Commission or your town or city lawyer. The Ethics Commission urges municipal employees to take advantage of this opinion process. (See page 25 for information on how to obtain an advisory opinion.)

This Guide reviews the conflict of interest law in effect as of 1988. The conflict law may be amended from time to time by the state Legislature; be sure to consult the current version of the law or call the Commission's Legal Division at (617) 727-0060 for advice concerning the most recent application of the law.



Introduction to the

Conflict of Interest Law



Purpose of the Law

The purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

The law restricts what a public employee may do:

1. on the job
2. after hours (or "on the side")
3. after leaving public service

Who the Law Governs

Municipal Employees

The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as "employees") at the state, county and municipal levels of government. The term "employee" at each level is defined expansively. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. People who work as consultants or on an intermittent basis are generally covered, as well. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens serving on a special advisory committee appointed by the mayor or board of selectmen to make recommendations on a specific issue. However, elected town meeting members or attendees at an open town meeting and members of a local charter commission are not considered "municipal employees" for purposes of the conflict of interest law.

"Special" Municipal Employees

"Special municipal employee" status may be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen or city council. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated as a special municipal employee provided that:

1. you are not paid; or
2. you hold a part-time position which allows you to work at another job during normal working hours; or
3. you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position which is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee may not be classified as a special unless all members are similarly classified.

Under no conditions may a mayor, alderman, city councilor or selectman in a town with a population of more than 5,000 be designated as a special. However, in towns of 5,000 or less, selectmen may designate themselves as special employees.

The state Legislature may designate certain employees to be special municipal employees. For example, members of local housing and redevelopment authorities are defined by law as special municipal employees. (See G.L. c. 121B, §7.)

Municipal Agencies

A municipal agency includes all departments, offices, councils, divisions, boards, bureaus, commissions, institutions or tribunals of city or town government. In other words, all entities established by the community, such as the council on aging, the historical commission, the licensing board and the town by-law committee, are municipal agencies under the conflict law.

Regional Organizations

The status of regional bodies such as regional school districts is not clearly defined in the conflict law. However, the State Ethics Commission has ruled that many of these regional organizations are "municipal agencies" for purposes of the law because these organizations provide services to the community which individual towns would traditionally provide.

Some of the regional organizations determined by the State Ethics Commission on a case by case basis to be municipal agencies are:

- Regional School Districts
- Local Water and Fire Districts
- Community Development Corporations
- Local Arts Lottery Councils
- Private Industry Councils

Certain regional bodies which are part of a state-wide organizational structure are not municipal agencies, but rather are considered state agencies. For example, regional transit authorities or regional mental health centers are considered state agencies for purposes of the conflict law.

How the

Conflict of Interest Law

Affects Municipal Employees



Restrictions "On The Job"

Bribes (Section 2)

The conflict law prohibits all public employees from seeking or receiving bribes, gifts, promises, or anything else of value in return for an official favor or a promise of action or inaction. In addition, the law prohibits public employees from accepting anything of value in exchange for committing any fraud on a state, county or municipal agency (or allowing anyone else to commit such a fraud). Finally, the law prohibits public employees from being influenced in giving testimony under oath or rendering themselves unavailable to testify. (The conflict law does not prohibit a public employee from receiving witness fees and other expenses allowed by law for testimony.)

A public employee violates Section 2 if the employee acts with a "corrupt intent." As a general rule, whenever there is an agreement that a public official will receive something of value from a private party for certain official action (or inaction), that agreement is sufficient evidence that the public employee is acting with corrupt intent.

The bribery section of the conflict law also applies to private parties; anyone who bribes or attempts to bribe a public official violates the conflict law and faces criminal sanctions.

The item of value which is solicited or accepted need not be money. Trips, for example, or improvements to one's home would be covered. The item of value need not be for the benefit of the public employee personally, but may be for the benefit of another person or an organization.

Example: The director of public works violates Section 2 by asking a contractor for a cash payment before he will approve the award of a town contract. The director also violates Section 2 if he demands a contribution to the mayor's re-election campaign in return for approving the contract. The contractor would violate the law by offering a bribe to the director in exchange for his approval of the contract. ■

Gifts (Section 3)

It is illegal to request or accept anything of "substantial value" from anyone with whom you have or are likely to have official dealings (absent some family or social relationship which would explain the gift) even if the motivation for the gift is to express gratitude for a job well done or to foster goodwill.

It is also illegal for a *private party* to offer or give anything of substantial value to a public official or employee if it is given "for or because of" some act the official has performed or will perform; this is true even if there is no corrupt intent on the part of either the giver or the receiver.

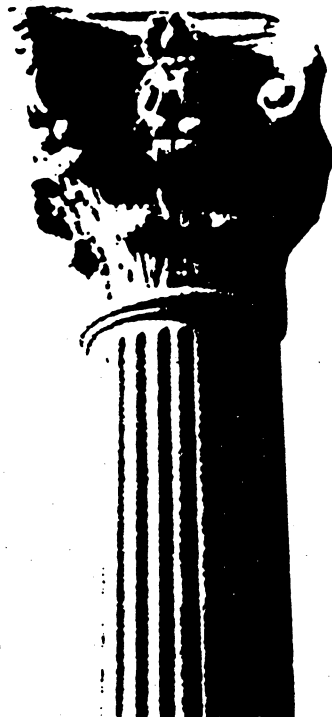
In 1976 the Massachusetts Appeals Court decided that \$50 is "substantial value." In 1985 the Commission issued a similar ruling. Items of "substantial value" range from cash, additional compensation and tips to free tickets and passes to entertainment events. In addition, free or discounted services such as construction or accounting work are considered gifts.

Example: A complaint is filed with the town public health department regarding a restaurant. An investigator screens the complaint and determines that no action should be taken on it. Grateful for this resolution of the matter, the restaurant owner invites the investigator and his family to a free dinner at his restaurant. If the investigator accepts the invitation, he violates Section 3 if the dinner is worth \$50 or more. If the same investigator had asked for the free dinner from the restaurant owner in return for agreeing not to act on the complaint, he would violate Section 2 (the bribery section of the law). ■

Example: A municipal purchasing agent awards several city office supply contracts to a stationery supplier who submits the lowest bids. At the end of the year, the general manager of the stationery firm offers the purchasing agent a set of luggage worth over \$50 as a token of goodwill. The purchasing agent violates Section 3 if he accepts the gift. The supplier violates Section 3 simply by making the offer of luggage to the purchasing agent. ■

Example: A car dealer which holds a major contract with the town police department offers a 40% discount to all town police officers. The car dealer violates Section 3 by offering the discount because it is being given only to town police officers who potentially could affect the car dealer's contract by praising or complaining about the cars' quality. The police officers will violate Section 3 if they take the discount and it totals \$50 or more. ■

For more detailed information on accepting or being offered "gifts," see Commission Advisory No. 8, the "Free Pass Advisory," available from the Commission's office.



Restrictions on Official Actions (Section 19)

Public employees must not act in their official capacities in matters in which they have a personal financial stake. The law also recognizes that the objectivity and integrity of municipal employees may be compromised if they act on matters affecting the financial interests of people or businesses with whom they are closely related.

Section 19 of the conflict law does not prevent municipal employees from having private financial interests or dealings in their town, but it does restrict what official actions, if any, they may take with respect to their private financial interests.

Acting on Private Financial Interests

To prevent public employees from using their positions to further private interests, the law prohibits municipal employees from participating in a "particular matter" in which they know that they personally, their immediate family or a business they are closely associated with has a financial interest. They are specifically prohibited from acting on matters affecting:

1. themselves
2. their "immediate family" (the employee and his or her spouse and their parents, children, brothers and sisters);
3. their partner;
4. a business organization in which they are serving as an officer, director, trustee, partner or employee (for example, if a municipal employee is an unpaid trustee of a private school she may not participate in a particular matter in which the school has a financial interest, even if she has no personal, direct financial interest herself); or
5. any person or organization with whom they are negotiating for or have any arrangement concerning future employment.

Introduction to the

Conflict of Interest Law



In summary, municipal employees may not act in their official position on any matter affecting the financial interest of themselves, their family or their businesses.

Example: An assessor in town wishes to apply for a tax abatement for his home. He may file the necessary papers and appear on his own behalf to argue for the abatement; however, in his official position as assessor, he may not discuss, recommend, analyze or decide whether to grant himself an abatement. ■

Example: The elected treasurer is on the board of directors of a local bank. She will violate the law if she takes any official action affecting the bank's financial interest such as investing the town's money in certificates of deposit with the bank. (See page 11 for information on a narrow exemption for treasurers making demand bank deposits.) ■

A municipal employee is prohibited from participating in a final decision affecting personal financial interests and also from participating in any of the steps along the way.

Finally, the "financial interest" at stake need not be present or immediate. Municipal employees may not participate in a matter if they have a "reasonably foreseeable" financial interest in that matter.

Example: A member of the zoning board of appeals is a developer. His corporation is negotiating to purchase a parcel of land in town. An application to rezone that land has been filed on behalf of the *current* owner. The zoning board member has a "financial interest" in the decision by his board whether to grant the zoning change because he may own the land in the foreseeable future. He would therefore be prohibited from participating in that board decision. ■

Acting on a Competitor's Financial Interest

The conflict law restricts municipal employees from taking any official action which would affect the financial interest of their business competitors. Such action will ultimately affect the employee's own financial interest. The employee may also not take official action on matters concerning the competitors of his or her immediate family, business or employer.

There is no one easy "rule" for local officials to rely upon when deciding who an official's competitors are in any particular instance. In an advisory opinion concerning a liquor license the Ethics Commission indicated that local authorities are often in a better position than the Commission to identify the local factors which would make a liquor license holder a competitor. In that opinion, we suggested that the appointed official rely on his appointing authority to make such a determination. Elected officials should seek guidance from town or city counsel or from the Commission when faced with a similar issue.

Example: A selectman who owns a restaurant in town may not vote to approve her own liquor license. If the selectman is part-owner and is not active in running the restaurant, she must still abstain from participating. The selectman is also prohibited from voting on any liquor license matter involving an establishment in competition with her restaurant. ■

Acting on Matters Affecting Family (Nepotism)

The conflict law prohibits a municipal official from participating in any particular matter affecting the financial interests of an "immediate family member." The purpose of the broad prohibition against acts of nepotism is to prevent potential conflicts or the appearance of favoritism which arise whenever a public official's personal loyalty to a family member competes with the need to make objective personnel decisions. "Immediate family member" is defined in the law as the employee and his or her spouse and their parents, children, brothers and sisters.

The following specific acts are prohibited:

1. hiring a family member;
2. any significant involvement in a hiring process in which a family member is an applicant, e.g., interviewing or creating a test for applicants;
3. any significant involvement in the reappointment, promotion, reclassification, demotion or firing of any family member;
4. determining a family member's salary (including approving "automatic" increases such as annual step increases);
5. conducting a job performance review of a family member;
6. day-to-day supervision of a family member;
7. delegating the task of dealing with an immediate family member to a subordinate.

1. Voting on Budgets Including Family Members' Salaries

In situations where a municipal official's immediate family member is employed by the same city or town, the official may not participate in any discussion or vote on any line item of a budget which would affect the family member's salary. The best course of action is simply to leave the room during the deliberation and vote of the board. The prohibition includes voting on a budget which will merely

maintain the salary of an immediate family member at its present level or approving "automatic" salary step increases in a budget. The prohibition applies even in cases where a number of other employees are given similar increases.

A 1976 Supreme Judicial Court decision *Graham v. McGrail* provided the following guidelines to allow public officials to vote on the budget's "bottom line" when faced with this conflict. The board must identify the budget line item which includes the family member's salary and vote on it separately. The official whose family member's salary is affected by this line item must abstain from the discussion and vote. After all such conflicts are dealt with through this line item procedure, the board may then vote on the budget as a whole package, with all members participating in the final vote to approve the "bottom line."

Example: A school committee member whose father works as a custodian for the school department must abstain from voting on the line item of the budget which includes his salary. She appropriately leaves the room during any deliberation and vote on this matter. She may vote on other line items in the school department budget. She may also participate in the final vote to approve the budget as a whole at the end of this process. ■

In addition, an exemption is available for appointed municipal employees which will allow them to act on a budget affecting an immediate family member's financial interest. They must receive permission to participate from the public official or board which appointed them to their job (the appointing official). This disclosure and authorization procedure is discussed on page 10.

2. *Appearances of favoritism*

Some relatives such as cousins, aunts and nephews are not "immediate family" members for purposes of the conflict law. However, a public official's actions regarding these relatives may violate the Standards of Conduct (Section 23) of the conflict law.

Section 23 prohibits a public official from giving the impression that he or she can be improperly influenced by someone or that a relative could receive preferential treatment because of kinship. A public official must be careful to avoid this appearance of favoritism. The law states that an appointed public official will dispel this appearance by making a written disclosure to the official's appointing authority. The law requires that the appointing authority keep the disclosure open to inspection by the public. For elected officials who have no appointing authority, the written public disclosure must be filed with the town or city clerk. In addition, officials would be well advised to make the disclosure a matter of record prior to acting at a public meeting by having the disclosure recorded in the meeting minutes.

In addition to avoiding the "appearance" of favoritism, a public official is, in fact, prohibited from engaging in favoritism. Under the Standards of Conduct, public officials are prohibited from using their positions to secure an unwarranted privilege of substantial value (\$50 or over) for anyone. Thus, if an elected official hired a nephew who was unqualified for the job — even if the official publicly disclosed the relationship — the official would violate the law because it would be an "unwarranted privilege" for the nephew to be paid for a job he could not adequately perform.

When *appointed* officials are faced with a nepotism conflict, the law provides an exemption procedure so that the officials may participate in the matter if they receive prior approval. (This is discussed under "Disclosure and Authorization Procedure" below.) However, *elected* officials may not take advantage of this procedure — they must always abstain from participating in a matter involving an immediate family member.

For more detailed information on exactly what constitutes a nepotism violation and what the Commission's enforcement policy is regarding these violations, see Commission Advisory No. 11, available from the Commission's office.

Exemptions 1 to 3

Exemption 1

Disclosure and Authorization Procedure

Appointed municipal employees may participate in a matter which affects their own, their immediate family's or their business' financial interest *only if* they receive permission from the public official who appointed them to their job. To receive the exemption, employees must first advise their appointing official of the nature and circumstances of the particular matter in which they want to participate and make full disclosure of the financial interest involved. The appointing official may then decide whether to allow the person to participate or to have someone else handle the matter. Any such determination must be in writing with a copy available for public inspection at the city or town clerk's office.

This exemption is not available to *elected* municipal officials because they have no "appointing official." They must always abstain from participating in matters involving their own, their immediate family members' or their business' financial interest.

Example: A local businessman has asked for a zoning variance so that he may garage the trucks from his contracting business in an area zoned for residential use. One member of the zoning board of appeals lives adjacent to the lot which is the subject of the application for the variance. Because of the effect such a variance would have on the value of the member's property, he has a financial interest in the zoning board's decision. As a result, Section 19 prohibits him from participating in that decision unless he receives a written exemption from his appointing official. If the zoning board member is elected, he must abstain from participating. ■

Example: The board of aldermen in a city must give final approval before a major condominium development may begin. One of the aldermen is a member of the board of directors of the development company seeking the approval. As a director of a business organization which has a financial interest in the board of aldermen's decision, this member is prohibited from participating in the decision. Because she is elected to her position as alderman, she has no appointing official and cannot take advantage of the "disclosure and authorization exemption" explained above. ■

Example: A part-time secretarial position is available in the town treasurer's office. The elected treasurer may not hire his sister to fill the position, even if she is more qualified than other candidates and has taken the appropriate civil service examination. An appointed treasurer, however, may disclose the situation to his appointing authority (the board of selectmen) and the board may then authorize the treasurer to make the hiring decision. The board of selectmen may also assign the hiring decision to someone else or handle it themselves. ■

Exemption 2

Determinations of General Policy

Certain decisions made by municipal officials affect either the municipality as a whole or a substantial segment of its population. The decision to raise water or sewer rates, for example, financially affects not only the water commissioner, but all town residents. A strict application of the conflict law in this circumstance would prohibit all town officials from participating in these decisions. This result would severely hinder the operation of a municipality. Therefore, Section 19 does not restrict one's participation in a particular matter if the issue involves a "determination of general policy" and the interest of the municipal employee or members of the employee's immediate family is shared with a substantial segment of the population of the municipality.

Exemption 3

Elected Official(s) Making Demand Bank Deposits

Section 19 allows an elected town or city official (e.g., the treasurer) to deposit municipal funds into a checking account in a bank with which the employee is affiliated *only if* the elected official first files with the clerk a statement making full disclosure that he or she is associated with the bank which has a financial interest in the deposits.

Example: The elected city treasurer is a member of the board of directors of a local bank. She opens and maintains a checking account in that bank with city money after filing a disclosure of her position on the board and the bank's interest in the deposit. She is not in violation of Section 19 because she has complied with the exemption. ■

Using the Rule of Necessity

If a member of a town or city board has a conflict of interest, that member will be disqualified from acting on that board matter. In some cases, especially when more than one member is disqualified, a board cannot act because it does not have a quorum. (If a number for a quorum is *not* set by law, a quorum is generally a majority of the board members.) In these instances, the board may use what is called a Rule of Necessity to permit the participation of the disqualified member in order to make a quorum to allow the board to act.

The Rule of Necessity is not a law written and passed by the Legislature. Rather, the Rule of Necessity was developed because judges applied it in their court decisions.

The Rule of Necessity works in the following way:

1. It can only be used if a board is *unable* to act on a matter because it cannot obtain a quorum because members are disqualified from acting.

Example: A five member board has a meeting and all members are present. Three of the five members have conflicts. A quorum is three. The two members without conflicts do not make a quorum. The board cannot act. The Rule of Necessity will permit all members to participate. ■

Example: A five member board has a meeting and four members are present (one member is sick at home). Two of the four present members have conflicts. A quorum is three. The one member who is sick at home does not have a conflict. The Rule of Necessity may not be used because there is a quorum of the board which is able to act. Because one member of that quorum is absent does not permit use of the Rule of Necessity. ■

Example: A five member board has a meeting and all members are present. One member has a conflict and is disqualified. The vote is a two to two tie. The Rule of Necessity may not be used to break the tie. In general, a tie vote defeats the issue being voted on. ■

2. The Rule of Necessity should be invoked by the chairman of the board, upon advice from town or city counsel. It is advisable for town or city counsel to set guidelines for exactly when and in what circumstances the Rule of Necessity should be invoked.
3. If it is proper for the Rule of Necessity to be used, it should be clearly indicated in the minutes of the meeting that the board was unable to obtain a quorum due to disqualification of members and, as a last resort, that those disqualified will now participate under the authority of the Rule of Necessity.
4. The Rule of Necessity may only be used as a last resort. Every effort must be made to find another board capable of acting in place of the board which could not obtain a quorum.



Misuse of Official Position

(Section 23)

Section 23, referred to in the law as the "Standards of Conduct," provides a general code of ethics for all public employees. The Standards of Conduct may apply whenever there is an overlap or direct connection between a public employee's official duties and responsibilities and his or her private activities, interests or relationships. This overlap of personal and public interests can at a minimum create an appearance of a conflict of interest.

A municipal agency or board may establish and enforce additional standards of conduct beyond those in the conflict law.

Unwarranted privileges

Municipal employees may not use or attempt to use their official positions to secure for themselves or others unwarranted privileges of substantial value. Substantial value has been set at \$50 by the courts and the Commission.

Example: A city employee submits a request for reimbursement for travel expenses he said that he incurred in attending a conference. The employee did, in fact, attend the conference, but did not incur the full expenses for which he seeks reimbursement. This conduct violates the conflict law since it is an attempt by the employee to use his official position to secure an unwarranted privilege of substantial value for himself. ■

Example: A full-time employee in the mayor's office uses the office computer after hours to set up a data base for his wife's accounting business. This violates the conflict law. Using city equipment and resources for personal business is using an official position to obtain an unwarranted privilege of substantial value not similarly available to others. ■

"Appearances" of conflict

Public employees must avoid conduct which creates a reasonable impression that they will act with bias.

A public official can dispel this impression of favoritism by disclosing all the facts which would lead to such a conclusion. For example, it may be necessary for a public official to disclose a personal relationship with someone appearing before his or her board.

Appointed officials must disclose in writing to their appointing authority. This disclosure must be kept available for public inspection. An elected official's public disclosure must be made in writing and filed with the city or town clerk. In addition, officials would be well advised to make a verbal disclosure for inclusion in meeting minutes if such an "appearance" of a conflict arises in a public meeting. These public disclosures must be made *prior* to any official participation or action.

Once this public disclosure has been made, the official may participate in the matter notwithstanding the "appearance of a conflict." When officials act on matters affecting individuals with whom they have a private relationship, they must act objectively and be careful not to use their official position to secure any unwarranted privilege or benefit for that person. Use of an official position to secure an unwarranted privilege for someone is always prohibited, regardless of whether the disclosure procedure is followed.

Example: An elected planning board member participates in the planning board's consideration of a subdivision plan submitted by a contractor who built the planning board member's house. His participation in the planning board's consideration would create a reasonable basis for the impression that the contractor could unduly enjoy his favor in the performance of his official duties. To dispel this appearance of bias, the planning board member must disclose in writing his private relationship with the contractor and file the disclosure

with the town clerk. He may then vote on the subdivision plan (provided he can do so objectively). ■

Example: The longtime friend of the chief of the town's highway department applies for a job in the highway department. If the chief gets involved in the hiring process, it may appear as though his friend could enjoy undue favoritism. To dispel the appearance of favoritism, the highway department chief must disclose his private relationship with the job applicant in writing to his appointing official (the board of selectmen) prior to any action. This disclosure must be available for public inspection. It is then within the authority of the board of selectmen to determine whether any further steps need to be taken to avoid the appearance of a conflict. ■

Inherently incompatible activities

A municipal employee is prohibited from accepting other employment involving compensation of substantial value (\$50 or more), the responsibilities of which are inherently incompatible with the responsibilities of his public office. For example, in a 1984 enforcement case, a state mediator admitted he violated the conflict law by working privately for a union when he was involved in mediating a labor dispute with the same union.

Use of confidential information

No current or former officer or employee of a municipal agency may:

1. accept employment or engage in any business or professional activity which will require the employee to disclose confidential information gained by reason of the employee's official position or authority; or
2. improperly disclose material or data which are not considered public records and which are acquired in the course of official duties nor use such information to further personal interests.

Example: A former employee of the town personnel office sets up her own employment placement service and uses confidential information from the town's personnel records to prepare a client list for use in her private business. This violates Section 23 because she would be using confidential information acquired in the course of official duties to further personal interests, and also because she would be using her official position to secure for herself an unwarranted privilege not properly available to similarly situated individuals (i.e., other placement services). ■



Prohibited Appointments of Board and Commission Members (Section 21A)

The conflict law prohibits town or city board members from being *eligible* for appointment or election to any position under the supervision of their own board. This prohibition continues for thirty days from the member's termination of service on the board.

Only if town meeting approves, may a board member be appointed to a position under the supervision of the member's own board. Even if town meeting approves the appointment, Section 20 (discussed on page 16) may place restrictions on or prohibit the appointment.

Municipal officials considering applying for a paid position under the supervision of their own board should be aware that they may not participate as board members in discussions and/or votes concerning their appointment.

Example: A member of the board of assessors may not apply for and obtain a job in the assessor's office without town meeting's approval. If he resigns his membership on the board, he cannot apply for a job in the assessor's office for 30 days. He also is prohibited from being hired while a board member but technically not accepting the job for 30 days. ■

Demanding Undated Resignations Prohibited (Section 21B)

The conflict law prohibits the mayor, city manager or town manager from requiring anyone, as a prerequisite to appointment to a municipal position, to submit an undated resignation. This prohibition prevents the chief executive officer of a municipality from using a municipal employee's undated resignation to exert unfair leverage over the employee and from dismissing an employee without the need for public explanation.

Restrictions on Partners of Municipal Employees (Section 18)

The law prohibits partners of municipal employees from deriving an unfair advantage as a result of their association with the municipal employee. Therefore, the partner of a municipal employee may not act as agent or attorney for a private party before the city or town in connection with a matter in which the municipal employee has ever participated or over which the employee has official responsibility.

Municipal employees are also prohibited from shifting to their partners what they themselves are prohibited from doing.

Example: A member of the planning board is a partner in a law firm. As a board member he has official responsibility for approving development plans. His law partners may not represent anyone other than the town before the board in connection with such an application. It does not matter if the board member takes no action on the application or disqualifies himself from that proceeding. ■

Restrictions "After Hours"

Prohibited Municipal Contracts and Multiple Jobs (Section 20)

Application to Employees & Officials

In general, municipal employees are prohibited from having a direct or indirect financial interest in a "contract" with a municipal agency. Contracts include agreements to provide goods and services. Employment also constitutes a contract with the municipality. Therefore, generally, municipal employees are prohibited from holding more than one paid position or contracting with the same city or town. (However, the courts have said that election to public office is not a contractual relationship; therefore, municipal officials may hold any number of elected paid positions and not be in conflict.)

These restrictions will avoid any public perception that municipal employees have an "inside track" on getting municipal contracts and jobs.

Example: A full-time employee of the school department is half owner of a business which provides transportation for the handicapped. The employee will violate Section 20 if his business enters into a contract with the school department to transport handicapped students to and from school. ■

Example: The town assessor works for a large data processing firm. The town's assessing department has asked her firm to computerize the town's assessment records. They enter into a contract to do so. The town assessor may continue to work for her firm, but she would be prohibited under Section 20 from working for the firm on the town assessment records project or from receiving any financial benefit from that contract. ■

Example: A full-time police officer working nights may not take another full-time paid municipal job during the day. ■

Municipal employees may qualify for one of the exemptions under Section 20 to allow them to contract or hold multiple positions with the town or city for which they work. A municipal employee must fulfill certain specific conditions before receiving an exemption. (See exemptions 1 through 9, starting on the following page.)

Note: Section 20 is the most complex section of the conflict law; we suggest you call the Commission or contact your city solicitor or town counsel for specific advice on Section 20.

Application to Spouses

A spouse's financial interest in a municipal contract is not necessarily attributed to the municipal employee. Therefore, if the spouse has a financial interest in a municipal contract this does not automatically place the municipal employee in violation of the law. However, a municipal employee will not avoid violating Section 20 merely by having the contract "technically" in a spouse's name while continuing to share in the contract proceeds.

Example: An employee of the police department (Jane) is married to the owner of an electronics store (Bob). Bob has a contract selling and leasing radio equipment to the police department. Jane does not, by law, have a financial interest in Bob's contracts simply because she is married to him. Therefore, Bob may have a contract with the town. However, if Jane were a partner or part-owner in her husband's store or if she exercised control over the management of the store, she would have a financial interest in the contracts. Her financial interest would prohibit the electronics store from contracting with the police department. ■

Exemptions 1 through 9

There will be very few instances when employees will be able to contract or hold second jobs with their *own* agency. However, there will be instances where employees are allowed to contract or hold second jobs with *other* agencies.

Exemption 1.

The most comprehensive exemption is found in Section 20(b). It states that if you are a municipal employee, you may have a contract with a municipal agency *if*:

1. you do not work for the contracting agency;
2. you do not work for any agency which regulates the activities of the contracting agency;
3. you do not participate in or have official responsibility for the activities of the contracting agency;
4. the contract is made after public notice or competitive bidding; and
5. you file with the clerk a disclosure of your and your immediate family's financial interest in the contract.

Example: A full-time employee of the public works department owns a company which produces electrical equipment. He may sell lighting fixtures to the school department provided the contract is competitively bid or publicly advertised and he makes the necessary disclosure to the town clerk. However, if he worked for the school department (the contracting agency) or if the contract were not awarded after advertising or competitive bidding, he would violate the law by having such a contract. ■

Example: A full-time employee of the purchasing department owns 25 percent of the stock in a cleaning supply company. If the purchasing department approves every purchase and contract made by every town agency, the employee will violate Section 20 if his corporation enters into a contract with any

agency of the town to provide cleaning supplies. This violates the law because the full-time employee of the purchasing department is employed by an agency "which regulates the activities of the contracting agency." ■

If the contract is for personal services (i.e., a second job) *in addition*, you must fulfill the following criteria:

1. the services must be provided outside the normal working hours of your primary job;
2. the services may not be required as part of your regular duties;
3. you may not be compensated for the second job for more than 500 hours in a calendar year;
4. the head of the contracting agency must file a written certification with the clerk that no employee of the contracting agency is available to perform those services as a part of his or her regular duties.

Example: A full-time secretary in the town clerk's office may contract with the licensing board to provide typing services, provided he does the work on his own time (e.g., nights or weekends); he does not bill the board for more than 500 hours in any one calendar year; he makes the necessary disclosure to the clerk; the board gives members of the general public the opportunity to seek the contract; and the head of the licensing board certifies that no one at the board is available to do the work. ■

Exemption 2.

Special municipal employees may have a contract or a second job with the same city or town if the employee meets *one* of the following conditions:

1. the special municipal employee does not participate in or have official responsibility for any of the activities of the contracting agency, and files with the city or town clerk a statement disclosing the financial interest in the contract; or
2. the special municipal employee has filed with the city or town clerk a statement disclosing the interest in the contract *and* the

city council, board of selectmen or board of aldermen has approved his or her exemption from this section. This means that if a special municipal employee gets formal approval, that employee may have a financial interest in a contract with the agency he or she works for, e.g., a school committee member contracting with the school department.

Example: An engineer works part-time for the city's conservation commission and has been classified a special municipal employee. As a special, she may have a consulting contract with the highway department regarding road construction if she has filed with the city clerk a disclosure of her interest in the consulting contract. In addition, if she receives approval from the board of selectmen and files a disclosure statement, she may contract with the conservation commission (her own agency). ■

Exemption 3.

Section 20 does not prohibit municipal employees from receiving benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of their residence.

Example: A municipal employee who owns and resides in a home which qualifies for federal subsidies for home weatherization may obtain such a subsidy, even though the program is administered by, and the funds distributed by, a municipal agency of the same town in which she is employed. ■

Exemption 4.

Section 20 does not prohibit a municipal employee from being eligible for a housing subsidy program administered by a local housing authority. However, the housing authority employee who has responsibility for the administration of the subsidy program may not be eligible for a subsidy.

Exemption 5.

Section 20 does not prohibit an individual who is already a municipal employee from also serving as selectman (or as councillor in a municipality with a town council form of government) in the same town as long as the selectman:

1. does not vote or act as selectman on any matter which is within the authority of the agency which employs the selectman or over which he or she has official responsibility (for example, a policeman who is elected as selectman may not vote on any matter which comes under the police department's authority); and
2. receives compensation for only one office or position in the town (individuals may choose which pay they wish to receive).

A selectman who does not hold a municipal position before being elected may not be appointed to a municipal position afterwards. In fact, once one's term as selectman expires or one resigns, there is a six month waiting period before being eligible to be appointed to a municipal position. However, a selectman may be routinely reappointed to a previously held position.

Example: A school teacher may serve as elected selectman so long as she does not vote or act on any matter which is within the authority of the school department, and she receives only one salary. Her original municipal teaching contract may be renewed. However, she is not eligible for promotion to the position of principal (considered a new appointment) while she is a selectman, or for six months after her term as selectman ends. After a selectman is elected, she may not be appointed to any new municipal position (e.g., be hired as a teacher) during her term as selectman or for six months after her term ends. ■

Note: Selectmen designated as specials in towns with a population of under 5,000 may hold additional paid town positions if they meet the requirements detailed in Exemption 2 (page 17).

Exemption 6.

Section 20 does not prohibit an employee of a housing authority from serving in any elected position, except mayor, as long as the person:

1. does not vote or act on any matter within the purview of the housing authority; and
2. receives compensation for only one office or position in the municipality (individuals may choose which pay they wish to receive)

A city councillor, alderman or other elected official who did not work for a housing authority before being elected may not be appointed to a job in the housing authority afterward. In fact, once one's elected term expires or one resigns, there is a six month waiting period before being eligible to be appointed to such a position.

Exemption 7.

A state employee may hold a paid or unpaid elected or appointed office in a city or town. However, in the municipal position, an employee may not vote or act on any matter which comes under the authority of the state agency the employee works for or over which the employee has official responsibility. This exemption is found under Section 4 of the conflict law.

Example: A full-time employee of the State Department of Public Health (DPH) may not serve as a municipal health agent because every matter which he would be acting on as health agent would be within the purview of DPH. The DPH employee may serve as selectman but may not, as selectman, vote or act on any matter under the authority of DPH. ■

Exemption 8.

A clerk of a city or town may hold additional municipal positions for compensation as long as this arrangement is not disapproved of by the selectmen, town meeting, town counsel (in a town) or mayor and city council (in a city). (See G.L. c. 41, §19I).

Exemption 9.

A municipal employee in a town with a population of less than 3,500 may hold more than one paid appointed position if the board of selectmen formally approve the additional appointments. The employees do not need to be designated as specials in communities with a population of less than 3,500.

Limits on Private Activities (Section 17)

Application to Municipal Employees

Section 17 limits what a municipal employee may do "on the side" for someone other than the city or town which the employee works for. A person cannot serve two masters; whenever an employee works for private interests in matters in which the city or town also has an interest, there is a potential for divided loyalties at the expense of the municipality. Therefore, Section 17 prohibits any municipal employee from:

1. acting as agent or attorney for a private party before city or town boards, or
2. being paid by a private party in relation to any "particular matter of direct and substantial interest" to the city or town. (See Glossary)

The term attorney applies to lawyers and may also include any person exercising a power of attorney. The term agent refers to anybody acting in a representative capacity on behalf of someone else, regardless of whether the person is a lawyer.

Section 17 also prohibits anyone from giving, promising or offering such compensation to a municipal employee.

With respect to this section, you should note at the outset:

1. Not all outside activity is prohibited, only outside activity which relates to particular matters of direct and substantial interest to the city or town. This outside activity is prohibited whether or not it benefits or is adverse to the city or town's interest.
2. The restriction applies as long as any municipal agency has a direct and substantial interest in the matter; it makes no difference whether the employee's own agency has the interest.
3. "Anyone other than the city or town or a municipal agency" includes private individuals or organizations, as well as other levels of government (state, county or federal).
4. Compensation includes not only money but also anything of value received for services rendered. For example, the opportunity to participate in an investment qualifies as compensation as would various fringe benefits. Reimbursements for expenses are not compensation.
5. Finally, when a municipal employee acts as agent or attorney for someone other than the city or town in connection with a particular matter of direct and substantial interest to the city or town, the employee violates Section 17 even if the services are unpaid.

Example: A full-time city engineer may not be paid by a developer to help prepare plans for a private development which will be presented to the city's planning board for approval. Although the city engineer does not work for the planning board, Section 17 would prevent him from performing such services, even on his own time. ■

Example: A municipal employee serves in his off-duty hours as an unpaid trustee of a church in his town. The church and the town are negotiating a land exchange. If the employee represents the church in discussions with the town on this matter (the land

exchange), he is acting as agent for the church in connection with a particular matter in which the town is a party. This is prohibited. ■

Application to Special Municipal Employees

The conflict law imposes fewer restrictions on special municipal employees. Section 17 applies to special municipal employees only when there is a connection between the special municipal employee's outside activity and the employee's agency's work.

A special municipal employee may receive compensation from, or act as an agent or attorney for, someone other than the city or town *unless* the particular matter involved is one:

1. in which he or she participated at any time as a municipal employee or special municipal employee;
2. which is or has been (within the preceding year) the subject of the employee's official responsibility; or
3. which is pending in the municipal agency in which the employee is serving — if the employee serves more than 60 days in any 365 day period. To serve more than 60 days means to perform work on more than 60 days; work on any part of a day will be considered work for one full day. The employee is responsible for keeping accurate records in this regard.

Example: A computer programmer is hired by the city's school department as a part-time consultant. By virtue of this city consulting job, the programmer is a municipal employee; the city council has designated this position as a "special" position. A computer company which has a contract with the city's personnel office offers a job to the programmer to work on this contract. The programmer may work for the company because the contract with the personnel office is not a particular matter she participates in or has official responsibility for (in her school department position) and the matter is not pending in the school department for any type of action. ■

Example: A nurse consults with a town board of health (BOH) for 45 days spread out over a year; her position has been designated as a special municipal employee position. Her work relates exclusively to the BOH lead-paint program. The nurse may also represent a community health center in a funding application before BOH because she does not have official responsibility for or participate in BOH funding decisions and she worked less than 60 days for BOH during the previous year. ■

Exemptions 1 through 5

Exemption 1.

If a municipal employee's job responsibilities require the employee to represent interests other than the municipality's, the employee does not violate Section 17. It is rare, however, that municipal employees are expected to represent outside interests before the town.

Example: The tenant representative on a local rent control board may act as spokesperson for tenant groups as part of his official duties. This would not violate the conflict law even though he is acting as their "agent." ■

Exemption 2.

A municipal employee may provide unpaid assistance to someone who is subject to employment discipline or other municipal personnel proceedings.

Exemption 3.

Appointed municipal employees may represent members of their immediate family or any person for whom the employees serve as a guardian, executor, administrator or other fiduciary before a town board or agency, so long as the employees do not participate in, and do not have responsibility over the matter involved. An employee's appointing authority must approve the arrangement in writing prior to any action.

Elected municipal officials may represent only themselves before town boards; they may not represent members of their immediate family.

Example: An elected or appointed zoning board of appeals member may personally seek a variance from the zoning board to build a garage next to his house. An appointed ZBA member may represent his father before the ZBA on a variance request, provided he receives permission from his appointing authority (i.e., the board of selectmen). An elected ZBA member may not represent his father under any circumstances. The ZBA member may not participate as a board member in the decision regarding his own or his father's petition. ■

Exemption 4.

A present or former *special* municipal employee may assist another person for compensation in working on a municipal contract, so long as the head of his or her agency certifies in writing that "the interest of the city or town requires such aid or assistance," and the certification has been filed with the city or town clerk.

Exemption 5.

A municipal employee may give testimony under oath or sworn statements and receive witness fees from one other than the city.

Restrictions After You Leave Government Service

Misuse of Government Connections (Section 18)

Former municipal employees may not use their past friendships and associations within government, or use confidential information obtained while serving the government, to derive unfair advantages for themselves or others. The law does not prohibit a municipal employee from using general expertise which he or she developed while a municipal employee; rather, the law limits what actions a former city employee may take regarding individual decisions or other "particular matters" in which the employee actually participated or over which he or she had official responsibility while a municipal employee. (The prohibition against using confidential information is contained in Section 23, page 14.)

The law also applies to the business partners of former municipal employees. Former municipal employees may not shift to their partners what they themselves are prohibited from doing. In addition, the law prohibits partners from deriving an unfair advantage as a result of their association with a former municipal employee.

Application to Former Municipal Employees

1. Forever Ban

If a municipal employee participated in a "particular matter" as a municipal employee he or she may *never* become involved in that same matter after leaving municipal service except on behalf of the city or town.

Specifically, the law states that a former municipal employee may not act as agent or attorney for, or receive compensation directly or indirectly from, anyone other than the municipality in connection with any particular matter in which the municipality is a party or has a direct and substantial interest *and* in which he or she participated as a municipal employee.

Example: A member of the zoning board of appeals votes to deny a special zoning permit to a person who wants to put a second floor on a convenience store in violation of height restrictions. After his term on the board expires the board member who is a lawyer is asked to represent the store owner in a suit against the board challenging its permit denial. Because he participated as a board member in the permit denial, he may not act as the attorney in the lawsuit. ■

Example: The superintendent of a municipal public works department selects a contractor to do sewer reconstruction work in the town. Shortly afterward, he resigns his superintendent position and is hired by the contractor to act as foreman on the work under the town sewer contract. The law prohibits him from accepting this employment because he participated in the award of that contract while a municipal employee. However, the superintendent may work for the contractor on other jobs in which he did not participate as a municipal employee. The superintendent may also, in the future, work on a town contract he had no responsibility for and did not participate in as a municipal employee. ■

2. One Year "Appearance" Ban

The law also restricts the actions of a town or city employee who had official responsibility for a matter even though the employee did not personally participate in it. After an official leaves municipal service, for one year, he or she may not appear before any municipal agency on behalf of a private party if:

1. the appearance is in connection with a particular matter in which the municipality has a direct and substantial interest; *and*
2. the matter was within the employee's official responsibility within the two-year period before leaving municipal service. Note that this prohibition lasts for only one year, and restricts only appearances (whether paid or unpaid) before municipal agencies.

Example: The chairman of a local liquor licensing board had official responsibility over all license applications submitted to the board. For one year after leaving the board, the member may not appear on behalf of an applicant for a liquor license if that application was before the board at any time during the last two years of his service. This prohibition exists even if the member personally took no action on the case. If he had taken some action he may never represent the applicant on that particular application. He may, however, represent the applicant on a new liquor license application. ■

Example: An employee of a city's building department is assigned by his supervisor to inspect a newly-constructed building for local building code violations. The law prohibits that employee from ever being paid by the building's owner in relation to that inspection, e.g., to perform required repairs. Although the supervisor does not personally make the inspection, for one year after she leaves municipal service she is prohibited from appearing on behalf of the building owner before a municipal agency in connection with the inspection. ■

Application to Business Partners of Former Municipal Employees

The partner of a former municipal employee is restricted for one year after the former municipal employee leaves municipal service from personally representing or being paid by a private party in connection with a matter that the former municipal employee participated in as a public employee.

Example: A member of the planning board is a partner in a law firm. When the planning board member's term expires, she is forever prohibited from representing private clients in connection with applications in which she had actually participated as a board member. Her partners may not, for one year after the planning board member leaves the board, represent anyone (except the town) in connection with matters in which the former board member participated. ■

Example: Three contractors do not have a formal partnership agreement, but share office space, common expenses and advertising and work together and share profits on some projects. Because they would reasonably appear to be partners to an outsider, the three contractors will be treated as partners for purposes of the conflict law. Accordingly, if one of the contractors is a former municipal employee, the other two will be prohibited for one year after the municipal employee/partner leaves municipal service from working on any matter in which the former municipal employee participated while serving town government. ■

If a partner of a former municipal employee is also a member of another partnership in which the former employee has no interest, there are no restrictions on the activities of the latter partnership.

Example: A former member of the board of assessors may not be compensated by anyone other than the town in connection with any assessment decisions in which he participated. The former board member is in a real estate partnership. His partner, Jones, is also a partner in a law firm. The law firm may represent a client challenging an assessment made by the former board member so long as Jones takes no part in the law firm's activities challenging the assessment. ■

Application to Former Town Counsel

A former town counsel who was paid less than \$2,000 per year on a salary or retainer may not represent a private party before any municipal agency *only* in connection with particular matters in which he participated as a municipal lawyer. These former town and city lawyers may appear before municipal agencies regarding particular matters over which they had official responsibility but did not personally participate.

Former town counsels who were paid more than \$2,000 a year must abide by the same restrictions outlined on page 22 for former municipal employees.

Appendix



How to Obtain Legal Advice

You may call the State Ethics Commission's Legal Division at (617) 727-0060 for informal, confidential advice on the conflict law, or you may seek a written advisory opinion from your city solicitor or town counsel or from the Ethics Commission. If you have a question about your own activities, we urge you to request an opinion *prior* to engaging in the activity in question. Requests to the Commission for an advisory opinion must be in writing and must be about a real, not hypothetical, situation which presents a problem under the conflict of interest law.

Investigations

How to File a Complaint

Anyone can file a complaint concerning a conflict of interest — in person, over the phone or by letter. The law requires the Ethics Commission to keep the identity of all complainants confidential and the Commission's enabling statute (M.G.L. c. 268B, §8) protects a complainant from retribution for filing a complaint with the Commission.

The Commission can initiate investigations based on these complaints, on referrals from other civil and criminal enforcement agencies or on its own based on information obtained through other sources, such as news reports.

If you believe that a violation of the conflict of interest law has occurred or is occurring, you may call or visit the State Ethics Commission office at Room 619, One Ashburton Place, Boston, (617) 727-0060, and speak with a member of the Commission's enforcement staff.

Investigation Procedures

The Enforcement Division reviews each complaint received. If the complaint falls within the Commission's jurisdiction, an initial "screening" is done to determine if the facts warrant a formal investigation. The screening is an informal fact gathering stage. Many enforcement cases end confidentially at the conclusion of the screening with a private educational letter sent to the subject of the investigation. In these cases, no formal charge of a violation is brought and the matter remains confidential.

After the screening, if the staff determines a case should be formally investigated, authorization is sought from the appointed Commissioners to conduct a Preliminary Inquiry. During this formal investigation the Commission staff has subpoena powers for testimony under oath.

After the investigation is conducted, the Commissioners vote on whether "reasonable cause" exists to believe that the law has been violated. If the Commissioners find "reasonable cause," the subject of the complaint is entitled to a public hearing before the Commission to present evidence and testimony on his or her own behalf. At the conclusion of a public hearing the Commissioners issue a Decision and Order stating whether there was a violation of the conflict law and what fine, if any, will be assessed. A person has the right to appeal the Commission's decision directly to Superior Court. In the alternative, the person may settle the case by admitting publicly that he or she violated the law and agreeing to pay a civil penalty for each violation.

If the Commission finds "no reasonable cause" to believe the law has been violated, the case is closed and records and proceedings of the investigation remain confidential.

Penalties

The Commission is authorized to impose civil fines of up to \$2,000 per violation of the conflict law. In addition, the Commission may bring a civil action against individuals who have acted to their economic advantage in violation of the law, and may recover on behalf of the commonwealth or a municipality, damages in the amount of the economic advantage or \$500, whichever is greater. In certain circumstances, the Commission may also recover multiple damages.

Further, any violation which has substantially influenced an action taken by a municipal agency is grounds to avoid, rescind or cancel that action. For example, if a zoning board approved a variance to allow a hotel to be built and one of the members was in conflict when he voted, the approval of the variance could be rescinded.

The conflict law also carries criminal penalties including fines and terms of imprisonment. Criminal prosecutions under the law are the responsibility of the Attorney General and District Attorneys. The Ethics Commission has the authority to refer cases to or concurrently investigate cases with these other law enforcement agencies.

Statute of Limitations

In general, the Ethics Commission will review cases which are not more than six years old. The Commission has established rules governing the Statute of Limitations. These rules state that the Statute of Limitations begins on the date that the Ethics Commission (or another law enforcement agency, such as the District Attorney) learns about an alleged violation of the conflict law. This is usually the date when someone makes a complaint. The Ethics Commission has three years from the date it learns of an alleged violation to issue an Order to Show Cause which starts public proceedings against an individual.

An Order to Show Cause may not be issued more than six years after the alleged violation occurred. Therefore, if a municipal official violated the law in 1980, if the Ethics Commission did not learn of the violation until 1988, the Commission could not take any action against the official.

Public Education

Public education has been a primary commitment of the State Ethics Commission since its establishment in 1978.

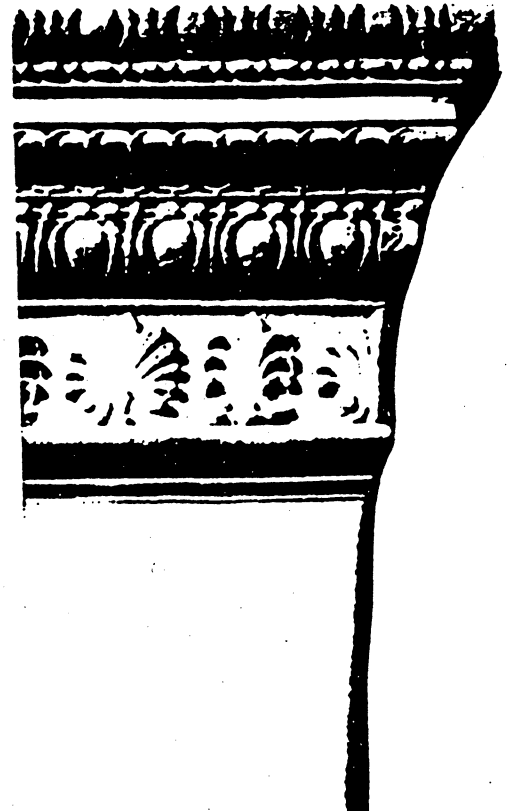
The Public Education Division conducts seminars for municipal employees and officials to help avoid potential conflicts which may arise between an employee's private interests and public position. The Commission staff will travel anywhere in the state to conduct a seminar tailored to any group of public employees or citizens.

The goal of the presentation and question and answer period is to provide an understanding of the basic principles of the law and how to comply with it by discussing "real life" conflicts that arise on the job.

Some of the topics covered at our seminars include: restrictions on receiving gifts, outside employment, contracting with municipal agencies, acting on matters which financially affect family members and business associates, holding more than one town job, and leaving the government to work for companies you dealt with as a public employee.

To arrange for a seminar on the conflict law, call (617) 727-0060 and ask for the Director of Public Education.

The Public Education Division also provides other publications free of charge or for a nominal fee including: the Commission's newsletter, *The Bulletin*; pamphlets for state, county and municipal employees on the conflict of interest and financial disclosure laws; a yearly compilation of Enforcement Actions and Advisory Opinions; an Annual Report and advisories and fact sheets which provide specific guidance to public officials on various aspects of the conflict law.



Commissions or Agencies Which Oversee Ethical Conduct

The following is a list of agencies which oversee the ethical conduct of public employees, including judges and legislators, as well as private sector lawyers. These agencies are responsible for interpreting and/or enforcing the statutes and regulations which are noted.

Massachusetts Municipal, County and State Employees:

State Ethics Commission
One Ashburton Place
Room 619
Boston, MA 02108
(617) 727-0060

M.G.L. c. 268A and c. 268B.

Federal Employees:

Federal agencies have a designated "ethics in government officer" who handles questions and refers complaints to the appropriate law enforcement agency concerning the federal conflict of interest statute. You may also contact the Inspector General's office within each federal agency for advice and information. In addition, the Office of Government Ethics (202-632-7642) will handle questions of a general nature.

Federal employees are covered by:

1. The Ethics in Government Act of 1978, Public Law 95-521.
2. Executive Order 11222 issued 5/21/65 (Standards of Ethical Conduct for Executive Agency Personnel).
3. Code of Federal Regulations
5 CFR 735.101 to 735.306 (Regulations promulgated by the Office of Government Ethics).

Judges:

Commission on Judicial Conduct
14 Beacon Street
Suite 102
Boston, MA 02108
(617) 725-8050

(Rule 3:09 of the Rules of the Supreme Judicial Court Code of Judicial Conduct.)

Judges, as state employees, are also covered by the conflict of interest law enforced by the State Ethics Commission.

Legislators:

House Ethics Committee
State House, Room 163
Boston, MA 02133
(617) 722-2040

House Rules 16 and 16A.

Senate Ethics Committee
State House, Room 517
Boston, MA 02133
(617) 722-1544

Senate Rules 10, 10A, and 12A.

Legislators, as state employees, are also covered by the conflict of interest law enforced by the State Ethics Commission.

Private Sector Lawyers:

Massachusetts Board of Bar Overseers
11 Beacon Street
Boston, MA 02108
(617) 720-0700

Rule 3:01 of the Rules of the Supreme Judicial Court.

For information on:**Campaign and Fundraising Activities**

Office of Campaign & Political Finance
One Ashburton Place
Room 1005
Boston, MA 02108
(617) 727-8352
M.G.L. c. 55.

Open Meeting Law

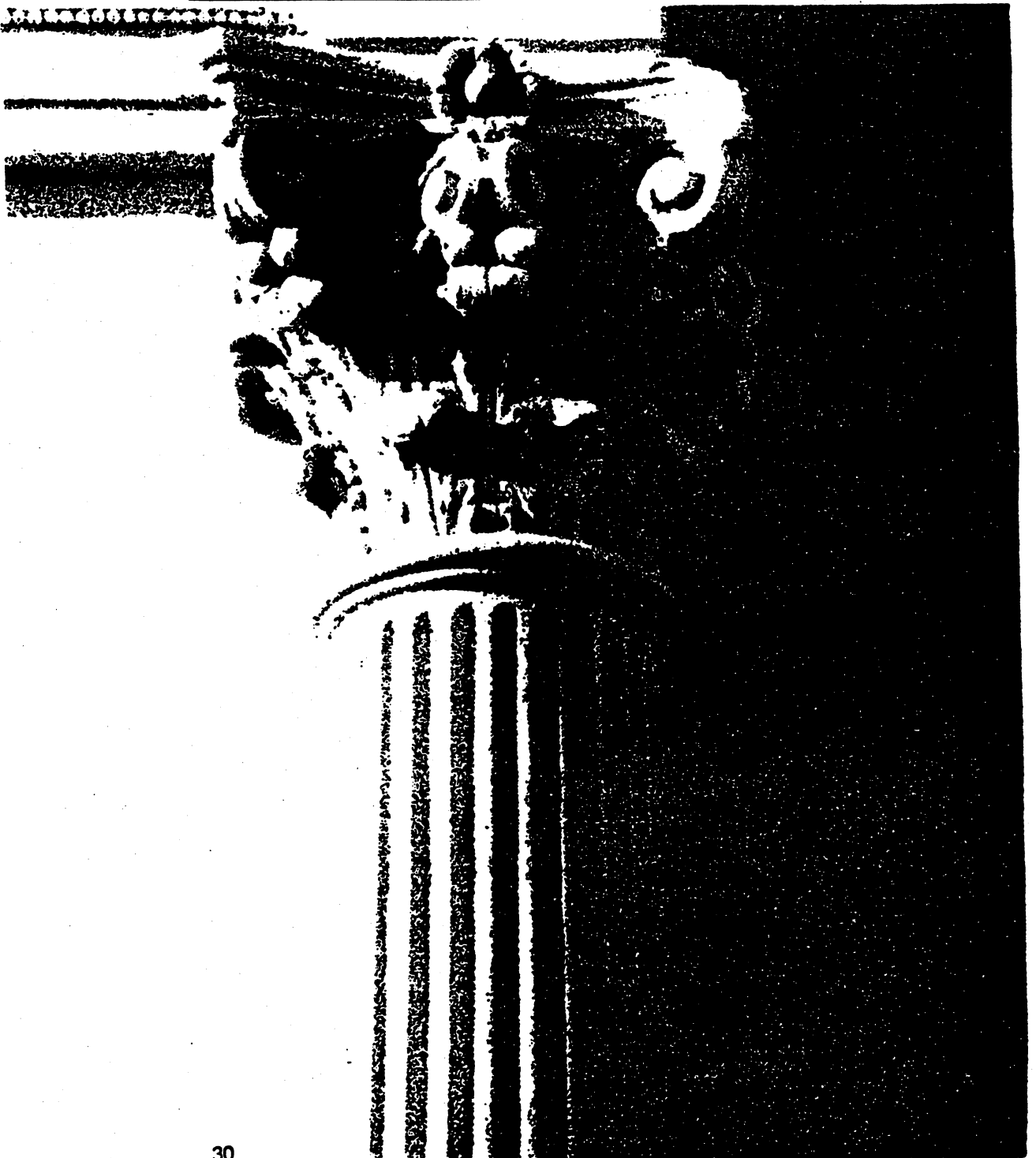
Contact your local District Attorney's Office.

*M.G.L. c. 30A §§11A, 11A 1/2, 11B and 11C;
c. 34 §9; c. 39 §§23A, 23B and 23C.*

Public Records

Public Records Division
Secretary of State's Office
Room 1701
One Ashburton Place
Boston, MA 02108
(617) 727-2832
M.G.L. c. 4, §7 cl.37.

Glossary



This Glossary contains the definitions of those terms which are defined in the conflict law. They are designated with an asterisk. * In addition, we have given the ordinary meaning of terms used in this Guide which the conflict law does not specifically define.

Agent: anybody acting in a representative capacity on behalf of someone else, regardless of whether the person is a lawyer.

Attorney: a lawyer; any person exercising a power of attorney.

Business Organization: business companies and agencies such as sole proprietorships, corporations, partnerships, and trusts; also includes non-profit corporations, associations and municipalities.

***Compensation:** any money, thing of value or economic benefit conferred on or received by any person or entity in return for services rendered or to be rendered by himself or another.

***Competitive bidding:** all bidding, where the same may be prescribed by applicable sections of the General Laws or otherwise, given and tendered to a state, county or municipal agency in response to an open solicitation of bids from the general public by public announcement or public advertising, where the contract is awarded to the lowest responsible bidder.

Contract: any type of agreement or arrangement between two or more parties where each undertakes certain obligations in consideration of the promises made by the other(s); for example, construction or consulting contracts, employment arrangements, contracts for the sale of goods or to provide services, grants awarded by the city or town to individuals or corporations, and agreements between a municipal agency and a state agency.

***Immediate family:** the employee and his spouse, and their parents, children, brothers and sisters.

Note: Cousins, nephews, aunts, uncles, etc. are *not* considered immediate family members. Also, under the definition of immediate family, some brothers-in-law are immediate family, others are not; if your brother-in-law is your spouse's brother — he is immediate family *but* if he is your sister's husband, he is not immediate family for purposes of the conflict law.

***Municipal agency:** any department or office of a city or town government and any council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder.

***Municipal employee:** a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.

***Official act:** any decision or action in a particular matter or in the enactment of legislation.

***Official Responsibility:** the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and whether personal or through subordinates, to approve, disapprove or otherwise direct agency action.

Note: Many special municipal employees, including most consultants, have responsibility over only the specific project for which they were hired. On the other hand, members of boards or commissions are often special municipal employees but will normally have "official responsibility" for every matter which is pending in their agency.

***Participate:** participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

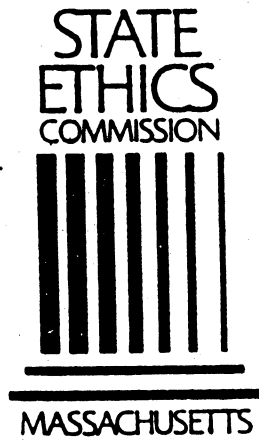
***Particular matter:** any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but *excluding* 1. enactment of general legislation by the general court, and 2. petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.

While the enactment of general legislation is not included in the definition of particular matter, the term does cover enactment of special legislation. Special laws are those directed at a specific situation or individual or entity — for example, a law exempting a specifically identified parcel of land from local zoning restrictions. General laws, in contrast, usually establish a rule of future conduct applicable on a wider scale of people or things and apply uniformly to all individuals similarly situated.

Particular matter of direct and substantial interest to a city or town includes: 1) All particular matters which affect the financial interests of the city or town — for example, contracts, grants and determinations of local tax liability (e.g., property, excise); 2) any city or town regulatory or adjudicatory proceeding such as permits, applications, licensing, zoning, eminent domain or assessment proceedings; 3) civil litigation involving a city, town or municipal agency as a party (but not a lawsuit between two private parties where the city or town is not involved even though that lawsuit is pending in a state court); and 4) decisions about the use of municipal property and funds.

Partner: Any person who joins with any other person(s) formally or informally in a common business venture. The term is not restricted to those who enter into formal partnership agreements. The following criteria are examined to determine if a partnership exists: whether the person shares in the advantages or risks of ownership, contributes to capital or operating expenses, owns a transferable interest in the assets of the entity, or reasonably appears as having a stake in the ownership of the business to an objective third person. In addition, if a group creates the public appearance of a partnership (for example, by using joint stationery, business cards, and business listings), the group will be treated as a partnership even though profits may not be shared.

***Person who has been selected:** any person who has been nominated or appointed to be a municipal employee or has been officially informed that he will be so nominated or appointed.



The State Ethics Commission
One Ashburton Place
Room 619
Boston, MA 02108
(617) 727-0060

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67-111-58
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APPENDIX V

CONFLICT OF INTEREST LAW - LOCAL

**Chapter 2.117 CODE OF CONDUCT
FOR CITY OFFICIALS
AND EMPLOYEES**

- 2.117.010 Introduction.
- 2.117.020 Definitions.
- 2.117.030 Fiduciary duty.
- 2.117.040 Improper influence.
- 2.117.050 City-owned property.
- 2.117.060 Use of disclosure of confidential information.
- 2.117.070 Employment of relatives.
- 2.117.080 Prohibited acts by City Councilors.
- 2.117.090 Prohibited acts by School Committee members.
- 2.117.100 Advisory opinions.
- 2.117.110 Violations and penalties.
- 2.117.130 Other remedies.
- 2.117.140 Relationship with other laws.

2.117.010 Introduction.

This chapter establishes standards of conduct for officials and employees of the City of Cambridge, in addition to those established by Chapter 268A of the Massachusetts General Laws. (Ord. 1128 (part), 1991)

2.117.020 Definitions.

Whenever used in this chapter, the following terms shall have the following meanings:

A. "Agency" means the City Council, any committee or other subdivision thereof, any City department or other administrative unit, commission, board, or other division of the government of the City.

B. "City" means the City of Cambridge.

C. "City contractor" means any person (including its agents or employees acting within the scope of their employment) who is paid from the City treasury or pursuant to City Ordinance, for goods or services provided to any City agency, regardless of the nature of the relationship of such person to the City for purposes other than this chapter.

D. "Contract management authority" means

supervisory responsibility for the formulation, execution or performance of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

E. "Economic interest" means a financial interest, whether vested or contingent, legal or beneficial, with a present fair market value greater than two hundred fifty dollars which is distinguishable from that of the public generally.

F. "Employee" means an individual, other than a municipal official, who is employed by the City or any City agency, whether part-time or full-time.

G. "Gift" means a delivery of goods, payment, entertainment, subscription, advance, services or anything of value, unless consideration of equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the price shall be treated as a gift. "Gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, or a gift received from a relative of the recipient municipal official or employee within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative.

H. "Municipal official" means:

1. Any individual holding any one of the following positions in the government of the City of Cambridge, whether by election or appointment: Mayor, Councilor; City Manager; Deputy City Manager; Assistant City Manager; City Clerk; Auditor; City Solicitor; School Committee Member; School Superintendent; Police Commissioner; Chief of Police; Chief of Fire Department;

2. The members of boards and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or

uncompensated, of a municipal body or bodies with executive, regulatory, or permitting authority; or

3. Any Category I — IV employee as defined by Section 2.62.010 of the Cambridge Code.

I. "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

J. "Relative" means a person who is related to a municipal official or employee as spouse, as a descendent of any grandparent of such official or employee whether by the whole- or half-blood or by adoption, or as spouse of any of the foregoing. (Ord. 1128 (part), 1991)

2.117.030 Fiduciary duty.

Municipal officials shall at all times in the performance of, and within the scope of, their public duties owe a fiduciary duty to the City. (Ord. 1128 (part), 1991)

2.117.040 Improper influence.

No municipal official or employee shall make, participate in making or in any way attempt to use such municipal official's or such employee's position, influence or power to influence or effect any City governmental decision or action in which such municipal official or employee knows or has reason to know that such official or employee has any economic interest. Nothing in this section shall be interpreted so as to preclude the Members of the City Council from voting on City Council Salary appropriations. (Ord. 1128 (part), 1991)

2.117.050 City-owned property.

No municipal official, employee or City contractor shall permit the City-owned property under their control to be used in any manner that is inconsistent with any written policy governing the use of such property. (Ord. 1128 (part), 1991)

2.117.060 Use of disclosure of confidential information.

No current or former municipal official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that is not generally available to the general public or could not be obtained from public records pursuant to the Massachusetts Public Records Act, as amended. (Ord. 1128 (part), 1991)

2.117.070 Employment of relatives.

A. No municipal official or employee shall, after November 4, 1991, the date of adoption of the ordinance codified in this chapter, hire or advocate for employment, in any City agency in which said official or employee serves or over which he exercises authority, supervision, or control, any person:

1. Who is a relative of said municipal official or employee; or

2. In exchange for or in consideration of the employment of any said municipal official's or employee's relatives by any other official or employee.

B. No municipal official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or municipal official exercises contract management authority. (Ord. 1128 (part), 1991)

2.117.080 Prohibited acts by City Councilors.

City Councilors shall not make loans, gifts of value equal to or exceeding two hundred fifty dollars, offers of employment (except when consistent with the discharge of their official duty as Councilor), offers of future employment, or of business or investment opportunities to the City Manager, to Assistant City Managers, to heads of City departments or agencies, to the

City Solicitor and Assistant Solicitors, or to members of boards or commissions involved in the granting of variances, permits, licenses or other such discretionary or adjudicatory functions. (Ord. 1128 (part), 1991)

2.117.090 Prohibited acts by School Committee members.

School Committee members shall not make loans, gifts of value equal to or exceeding two hundred fifty dollars, offers of employment or future employment (except within the discharge of their official capacity as a School Committee member), or of business or investment opportunities to the Superintendent, Assistant Superintendents, the Executive Director of Management Services, the executive Director of Human Resources or Personnel Director, the Affirmative Action Officer, the Headmaster of Cambridge Rindge and Latin School, and elementary school principals. (Ord. 1128 (part), 1991)

2.117.100 Advisory opinions.

A. Any employee or municipal official shall be entitled to the opinion of the City Solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the City Manager who shall in turn request in confidence such opinion of the City Solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions of their own account. The City Solicitor shall file such opinion in writing with the City Clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the City Solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter.

B. Any person who acts in reliance on an

opinion of the City Solicitor shall be exempt from the penalties provided herein if that person has made a good-faith disclosure of all material facts related to the opinion. (Ord. 1128 (part), 1991)

2.117.110 Violations and penalties.

A. Any employee or municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the State Civil Service Law and the City Charter, as well as to civil or criminal prosecution under any other applicable State laws.

B. A knowing violation of this chapter shall constitute a misdemeanor, and shall be punishable by a fine of not more than three hundred dollars per offense.

C. All City contracts shall include therein a clause for allowing for termination in the event of a violation of this chapter in connection with the awarding, administration or performance of the contract.

D. A violation of this chapter in connection with the issuance of any permit, license, ruling determination, or other official action shall be grounds for revocation thereof subject to and in accordance with applicable State and federal laws.

E. Ten taxpayers of the City ("the Taxpayers") shall have legal standing to institute a civil action to recover damages on behalf of the City or to implement any other remedy provided for in this chapter only in accordance with the following:

1. The Taxpayers shall first submit to the City Solicitor a written notice of the intention of the Taxpayers to bring such action with a statement of the grounds therefor;

2. Within sixty days of the receipt thereof the City Solicitor shall submit to the Taxpayers a written response thereto;

3. Thereafter the Taxpayers may institute such civil action unless:

a. In his response, the City Solicitor has

2.117.110**Cambridge, MA**

stated that in his opinion there are no grounds for the institution of such action, with a statement of the reasons for such opinion, or

b. In his response, the City Solicitor has stated that the City itself intends to institute the proposed action and the City does in fact institute such action within one hundred twenty days of the issuance of the City Solicitor's written response to the Taxpayers. (Ord. 1128 (part), 1991)

2.117.130 Other remedies.

The City or any City agency may maintain an action for injunctive relief to enforce any provision of this chapter, and for an accounting for any economic benefit received by any person in violation of this chapter or other law, any may recover damages for violation of this chapter. (Ord. 1128 (part), 1991)

2.117.140 Relationship with other laws.

If this chapter and any State law apply to the same subject, the provision of broadest or most strict coverage shall control. (Ord. 1128 (part), 1991)

APPENDIX VI

**FINANCIAL DISCLOSURE LAW
AND
SAMPLE FORM**

Chapter 2.118 STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY

2.118.010 Definitions.

2.118.020 Administration.

2.118.030 Statement of interests—Filing and information required.

2.118.040 Enforcement.

2.118.010 Definitions.

As used in this chapter, unless the context requires otherwise:

A. "Amount" means a category of value, rather than an exact dollar figure, as follows: greater than one thousand dollars but not more than two thousand five hundred dollars; greater than two thousand five hundred dollars but not more than five thousand dollars; greater than five thousand dollars but not more than ten thousand dollars; greater than ten thousand dollars but not more than twenty-five thousand dollars; greater than twenty-five thousand dollars but not more than fifty thousand dollars; greater than fifty thousand dollars but not more than one hundred thousand dollars; greater than one hundred thousand dollars.

B. "Business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, receivership, business or real estate trust, or any other legal entity organized for profit, nonprofit or charitable purposes.

C. "Business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding

equity of which is beneficially owned in the aggregate by the reporting person and/or family members.

D. "Candidate" means any individual who seeks nomination or election to the office of City Councilor or School Committee member. For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to an office if such individual has:

1. Received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual will seek nomination or election is known at the time the political contribution is received or the expenditure is made; or

2. Taken action necessary under the law to qualify such individual for nomination or election to such office.

E. "Doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

F. "Election Commission" means the Election Commission of the City.

G. "Equity" means any stock, interests in capital or profits and losses, or similar ownership interest in a business.

H. "Family member" means a spouse, any dependent children residing in the reporting person's household, or a sibling.

I. "Gift" means a delivery of goods, payment, entertainment, subscription, advance, services, or anything of value, unless consideration of equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the price shall be treated as a gift. "Gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, or a

gift received from a family member or from a relative within the third degree of consanguinity of the reporting person or the reporting person's spouse or from the spouse of any such relative.

J. "Legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation or any other matter before the City Council or School Committee, or to influence the decision of any member of the City administration where such decision concerns legislation or the adoption, defeat or postponement of a standard rate, rule or regulation pursuant thereto. The term shall include persons who, as any part of their usual employment and not simply incidental thereto, attempt to promote, oppose or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services.

K. "Municipal body" means any agency, authority, board, bureau, commission, committee, council, department, division, school department, or other legal entity within the government of the City.

L. "Municipal official" means:

1. Any individual holding any one of the following positions in the government of the City, whether by election or appointment: Mayor, Councilor; City Manager; Deputy City Manager; Assistant City Manager; City Clerk; Auditor; City Solicitor; School Committee Member; School Superintendent; Assistant Superintendent and Principals; Police Commissioner; Chief of Police; Chief of Fire Department;

2. The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive, regulatory or permitting authority; or

3. Any Category I — IV employee as defined by Section 2.62.010 of the Cambridge Code.

M. "Person" means a business, individual,

corporation, union, association, firm, partnership, committee, or other organization or group of persons;

N. "Political contribution" means a contribution of money or anything of value to an individual, candidate or political committee, or person acting on behalf of any individual, candidate or political committee, for the purpose of influencing the nomination or election of such individual or candidate, or for the purpose of promoting or opposing a Charter change, referendum question, or other question submitted to the voters, and shall include any of the following:

1. Gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;

2. Transfer of money or anything of value between political committees;

3. Payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee;

4. Purchase from an individual, candidate or political committee, whether through the device of tickets, advertisements or otherwise, for fund-raising activities, including testimonials, held on behalf of such individual, candidate or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered;

5. Discount or rebate not available to other candidates for the same office and the general public; and

6. The forgiveness of indebtedness or payment of indebtedness by another person, but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality;

O. "Reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030. (Ord. 1129 (part), 1991)

2.118.020 Administration.

The Election Commission shall:

A. On or before March 1st of each year, request from the City Manager a list of the names and positions of all municipal officials, certified as to correctness and completeness, and the City Manager shall furnish such a list within sixty days of receipt of such request;

B. Upon receipt of a statement of interests filed pursuant to this chapter, issue to the person filing such statement a receipt verifying the fact that a statement of interests has been filed and a receipted copy of such statement;

C. Make the list of municipal officials and statements of interests filed with the Election Commission pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the Election Commission shall forward a copy of the request to the individual whose statement has been examined; provided, however, that such requests from the Attorney General of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

D. Compile and maintain an alphabetical index of all filed statements of interests to facilitate public access to the statements;

E. Inspect all filed statements of interests to ascertain whether any reporting person has failed to file a statement as required by law or has filed a statement which is deficient on its face. After inspection, the Election Commission shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interests which is deficient on its face;

F. Notify each delinquent reporting person that a statement of interests has not been filed or that such a statement which has been filed is

deficient. Such notice shall be in writing and shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

G. Preserve all statements filed with it for six years from the date of receipt. (Ord. 1129 (part), 1991)

2.118.030 Statement of interests—Filing and information required.

A. Every candidate shall file a statement of interests for the preceding calendar year with the Election Commission on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write-in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, such candidate shall file the required statement of interests with the Election Commission no later than fifteen days prior to the date of the election at which he is to be a candidate.

B. Every municipal official shall file a statement of interests for the preceding year with the Election Commission:

1. On or before June 1st of each year that such person is a municipal official or within thirty days of becoming a municipal official, whichever is later; and

2. On or before June 1st of the year after such person ceases to be a municipal official; provided, however, that no former municipal official shall be required to file a statement of interests for any year in which such former municipal official was a municipal official for less than thirty days.

C. Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty of perjury by the reporting person.

D. Every reporting person shall disclose, to the best of such reporting person's knowledge,

the following information for such reporting person and every family member for the preceding calendar year:

1. The name and address of and the nature of association with any business from which income in excess of one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, Election Commission or other part of the City which employs the reporting person, or over which he or she has administrative or legislative control;

2. The name of all businesses transacting business in Cambridge as to which more than one percent of the beneficial ownership of which is held directly or indirectly by a family member;

3. The name and address of each creditor, located within or doing business with the City, to which more than one thousand dollars was owed on December 31st of the reporting year, and the original amount, the amount outstanding, the terms of repayment, and the general nature of the security pledged for each obligation; provided, however, that mortgages on the person's primary residence, obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of an active ongoing business, and any obligation to make alimony or support payments shall not be reported; provided, further, that such information need not be reported if the creditor is a relative within the third degree of consanguinity or affinity;

4. The name and address of the source, and the cash value of any reimbursement for expense aggregating more than one hundred dollars in the calendar year if the recipient is a member of a municipal body and the source of such reimbursement is a person having an interest that is distinguishable from the public generally in legislation, legislative action, administrative action, or a matter before that municipal body;

5. The name and address of the donor, and

the fair market value, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting year, if the recipient is a member of a municipal body and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

6. The description, as appearing on the most recent tax bill of all real property in which direct or indirect financial interest was held, which has an assessed value greater than one thousand dollars; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer;

7. The name and address of the source, and the fair market value, of any honoraria aggregating more than one hundred dollars, if the source of such honoraria is a legislative agent; or if the recipient is a member of a municipal body and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

8. The name and address of any creditor who has voluntarily forgiven an indebtedness of over one thousand dollars, and the amount forgiven; provided, however, that no such information need be reported if the creditor is a relative within the third degree of consanguinity or affinity of the reporting person, or the spouse of such a relative;

9. The name and address of any business from which the reporting person is taking a leave of absence;

10. The identity of any equity in a business to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

11. The date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any

municipal official and the official.

E. Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

F. Failure of a reporting person to file a statement of interests within ten days after receiving notice as provided in subsection A of Section 2.118.040 of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the Commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter. (Ord. 1129 (part), 1991)

2.118.040 Enforcement.

A. The Election Commission shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the Election Commission determines that reporting person has failed to file a statement of interest, or that any such statement filed with the Election Commission does not conform with the requirements of subsection D of Section 2.118.030, then the Election Commission shall notify the delinquent in writing. Such notice shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter.

B. If within ten days of the sending of a notice as prescribed by subsection A of this section a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the election Commission determines that the delinquent has violated the provisions of this chapter, the Election Commission may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The Election Commission shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

C. Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

D. In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the State Civil Service Law and City Charter and ordinances. (Ord. 1129 (part), 1991)

**CITY OF CAMBRIDGE
ELECTION COMMISSION**

For Official Use Only

**STATEMENT OF FINANCIAL INTERESTS
FOR CALENDAR YEAR 1996**

When properly stamped by the Cambridge Election Commission, this will constitute receipt for 1996 filing.

This form is prepared pursuant to Chapter 2.118 of the Cambridge Municipal Code.

Filing period

January 1, 1996 - December 31, 1996

Name: _____

Address: _____

Title: _____

Attach additional pages if more space is needed.

1. State the name and address of each business (defined as any legal entity organized for profit, non-profit or charitable purposes) from which income in excess of one thousand dollars (\$1,000.00) is received and the nature of your or your family's association with each business.

This information need not be provided unless the business has matters pending before, does any business with, or is subject to regulation, supervision or oversight by the agency, department, board, election commission or other city office which employs you, or over which you have administrative or legislative control.

payor	address	association
<input type="checkbox"/> not applicable		

2. State the name and address for each business transacting business in Cambridge for which more than one percent (1%) of the beneficial ownership is held directly or indirectly by a family member.

<input type="checkbox"/> not applicable

3. State the name and address of each creditor located within or doing business with the City of Cambridge to which more than one thousand dollar (\$1,000.00) was owed on December 31 of the reporting year, the original amount owing, the amount outstanding, the general nature of the security pledged for each obligation, and the terms of repayment (the annual interest rate and either the year final repayment is due or in the case of ongoing credit, the frequency of required payments, e.g. monthly).

The following need not be reported: mortgages on the primary residence, obligations on retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of an active ongoing business, alimony or support obligations, and any obligation in which the creditor is related within the third degree of consanguinity or affinity.

creditor	address	original amount	amount owing	terms rate/time	security
<input type="checkbox"/> not applicable					

4. If you are a member of a municipal body (defined to include any agency, committee, council, board, department or other legal entity within City government), state the name and address of any person who reimbursed you for any expense aggregating more than one hundred dollars (\$100.00) during the reporting period and the cash value of such reimbursement.

This information need not be reported unless the reimbursor has an interest that is distinguishable from the public generally in legislation, legislative action, administrative action, or a matter before that municipal body.

reimbursor	address	amount
<input type="checkbox"/> not applicable		

5. If you are a member of a municipal body, state the name and address of any donor of gifts aggregating more than one hundred dollars (\$100.00) during the reporting period and the fair market value of such gifts as best determinable.

This information need not be reported unless the donor is a person with direct interest in legislation, legislative action, or a matter before that municipal body.

donor	address	value
<input type="checkbox"/> not applicable		

6. Describe (using the description on the most recent tax bill), including address, all real property in which direct or indirect financial interest was held which has an assessed value greater than one thousand dollars (\$1,000.00). If the real property was transferred during the reporting period, state the name and address of the person furnishing consideration to, or receiving it from, you.

realty	transferor/transferee (if during reporting period)
[] not applicable	

7. If a legislative agent (a person who is compensated for acting to promote, oppose or influence local legislation) is the source of honoraria aggregating more than one hundred dollars (\$100.00), state the agent's name and address and fair market value of the honoraria.

If you are a member of a municipal body, such honoraria shall only be reported if the source is a person having a direct interest in legislation, legislative action, or a matter before that municipal body.

agent paying honoraria	address	value
[] not applicable		

8. State the name and address of any creditor who voluntarily forgave a debt of over one thousand dollars (\$1,000.00) and the amount forgiven.

This information need not be provided if the creditor is your relative within the third degree of consanguinity or affinity, or your spouse.

creditor	address	amount forgiven
<input type="checkbox"/> not applicable		

9. State the name and address of any business from which you are taking a leave of absence.

<input type="checkbox"/> not applicable

10. Identify the equity (defined as any stock, interests in capital or profits and losses, or similar ownership interest) in any business with which you are associated that has been transferred to a member of your family. A family member who transfers equity to you need not report such an intrafamily transfer.

equity transferred	recipient family member
<input type="checkbox"/> not applicable	

11. State the nature, amount, and date of any commercial or business transaction worth two hundred and fifty dollars (\$250.00) or more between any municipal official and you.

transaction	amount	name of official	date
[] not applicable			

I swear under the pains and penalties of perjury that the information in this Statement of Interests, and on any attached pages, is true to the best of my knowledge. I understand that filing a deficient or false Statement of Interests may result in legal action being taken against me.

Signature _____

Date _____

CAMBRIDGE CITY COUNCIL

Sheila D. Russell, Mayor
Kathleen L. Born, Vice Mayor
Henrietta Davis
Francis H. Duehay
Anthony D. Galluccio
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CITY COUNCIL MISSION AND PRIORITIES

Mission: To maintain Cambridge as one of the most liveable Cities of America where the quality of life is exceptional and diversity informs the fabric of our daily living.

Priorities:

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1. *Housing*

1a. *Immediate short-term goal is to assist existing tenants and expiring use tenants*

1b. *Long term goal is to increase the availability of low/moderate income housing to 2,000 units by the year 2007*

STATUS REPORT

Below please find a report on the CITYHOME Initiative, and a summary of the New Lease Program and the Multi-Service Center programs for the homeless. For more detailed information, please see Appendix #1 CITYHOME FY96-FY98 Completed Projects and Projects Under Development; and Attachment #2: New Lease Program Description.

CITYHOME Initiative: FY 96-98 (first half)

The City of Cambridge embarked on the CITYHOME Initiative in FY96 (July 1995) with an initial allocation of \$2 million to the Affordable Housing Trust. In FY97, the City made a second year allocation of \$2.25 million to the Trust. The Trust is beginning the third year of the Initiative, with a FY98 allocation of \$4.5 million.

The CITYHOME Initiative represents the City's primary response to the major changes occurring in the Cambridge housing market, including both the termination of rent control and policy changes in federal housing programs. The goal of the Initiative is to preserve and increase affordable rental and homeownership opportunities for low and moderate income residents of the City.

The City funds, combined with other federal and state funds, have led to the creation or preservation in housing development projects of over 1,200 affordable units in the 2 ½ years since the commencement of the CITYHOME Initiative. This includes projects that have been completed between July, 1995 and December, 1997, or that are currently under development.

The main programs undertaken in this Initiative include:

Non-Profit Acquisition and Development of Multifamily Properties: With financial support from the Trust, the City's non-profit and public housing organizations have acquired existing formerly rent controlled properties for long term affordable housing use, as well as taken advantage of rare opportunities for new development;

Affordable Housing Rehab Loan Program: Working with our non-profit partner, Cambridge Neighborhood Apartment Housing Services, Inc. (CNAHS), this program

provides rehab financing to private owners of multifamily properties in return for a set-aside of units at affordable rents for low and moderate income tenants;

Condo Buyer Initiative: This homeownership program provides financial and technical assistance to first time homebuyers purchasing units in Cambridge;

Preservation of Expiring Use Restriction Properties: The City has devoted significant resources to preserving the existing stock of federally-assisted rental housing facing expiring use restrictions. These resources include technical and financial assistance to tenants and owners of these properties. These efforts have succeeded in preserving the long-term affordability of three of these expiring use properties with a total of 590 affordable units.

The new City funding, combined with existing federal CDBG and HOME funds, has provided critical financing in the development of 452 units in completed projects over the period of FY96 - 98 (July 1, 1995 - December 31, 1997). This activity includes the completion of :

- Six rental projects comprising one hundred and sixteen (116) affordable units.
- Sixty one (61) units of affordable rental housing through the CNAHS Affordable Housing Rehab Loan Program.
- On the homeownership side, we have completed the development of eight projects, comprising forty (40) affordable units and have provided financing to twenty-five (25) first-time homebuyers through the Condo Buyer Initiative.
- Finally, we have assisted low-income homeowners in the phased rehabilitation of two hundred and thirteen (213) units through the Home Improvement Program (HIP). The HIP Program offers below-market rehab loans and technical assistance for low- and moderate-income, often elderly, owner-occupants, of 1-4 family properties. In total, these affordable housing programs have produced four hundred and fifty-two (452) affordable units over the past 2.25 years.

We currently have a total of seven hundred (700) affordable rental units under development, including thirteen projects comprising six hundred and eighty (680) units and an additional twenty (20) units being developed under the CNAHS program. This includes the two preservation of expiring use projects, 808-812 Memorial Drive and 402 Rindge Avenue, under development by HRI and Just-A-Start Corp. In addition, we have two (2) condos in process under CCBI, and eighty-six (86) units being rehabbed through the HIP Program. In total, we have an additional seven hundred and ninety-four (794) affordable units under development at the current time.

Please note that we consider projects as being under development from the time of securing either initial financing commitments or site control. Most projects have a development period of at least one year, and many larger, more complex projects have

multiyear development periods. For instance, the development efforts leading to the recent acquisition of 808-812 Memorial Drive began in the early 1990's, when the City funded a resident organizer to begin working with tenants on the possible purchase of the property. The acquisition process took five years, and the property is now undergoing renovations that will last another year. Projects are considered completed at the end of the acquisition and rehabilitation/construction process, and when the units are occupied by residents.

A breakdown of this affordable housing development activity follows:

FY96-98 Completed Projects:

Rental Housing:

Non-profit or CHA Development	116 units
CNAHS Rehab Loan Program	<u>61 units</u>
Subtotal	177 units

Homeownership:

Non-Profit Development	40 units
Condo Buyer Initiative	<u>25 units</u>
Subtotal	65 units

Home Improvement Program:

Subtotal	<u>213 units</u>
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GRAND TOTAL 455 units

FY98 Projects Under Development:

Rental Housing:

Non-profit or CHA Development	161 units
Inclusionary Units in Private Development	35 units
CNAHS Rehab Loan Program	20 units
Preservation of Expiring Use Properties	<u>485 units</u>
Subtotal	701 units

Homeownership:

Non-Profit Development	6 units
Condo Buyer Initiative	<u>2 units</u>
Subtotal	8 units

Home Improvement Program
Subtotal

86 units

GRAND TOTAL

795 units

Beyond this development activity, we are currently looking at the feasibility of another eight sites with the potential for over 130 additional units. These projects are not yet considered under development as they have neither financing commitments nor site control.

In terms of the financial activity related to the CITYHOME Initiative, the Affordable Housing Trust has expended or committed 100% of the FY96-97 allocation, and has committed almost 50% of funds from its FY 98 allocation.

CITYHOME Initiative Financial Summary

YEAR	BUDGET	EXPENDED COMMITTED	REMAINING BALANCE
FY96	\$2,000,000	\$2,000,000	\$ 0
FY97	\$2,250,000	\$2,250,000	\$ 0
FY98	\$4,500,000	\$1,986,605	\$2,513,395

In addition to this high level of affordable housing development, the Community Development Department continues to run its first time homebuyer programs, and has spent a considerable amount of time identifying, analyzing, and proposing new affordable housing policies, including a transfer fee and inclusionary zoning, designed to increase the resources available to meet the City's housing needs.

HOUSING SERVICES

Summary of New Lease Program:

The New Lease program began in March to provide assistance to formerly protected rent controlled tenants, especially elders, persons with disabilities and families with minor children. Program staff made repeated efforts by telephone and follow up mail to contact all of the approximately 1500 protected tenants to offer assistance. Based on returned mail, disconnected telephones, lack of new telephone numbers, as well as some specific tenant responses, it appears that about 2/3 of the protected tenants have moved from their former rent control housing.

Just under 300 of the 1,500 households indicated that they were managing adequately in their former rent controlled apartments, generally because they had not received sizable increases, they had received section 8 certificates, or they were able to draw on other resources such as savings or family assistance with the rent. A few of those households subsequently became clients of the program when circumstances changed.

To date, 160 households have become clients of the New Lease program:

- 71 of these clients were formerly protected households that included either an elder, a person with a disability, or a minor child;
- 22 of these clients were other formerly protected households;
- 67 of these clients were households who had never applied for protected status, who were referred to us or came to us on their own. Most of these households had been eligible for protected status but either hadn't thought they would need the protections, or hadn't been aware of or understood the process (especially non-English-speaking households). A small number were households holding Section 8 or MRVP leases in apartments in formerly rent controlled buildings.

Services Provided

62% (45 of the 73) clients whose situations we helped stabilize either (a) moved into public housing, (b) were able to use a Section 8 or AHVP subsidy to remain in their existing housing, (c) received a Section 8 or AHVP subsidy which they were able to use in a new apartment, or (d) were able to use an existing Section 8 or MRVP subsidy in a new apartment.

About a third (53) of our 160 clients have needed legal assistance. Five came with their own lawyers. The contract with CASLS has enabled 32 clients to receive representation in court. Other CASLS lawyers have helped 7 clients, while CLSSC lawyers have represented another 9 clients.

About 81% (59) of the 73 households that have stabilized their housing situation have used New Lease Funds to help cover some of the costs. To date, we have paid movers and landlords \$49,000 (an average of slightly over \$765 per client).

Of the 81 clients no longer in the active caseload, 61 (75%) are now stably housed in Cambridge, 15 are housed outside of Cambridge and five have moved to other less permanent situations.

Another 81 clients remain at various stages of progress in the active caseload. Some are in court; many are waiting for subsidies or subsidized apartments; and a few are in the midst of a housing search. Some of the clients looking for housing are able to look on their own, and simply need help with their transitional costs. Other clients need our help in finding a new apartment. Nearly all of those clients have expressed a strong preference for remaining in Cambridge.

Year-End Projections

Over the remaining three weeks of December, we might reasonably expect to take on 6 or 7 additional cases. New client intake has slowed down dramatically since our period of active outreach. Over the next few weeks, we anticipate that 10 of our clients will become stabilized -- all in Cambridge:

Other clients will probably receive Section 8 certificates, and will only then be able to begin their housing search in earnest. Perhaps one or two clients whose cases are tied up in court will obtain resolution. These clients' changed circumstances will not be reflected in any statistical changes vis-a-vis closed cases, housing found, transitions completed, etc.

Homeless Services at the Multi-Service Center:

The Multi-Service Center offers an array of casework, housing search and supportive services for homeless families and individuals, utilizing specialized staff employed by the Department of Human Service Programs, the Cambridge Public Health Commission, Tri-City Mental Health and Retardation, HomeStart, and Shelter, Inc. DHSP staff are grant-funded for particular programs such as our Transitional Programs for single adults at the YMCA and the YWCA, the Homeless Intercept Program for welfare-referred families and Elderly/Disabled Housing Assistance. Staff who are unrestricted in which homeless or at-risk clients they serve are the MSC Director and the receptionist, both supported by local tax dollars, and the CDBG-funded Emergency Community Caseworker. The MSC also serves as a coordination vehicle, bringing together groups of providers, consumers and advocates to address problems experienced by the homeless population.

PERFORMANCE MEASURES (July 1 - Sept. 30, 1997)

1. Number of individuals seen for personal counseling, mental health services, substance abuse services, employment 423

2. Number of individuals placed in transitional housing	56
3. Number of individuals placed in permanent housing	92
4. Number of family intakes for housing search	34
5. Number of families placed in housing	21

2. Delineate funding priorities for infrastructure capital budget including Water Treatment Plant, police station, library, schools, housing, sewer/water and assisted living for low/moderate income elders.

STATUS REPORT

Each year, the City's 5 year capital plan is updated and revised for City Council review; the existing 5 year plan first reviewed by the City Council during budget deliberations last Spring is attached. As you know only the current year capital plan has been formally adopted by the City Council, the out-years FY99-02 are subject to change based upon further review, analysis and updating by the staff and City Council.

The City Manager's overall fiscal objective has long been to provide a sound, stable and predictable fiscal environment that recognizes the City's dependence upon the property tax, allows for an aggressive capital spending plan balanced between long term debt and pay-as-you-go, and enables the City Council to respond to new policy initiatives and unforeseen needs. Criteria used to achieve this objective include adequate excess levy capacity (\$12,339,123 in FY1998) moderate growth in the property tax levy (2% average annual increase over last 3 years), an unreserved fund balance ranging between 5% and 8% of the annual operating budget and a strong bond rating (currently Aaa, one of only 39 cities in the U.S. to be rated at the highest rating.)

The status of each project specifically listed above is as follows:

- Water Treatment Plant: \$60 million estimated. Project expected to be bid in early 1998 with debt issuance in mid 1998, 1999 and 2000. Also, water system improvements for repair work and main replacement is projected at \$2.6 million in FY99 and FY01, and \$600 thousand in alternating years; these projects will be funded through water revenues.
- Police Station: \$30 million estimated in current 5 year plan, spread out over 3 years (FY99, FY2000 and FY2001). Preliminary siting discussions ongoing.
- Library: \$15 million included in 5 year plan over two years (FY2000 and 2001). Alternative site selection analysis about to begin. Cost most likely to be greater than \$15,000,000 due to possible land acquisition costs as well as lack of state grant money.
- Schools
 - Morse Elementary School: \$12 million appropriated. Project currently underway and on budget. Completion expected in November, 1998, with the move expected in January, 1999.

Fitzgerald Elementary School: \$14.4 million authorized. Construction expected to begin in July, 1999.

- Housing: \$4.5 million in FY98 budget. Detail is included in priority #1.
- Sewer: In early 1990's, \$16 million was authorized for contracts 1-1C of Phase 6 of the Sewer Separation Project. These funds were subsidized at 82% by the Massachusetts Water Pollution Trust. In FY93, a \$28 million loan order was authorized for contracts 2 and 3 of phase 6. This was also a subsidized loan. In addition, the 5 year capital plan includes \$1 million per year for sewer repair and remedial work, and for planning and engineering studies.
- Assisted Living for Low/Moderate Income Elders: The Cambridge Public Health Commission has selected a partnership including the Cambridge Housing Authority and CASCAP to develop affordable assisted living at the Neville Manor. The Commission will be engaging in a public process concerning the siting and other issues. In addition, the Harvard Manor is currently being developed by CASCAP for assisted living for low/moderate income elders. The City's contribution to this project includes the disposition of the property for \$1; funds may also be allocated from the Affordable Housing Trust.
- Cambridge Public Health Commission: \$30 million City bond authorized. Project currently underway. Debt expected to be issued in January of 1998.

Other Significant Capital Projects

In addition to the significant capital projects discussed above, the five-year capital plan projects several additional projects for funding between FY99 and FY02. These projects, listed by major category, are as follows:

RECREATION AND YOUTH FACILITIES

FY98 saw the completion and grand opening of the new Frisoli Youth Center. The capital plan includes the complete renovation of one youth center and the construction of another.

- Gately Shelter: \$ 1 million bond projected. City Council authorization will be sought in FY99 so that construction can be concurrent with the Fitzgerald School renovation.
- War Memorial Facility: \$3.5 million estimated. Renovations are projected for FY99.

- West Cambridge Youth Center: \$7.7 million projected over two years (FY00 & FY01). An initial \$2.7 million is estimated for site acquisition; \$5 million is estimated for the construction.

OPEN SPACE

- Beautification: \$435,000 is projected for beautification in the 5-year plan (FY98-FY02). Of these funds, \$110,000 will be used for landscaping at City Hall Annex. \$125,000 is projected for a significant tree program, while \$200,000 is estimated for increase flower planting in traffic islands and at City buildings.
- Russell Field: \$3.5 million estimated for FY99. Includes the integration of new uses on the site: a field house/changing facility, a tot lot and community gardens.
- Neighborhood Parks: In addition to funds listed above, between FY99 and FY02, \$2.27 million is projected to renovate neighborhood parks. Recommendations for specific parks are generally made on an annual basis. Longfellow School Playground and Library Park are projected for FY99. \$1 million for Donnelly Field is projected for FY02. Also, \$100,000 is projected each year for selective replacement of tot lot equipment and surfacing repair.

TRAFFIC CALMING: \$2.25 million projected FY98 - FY02. In addition to these funds, the City expects to utilize Chapter 90 (street reconstruction) funds for traffic calming projects as well. See Priority #3 for a Traffic Calming Program Update.

3. *Develop truck routes and traffic patterns to protect residential areas.*

STATUS REPORT

The Police Department's commercial vehicle enforcement program began in late January, 1997. Below is a list of every street that has a truck restriction and the number of citations written from July 1, 1997 to November 30, 1997 by Day and Night Patrol Sections and Day and Night Selective Enforcement.

TRUCK RESTRICTED ROADWAYS

Street	Restricted Hours	Truck Citations	All Other Citations
Bay Street	All	1	7
Beech Street	All	82	94
Blanchard Road	All	16	4
Brattle Street	All	9	395
Cameron Avenue	All	1	17
Chester	All	0	0
Clarendon	All	0	1
Columbia Street	All	36	122
Coolidge Avenue	All	5	11
Coolidge Hill Road	All	0	1
Day Street	All	0	4
Dover Street	All	0	7
Edmunds Street	All	0	0
Eighth Street	All	0	1
Fifth Street	All	0	14
Franklin Street	All	4	42
Fulkerson Street	All	19	27
Gore Street	All	12	144
Green Street	All	20	104
Harrison Avenue	All	0	0
Hurley Street	All	0	5
Irving Street	All	1	13
Kimball	All	0	138
Kirkland Street	All	15	90
Madison Street	All	0	1
Magoun Street	All	2	1
Mason Street	All	4	1

Otis Street	All	0	22
Oxford Street	All	4	10
Prospect Street	All	112	516
Putnam Avenue	7:00 PM to 7:00 AM - Everyday	39	34
Rindge Avenue	All	43	62
River Street	7:00 PM to 7:00 AM All Sat & Sun	47	352
Russell Street	All	0	3
Sciarappa Street	All	0	7
Scott Street	All	0	2
Seagrave Road	All	6	11
Seventh Street	All	0	6
Spring Street	All	0	14
Sixth Street	All	7	55
Third Street	All	14	73
Walden Street	All	24	53
Washburn Avenue	All	0	2
Western Avenue	7:00 PM to 7:00 AM Mon-Fri All Sat & Sun	17	704
Windsor Street	All	3	50
Winter Street	All	0	0
TOTAL		543	3220

Number of assignments for deployments of units for the enforcement of truck restrictions:

Day Patrol	960
Night Patrol	1,045
S.E.U. - Days	501
S.E.U. - Nights	489
TOTAL	2,995

Traffic Calming Program Update:

The City is committed to improving the residential quality and safety of our streets through traffic calming. In fiscal year 1997, a new Traffic Calming Project Manager position was created in the Community Development Department and funds were

appropriated for construction and consultant services. The City has already constructed several traffic calming projects.

- **Berkshire and York Streets** were reconstructed to incorporate a raised crosswalk at Berkshire and Hardwick Streets, curb extensions at several locations, and raised intersections at locations along both streets.
- **The intersection of Cedar and Dudley Streets** was raised to the level of the sidewalk.
- **Huron Avenue** at Chilton Street and Vassal Lane, the intersection of **Sparks and Foster Streets**, and the intersection of **Craigie and Berkeley Streets** were reconstructed with curb extensions.

The following projects are currently being designed and are scheduled for construction in 1998. Community processes including several neighborhood meetings are integral to the design process.

- **Third Street** from Binney Street to Msgr. O'Brien Highway.
- **Columbia Street** from Bishop Allen Drive to Cambridge Street.
- **Oxford Street** from Somerville Line to Kirkland Street.
- **Concord Avenue** from the Sozio rotary to Walden Street.

The City has received over forty requests for traffic calming from residents, neighborhood associations, city departments and the City Council. Once a request is received, background information such as speed and volume counts is collected to be used in setting priorities for future projects. A working group, consisting of staff from the Community Development Department, Department of Public Works, and Traffic, Parking and Transportation Department is responsible for setting project priorities.

In addition to specifically requested projects, the City regularly incorporates traffic calming into road reconstruction projects such as Porter Square, North Massachusetts Avenue, and Cambridgeport Roadways.

Early in the new year, the Community Development Department plans to make a full report to the City Council on the Traffic Calming Program. This report will include a detailed description of the program, a brochure describing the traffic calming program, a discussion of how priorities are set, evaluations of the completed projects and an updated listing of all of the requests received to date.

Truck Traffic Advisory Committee Report:

Two reports have been prepared by the Truck Traffic Advisory Committee that will soon be transmitted to the City Council for its consideration. The reports make recommendations on a range of issues about trucks in Cambridge including: day-time and night-time truck restrictions, truck routes, police enforcement, and the need for regional and local truck studies.

Cambridgeport Roadways Project:

The Cambridgeport Roadways Improvement Project is designed to mitigate traffic impacts from the University Park development, distribute traffic among alternative streets to shift traffic from streets that are more residential in character, discourage through traffic from using Cambridgeport roadways and provide safe and efficient commercial vehicle access.

The project includes the reconstruction of a majority of Sidney and Waverly streets, and the construction of a new two-way connector roadway from these streets to lower Brookline Street. A signal is proposed to be installed on Brookline Street at the new connector roadway. All streets included in the project will have new sidewalks, landscaping and will include bicycle lanes.

4. *Get the story out*

STATUS REPORT

Development of Public Information Program:

The City issued a request-for-proposals for a consultant to conduct an operations and resource assessment and make recommendations on how the City can best meet its public information needs. Proposals have been received and evaluated, and the City has issued its intent to award a contract to McDermott/O'Neill and Associates. The approach that McDermott/O'Neill will use is as follows:

- **Research and Assessment:** This phase will include interviews with City officials, staff, representatives of the tourism industry and the media; focus groups with residents, companies and major institutions; an assessment of communications vehicles, materials and procedures as well as how the city is portrayed in local and national media; comparisons with systems and materials from other municipalities including presence on the Internet; and a case study assessment of performance during "crisis" and results.
- **Identification of Needs and Opportunities:** Following the research phase, the firm will identify key issues and needs for Cambridge, will identify optimal use of different communications vehicles, and will create different scenarios with potential costs/benefits.
- **Recommendations:** In this phase, the firm will prepare findings and recommendations; determine costs, personnel needs and abilities, structure, roles and responsibilities; and create potential communications formats and desired messaging about the City that should be communicated to all audiences through these vehicles.
- **Implementation:** The final phase will include training for personnel, and the assistance with the start-up as necessary.

Recommendations with budgetary implications will be included in the FY99 recommended budget to the City Council.

Current Methods Used to Disseminate Information:

The City uses a variety of methods to disseminate information to the public. Most departments have developed individualized mechanisms for getting the word out on its

programs and services. Below is an overview, with examples, of these methods; examples used are illustrative and not all-inclusive.

- Newsletters: A number of departments/programs have newsletters including: the Library, Council on Aging, Disabilities Commission, Recycling, the City of Cambridge Committee on Diversity. In general, newsletters are distributed using a directed mailing list and at drop-off areas. The Recycling newsletter is sent directly to each residence in the City.
- Reports/Resource Guides: The City publishes a few major publications on its operations, all heavily used and important communications vehicles: the Annual Report, the Annual Financial report, the Annual Budget Document, the Department of Human Services Resource Guide, and the newly-produced Boards and Commissions Manual. On a quarterly basis, the Police Department publishes a Crime and Neighborhood Report covering the entire city and each of the 13 neighborhoods; twice a year, this report includes a synopsis of ten designated business districts. The Fire Department also publishes an Annual Report. An interdepartmental committee staffed by the Community Development Department has recently completed a Guide to Permitting and Licensing.
- Direct Mail: Many departments do extensive mailings to residents concerning events, programs and issue updates. Recycling Division sends postcards twice a year. Traffic, Parking and Transportation sends resident permit parking information to all registered vehicle owners; DPW includes information on street sweeping and snow removal in this mailing. Job openings are sent to all active Cambridge job applicants.
- Staff at Public Events: Many City programs often staff tables at public events i.e., Hoops for Health, Fair Housing Open House, the River Festival, Area IV Drug Free Fair, and National Night Out Against Crime, to name a few. Lead-Safe Cambridge both sponsors and participates in numerous public events to disseminate information to property owners, parents and students. The Police Department, using its community services van, also visits special events. Cambridge Employment Program and Personnel Department participate in community events and distribute information on City jobs and other employment resources for residents.
- Inserts in mailings of other organizations: The City often inserts pertinent information about City services in water bills, and property tax and excise tax bills. The electric and gas companies often allow the City space in its bill inserts to disseminate specific information; the Fuel Assistance Program is a noteworthy example. Inserts in the TAB are used. Inserts in paychecks to City employees is also used.
- Work with Community Organizations and Neighborhood Groups: Staff often meet with neighborhood groups and community organizations to disseminate information, discuss projects and initiatives, and/or to ensure that City services are known to and accessible to different communities. The City Manager's Office, Community Development, the Department of Human Service Programs, Department of Public

Works, the Water Department, the Department of Traffic, Parking & Transportation, the Police Department, to name a few, regularly use this important information vehicle. In addition, all City job postings are sent to 229 community agencies/organizations every other week.

- Work with Area Businesses/Institutions: The City Manager's Office, the Community Development and Water Departments work with the Chamber of Commerce as a vehicle to communicate with the business community, and have made presentations to a number of business groups. Several departments also meet regularly with representatives from Harvard and MIT to not only disseminate information but also to access Institutional resources (including the student population). On a weekly basis, the Department of Public Works sends construction location updates to all utility companies. The Personnel Department, along with the Cambridge Employment Program, work with Career Source to inform unemployed and underemployed Cambridge residents of job vacancies in City government.
- Banners/Bulletin Boards: Bulletin Boards are posted in squares, parks, and in and around construction sites to keep residents informed of local construction and upcoming events. Banners over city streets are used regularly to announce events and disseminate information.
- Flyers/post cards, brochures: A myriad of flyers, postcards and brochures are distributed regularly through the Community Schools program, at elementary schools, high school, branch libraries and municipal buildings. Community Development and the Traffic, Parking and Transportation Departments will leaflet houses abutting a proposed change, or area under discussion.
- Hotlines: The Department of Public Works provides hotlines for graffiti, park repairs, potholes, and snow removal from sidewalks. Info-lines are also set up for Construction Locations, Recycling Information and Household Hazardous Waste Collection Days.
- Press Releases: This method is used by most departments for a variety of purposes, including to promote events, recruit volunteers, disseminate specific information. The Police Department generates a chronological log of crime incidents each shift; this log is available to the public and is used by the Cambridge Chronicle to report its weekly crime log.
- Formal Mechanisms: The City employs a number of formal mechanisms as well to disseminate information to the public. These include advertisements and legal notices, submission of information to City Council for a City Council meeting, work with City Council Subcommittees, public hearings at subcommittees and at hearings of Boards and Commissions.
- The Internet and Public Access Terminals: Cambridge has an award-winning Homepage on the Internet (www.ci.cambridge.ma.us). Public access to computer

resources to access the Internet is available at several locations (city-wide senior center @ 806 Massachusetts Avenue, the main and branch libraries, and at City Hall) and plans are underway to expand this access through the City's Youth Centers and at the Community Learning Center. Many departments maintain their own information on the Homepage, and use it quite regularly to disseminate information. The page receives approximately 6,000 "hits" per day, which translates into visits from approximately 2,000 unique "hosts" per week.

- Municipal Cable - Channel 1: Channel 1 is the in-house television production facility for all city departments. Many departments make use of this service for the production of training tapes, informational videos, public service announcements, presentation graphics, and for coverage of events and programs.

PERFORMANCE MEASURES for Cable Services (FY98 first -half)

1. Number of Departments utilizing services	34
2. Hours per week of programming	23
3. Programs per week	9
4. Number of televised produced and aired	42
5. Number of in-house programs produced	8
6. Number of hours of live City Council and subcommittee meetings covered	90

5. *Increase workforce training*

STATUS REPORT

This section includes information on the City's internal training efforts for its employees as well as training efforts for City residents.

CITY EMPLOYEE TRAINING EFFORTS:

- City-Wide Training: The City offers numerous courses to all employees through the Development and Learning Catalog. For most City employees, these internal city-wide courses are sufficient to meet their training and development needs. Sexual harassment training is required of all new employees and is included in the course catalog. See attached Attachment #4 for detailed information on the attendees and courses offered through Development and Learning Catalog for the first two quarters of FY98.
- Department-Specific Training: Many departments, because of the technical or unique nature of their work, require that employees undergo specialized training. This training is either sponsored directly by the department for its employees, or contracted out to an agency that fulfills this purpose for many organizations. Training that falls into this category is above and beyond the business skill development and other courses offered through the Development and Learning Catalog.

Highlights of these training sessions since July 1, 1997 include:

- City Manager sponsored diversity training (8 hours) for each department head and senior manager (an additional 8 hours was sponsored in June for a total of 16 hours);
- 16 hours of in-service training (40 hours is required annually) for all 225 sworn personnel in the Police Department. Courses included: CPR, first responder, sexual harassment, felony vehicle stops, off duty issues, community issues, and disability commission issues. Also, each member of the command staff - 47 sergeants, lieutenants and captains in the Department - attended additional training on rules, regulations and legal procedures and other issues;
- 23 courses conducted for Fire Department personnel, representing 1,446 attendances. Courses range from emergency medical procedures to Redline familiarization;

- Law Department increasingly serving as a training resource to other departments, conducting training on ethics and the conflict of interest laws, the Public Records law, the financial disclosure law, and other matters;
- Similarly, the Department of Human Service Programs has opened up many of its training courses previously conducted only for its employees, to all employees city-wide. Topics covered include: the Americans With Disabilities Act, Substance Abuse, Workforce Diversity, Sexual Harassment in the Workplace, Elder/Child/Disabled Abuse, and AIDS/HIV/Hepatitis B;
- Weekly and monthly safety training for Department of Public Works personnel on numerous topics including vehicle use, equipment use, tree pruning, parks maintenance, pavement maintenance, snow clearing of streets and sidewalks, and ice removal; and
- On-going building, sanitary, plumbing and wiring code training for employees of the Inspectional Services Department.

PERFORMANCE MEASURES (FY98 first half) for City-Wide Training

(Note: we are in the process of developing common ways of tracking department-specific training.)

A total of 38 training sessions have been offered city-wide through the Development and Learning Catalog

1.	Number of attendances at General Skill Development courses (including required courses)	139
2.	Number of attendances at Diversity trainings	188
3.	Number of attendances at Management Development courses	63
4.	Number of attendances in Personal Health, Lifestyle, Safety courses	106
5.	Number of attendances at other courses offered in Catalog	29
6.	Number of attendances at computer courses	111
7.	Total number of attendances at city-wide training	636

CITY RESIDENT TRAINING EFFORTS:

Through the Department of Human Services Office of Workforce Development, the City is committed to expanding the employment and training opportunities for city residents. The primary focus of the office is not direct service delivery but rather program development and coordination, planning for new initiatives, oversight of programming, and coordination of existing services to maximize resources available to residents. In the planning and coordination function, staff work closely with community based agencies, the Regional Employment Board, area businesses, the School Department and other City Agencies.

The Office provides matching funds to bolster high quality programs, to leverage state and federal resources, and to expand slots for Cambridge residents. The Office of Workforce Development also oversees the Cambridge Employment Program, runs the Mayor's Summer Youth Employment Program and provides services at the high school's Youth Employment Center. The Community Learning Center provides adult education services which can be critical in assisting residents in accessing employment as well as enhancing other aspects of life.

In many cases where City funds are not expended, the Office of Workforce Development staff work with other partners to bring new programs to the City, such as Bunker Hill Community College, assist programs with planning, coordination and job lead sharing, connect employers to school and youth programs, and provide other in kind services. Office of Workforce Development staff also maintain close contact with other employment and training programs serving Cambridge residents.

Reported below are the primary programs providing employment and training services to Cambridge residents along with the number of residents each program has served or will serve this fiscal year. The programs are divided into adult and youth categories and are also subdivided into three categories: those which receive City financial support, those which receive substantial in kind services and those where no significant resources are provided.

Adult Workforce Development Programs and Initiatives

- Programs where City funds are expended (includes state/federal funds received)

<u>Program</u>	<u>Number of Residents Served - FY98</u>
Cambridge Employment Program	137 (year-to-date)
Central Artery/Tunnel Project	36
Just A Start Biomedical Careers Program	12
Solutions at Work	6
CASCAP Consumer Provider Program	19 (based on FY97)
Community Learning Center	1100

- Initiatives where City dollars are not expended but substantial in-kind resources are provided:

<u>Program</u>	<u>Number of Residents Served - FY98</u>
Bunker Hill Community College Cambridge Campus	79 (year-to-date)
Jobs Consortium	750+ job leads shared
Cambridge Adult Employment Alliance	Planning Group
Career Source	351 (year to date)
CHA-EDSS	560 over 2 years

- Other Programs and Initiatives (neither City dollars nor in-kind support provided)

<u>Program</u>	<u>Number of Residents Served - FY98</u>
Just A Start Supported Work	22 (based on FY97)
Just A Start Basics Program	18 (residents & nonresidents)
North Charles Employment Program	40 (based on FY97)

Youth Workforce Development Programs and Initiatives

- Programs where City funds are expended (includes state/federal funds received)

<u>Program</u>	<u>Number of Residents Served - FY98</u>
OWD Mayor's Summer Youth Employment Program	463
Youth Employment Center	550
Just A Start Student Support Network	32
CCS CityLinks	16
RSTA Career Path Internship Programs	49
CRLS Advising Program	All 9 th Graders
CHA's Work Force Program	143
Just A Start Youth Build Program	20 (year-to-date)
Just A Start Teenwork Program	100

- Initiatives where City dollars are not expended but substantial in-kind resources are provided:

<u>Program</u>	<u>Number of Residents Served - FY98</u>
Jobs for Bay State Graduates, Inc.	40
ERI Summer Youth Employment & Training Program	22
Summer Jobs Campaign	231*

- Other Programs and Initiatives (neither City dollars nor in-kind support provided)

<u>Program</u>	<u>Number of Residents Served - FY98</u>
CCS Academics for Changing Times	20
ERI Summer Youth Employment & Training Program	220
ERI Youth Employment Programs	19*

* Some also are counted elsewhere

6. *Broaden citizen involvement*

STATUS REPORT

There are numerous forums in the City, both formal and informal, that encourage citizen involvement and participation in our government. Opportunities range from membership on a board, commission or citizen advisory committee, to attending a public meeting or writing a comment in a "comment book" on the Internet. Below is an overview, and examples, of the primary methods employed to involve the community in government.

- Standing Committees: Boards and commissions appointed by the City Manager, or other long-standing committees or task forces established to provide advice and guidance on a particular issue or project.

To date there are 42 active boards and commissions, on which hundreds of residents serve. The City Manager's Office has recently completed a manual for members of boards and commissions or persons who are interested in serving. A copy is included as Appendix #6.

A current list of Boards and Commissions include: Advisory Committee on Environmentally Desirable Practices, Affirmative Action Advisory Committee, Affordable Housing Trust Board, Animal Commission, Arts Council and the Public Art Committee, Bicycle Committee, Biohazards Committee, Board of Assessors, Board of Examiners, Board of Zoning Appeals, Central Square Advisory Committee, Commission for Persons with Disabilities, Commission on the Status of Women, Conservation Commission, Consumer Advisory Commission, Council on Aging, Election Commission, Half Crown Neighborhood Conservation District Commission, Harvard Square Advisory Committee, Historical Commission, Human Rights Commission, Human Services Commission, Kids' Council (Coordinating Council for Children, Youth and Families), License Commission, Mid-Cambridge Neighborhood Conservation District Commission, Peace Commission, Pedestrian Committee, Pole & Conduit Commission, Police Review and Advisory Board, Planning Board, Library Board of Trustees, Public Health Commission, Public Planting Committee, Recycling Advisory Committee, Retirement Board, Traffic Board, Water Board, Cambridge Housing Authority, Cambridge Industrial Development Financing Authority, Cambridge Redevelopment Authority.

There are other standing committees that involve many Cambridge residents, and although not formally appointed by the City Manager, provide advice to the City on numerous programs and projects. These include: Community Schools Neighborhood Councils (14), Pop Warner and Youth Soccer Advisory Boards, War Memorial Advisory Council, Youth League Advisory Committee, Senior Center

Advisory Council, Eastern Cambridge Senior Leadership Council, Fresh Pond Golf Course Access Committee, Childcare Parent Advisory Group, Friends of the Community Learning Center, Friends of the Council on Aging, Friends of the Frisoli Youth Center, Friends of the Library, and COP Leadership Council.

- Ad Hoc Committees: These are groups appointed by the City to examine a specific issue or to advance a specific project. Examples of groups that have been established or have met since July 1, 1997 include: Library 21 Committee, Fresh Pond Master Plan Advisory Committee, Central Square Infrastructure Committee, Fresh Pond Parkway Advisory Committee, Frisoli Youth Center Citizens' Advisory Committee, Taxi Advisory Committee, West Cambridge Youth Center Steering Committee, Homeless Services Planning Group, Neighborhood Study Committees, Porter Square Roadways Design Committee, Cambridge Street Citizens' Advisory Committee, Lafayette Square Advisory Committee, Cambridgeport Roadways Advisory Committee, Cambridge Common Citizens' Advisory Committee, Truck Traffic Advisory Committee, Morse School and Fitzgerald School Building Committees.
- Community Meetings: City staff attend or lead meetings that are open to the public but do not necessarily involve groups formally appointed by the City Manager. Staff literally attend hundreds of meetings in the course of a year, either meetings sponsored by the City or at the invitation of a neighborhood group, business or other entity.

Community Meetings lead by the City are on a wide range of topics including: capital construction -- municipal buildings, sewer and street construction, traffic calming, park rehabilitation, street scape improvements -- consumer issues, housing, human service programs, youth programs, public art, zoning petitions, environmental issues.

Community Meetings which City staff attend are varied and include meetings of neighborhood, civic and business associations, crime watch and safety groups, tenant councils, other public agencies, and environmental groups.

Please see Priority #4 "Get the Story Out" for additional methods used to broaden citizen involvement.

Appendix # 1

FY96-FY98 Completed Projects			
Project	# of Affordable Units	Type of Project	Construction Type
Allston Street	6	rental	rehab
Auburn Court	46	rental	new construction
Garfield Street	8	rental	new construction
Prospect Street	6	rental	rehab
Swartz/Cambridge Community Properties	41	rental	rehab
Webster/Bristol Street	9	rental	rehab
Bolton Street	7	first-time homebuyer	new construction/rehab
Fulkerson Street	2	first-time homebuyer	rehab
Hampshire/Columbia Condominiums	16	first-time homebuyer	new construction
Hampshire Homes	6	first-time homebuyer	new construction/rehab
Hurley Street	1	first-time homebuyer	rehab
Jefferson Street	4	first-time homebuyer	rehab
Norfolk Street	1	first-time homebuyer	rehab
Seventh Street	3	first-time homebuyer	rehab
CNAHS Rehab Loan Program	61	rental	rehab
Cambridge Condo Buyer Initiative	25	first-time homebuyer	NA
HIP Cases	213	existing homeowner	rehab
TOTAL	455		
FY98 Projects Under Development			
Project	# of Affordable Units	Type of Project	Construction Type
402 Rindge Avenue	274	rental, expiring use	rehab
808-812 Memorial Drive	211	rental, expiring use	rehab
54 Berkshire Street	6	rental	rehab
Cardinal Medeiros	6	rental	rehab
CHA Condo Acquisition Program	3	rental	NA
72 Elm Street	6	rental	rehab
77 Elm Street	6	rental	rehab
Harvard Housing	100	rental	rehab
Harvard Manor	21	elderly supportive housing	rehab
Lechmere Residences	2	rental, inclusionary	rehab
North Point/Museum Towers	33	rental, inclusionary	new construction
Webster Phase 2	5	rental	new construction, rehab
Western Avenue	8	SRO rental	rehab
CNAHS Rehab Loan Program	20	rental	new construction, rehab
Spring Street	6	first-time homebuyer	rehab
Cambridge Condo Buyer Initiative	2	first-time homebuyer	NA
HIP Cases	86	existing homeowners	rehab
TOTAL	795		

Appendix #2

New Lease Program: Nine Month Update & Year End Projections (12/8/97)

Evolution of the Mission

The original intent of the program was to assist a targeted subset -- elders, persons with disabilities, and families with minor children -- of formerly protected tenants of formerly rent controlled apartments. The Rent Control Board gave the New Lease program the names, addresses, and phone numbers of the 680 unduplicated households that constituted this target group. As the program evolved, we expanded our scope to include other at-risk households, as well:

- We attempted to reach all of the 834 protected households whose occupants were neither elders, persons with disabilities, or families with minor children. As will be described below, most of the households that became clients from this population sought us out; many of those we called were either not interested in our help, or not reachable by phone or mail.
- Although we had no way of directly reaching out to them, we began getting calls from/about households who had been eligible for protections, but who hadn't applied because they didn't think they'd need them, or because they didn't want to antagonize their landlord, or because they hadn't understood the process. Those that became clients -- primarily elders, persons with disabilities, and families with minor children -- were facing the same kinds of problems as our formerly protected clients.
- Likewise, although we had no way of directly reaching out to them, we began getting calls about households whose apartments had not fallen under the protections of Rent Control (even though their apartments were in formerly rent controlled buildings) because they had been using MRVP or Section 8 subsidies. Now that legal protections against evictions without just cause were no longer in place, their landlords were increasing rents beyond what Housing Authorities will pay under the Section 8 or MRVP programs, thereby forcing them to move.
- Finally, we received calls about a handful of formerly protected households that had been forced to move from their formerly rent controlled apartment before our program came into existence, or before we were able to contact them, and who continued to be at risk due to circumstances which we could have helped address, had we been in touch with them prior to their move. We have helped stabilize two such households, to date.

Policies and Procedures

We developed and implemented standard procedures for telephone screening and follow-up intake. The City Manager approved general guidelines for use of the Fund,

and we developed and implemented Fund application and landlord/mover contracting protocols. Although the Fund guidelines provide general guidance on the use of the City appropriation, we have occasionally encountered circumstances which dictate alternative use of the Fund in order to facilitate transitions to stable and affordable tenancies. An Advisory Committee, consisting of the Deputy Director of the DHSP, the Division Head of Planning and Development of the DHSP, the Director of the Council on Aging, the Director of the Multi-Service Center, the Housing Planner of the Department of Community Development, and the Manager of the New Lease Program, helped draft Fund use guidelines, and has met to review use of the Fund. The Committee concluded that planned use of the Fund was consistent with those guidelines.

Outreach Efforts

Our initial outreach was targeted to the 680 formerly protected households that included an elder, person with a disability, or a minor child. Once we had completed that portion of our outreach, we attempted to contact the "other" 834 protected households. Our outreach efforts consisted of:

- A series of telephone calls (weekday, weeknight, weekend) to all households for whom a telephone number could be found: The Rent Control Board gave us phone numbers for nearly all the targeted 680 formerly protected households that included elders, persons with disabilities, or minor children. We used the 1996-97 NYNEX Cambridge/Somerville White Pages to find telephone numbers for 299 of the 834 "other" protected households.
- Follow-up letters to all households with which definitive contact could not be made.

Phase 1: Protected Households Including an Elder, Person with Disability, or Minor Child.

We were able to speak to 385 (57%) of the 680 targeted households with elders, persons with disabilities, and families with minor children, as follows:

- 116 (17%) households confirmed by telephone that they had moved. As described below, letters returned as "undeliverable" by the Post Office document the fact that another 71 (10%) had moved at least six months prior to our trying to contact them by mail.
- 169 (25%) households indicated that they were managing well in their formerly rent controlled apartment, and didn't need help for the foreseeable future. Some of these households hadn't had a sizeable rent increase; some had obtained a Section 8 certificates to make the higher rent affordable; and still others were able to draw upon savings, or were at the higher end of the income limit, and so were able to afford the increased rent. All of these households have our number, in case

something unexpected happens. (A few households that had initially reported "doing OK" have subsequently contacted us and become clients.)

- 71 (10%) households were at risk of losing their housing either because they could no longer afford the rent, or because they had been asked by their landlord to leave. All of these households were or are currently being served by New Lease Program case managers.
- An additional 35 (5%) households received short-term case management assistance (help with CHA applications, housing counseling, etc.), but either did not require or did not seek ongoing assistance as a client.
- We were unable to contact 289 (43%) of the 680 targeted households (including three in which we confirmed the death of the householder). In approximately two-thirds of these instances, the telephone numbers furnished by the Rent Control board had been disconnected, re-assigned to another household by the phone company, were otherwise not in service. In the remaining cases, there was consistently no answer or we consistently reached a machine which did not identify the household. (To protect client confidentiality, we only left messages on machines which identified the household as our targeted call.)

As noted above, we sent letters to all of these households, 71 of which were returned as "undeliverable," indicating that they had moved at least six months before our attempt to contact them by mail. In fact, we presume that most of the other 218 households that we were unable to contact also moved, but there is no way of knowing, without making a housecall. (If a household moved as recently as six months prior to our sending the letter, it would have been forwarded to the new address, and we would never find out unless the addressee contacted us and told us they were gone.)

Phase 2: Other Protected Households

We found phone numbers for, or received telephone responses to our mail outreach to, 311 of the 834 "other" protected households. Of these 311 households:

- 32 (4%) households confirmed that they had moved, some into a new apartment, others into a home that they had purchased.
- 117 (14%) households indicated that they were managing well in their formerly rent controlled apartment, and didn't need help for the foreseeable future. Since, by definition, the households in this segment of the protected population included a higher percentage working adults (i.e., no elders, persons with disabilities, no minor children), it seemed reasonable to expect that a large percentage of these households would have found a way to cope with higher rents, and, indeed, that was what we heard from many of them.
- 22 (3%) households were at risk of losing their housing either because they could no longer afford the rent, or because they had been asked by their landlord to leave.

Most of these households had become clients before we even got to this portion of the outreach; that is, they had been referred or had found us on their own earlier on. The remainder gained client status and are currently being served by New Lease Program case managers.

- An additional 12 (1%) households received short-term case management assistance (help with CHA applications, housing counseling, etc.), but either did not require or did not seek ongoing assistance as a client.
- 49 (6%) of households where we left a confirmed message about our program (i.e., where a person took a message or where a machine confirmed that we had the right household) never returned our call, presumably because they are managing without assistance.
- We were unable to contact 79 (26%) of households which had been listed in the phone book, either because the phone number listed in the phone book had been disconnected, re-assigned to another person by the phone company, or was otherwise not in service, or because there was repeatedly no answer or a machine that did not identify the owner ("Hi, you've reached 354-1234. Please leave your message...")

As noted previously, we sent letters to all households for which we could not find phone numbers and/or could not reach by phone. We received no further response from 523 (63%) of these households, and we presume that most have moved. The Post Office returned only one or two "undeliverable" letters addressed to this cohort of formerly protected tenants.

Client Contact

To date, 160 households have been screened in as program clients:

- 71 of these clients were formerly protected households that included either an elder, a person with a disability, or a minor child;
- 22 of these clients were other formerly protected households;
- 67 of these clients were households who had never applied for protected status, who were referred to us or came to us on their own. Most of these households had been eligible for protected status but either hadn't thought they would need the protections, or hadn't been aware of or understood the process (especially non-English-speaking households). A small number were households holding Section 8 or MRVP leases in apartments in formerly rent controlled buildings.

(As noted previously another 61 households received short term case management, but did not seek or did not require the broader range of client services. There 61 households include 35 formerly protected targeted households, 12 formerly protected "other" households, and 14 households who were not on any of our outreach lists -- households that never applied for protections even though they were eligible to be protected.)

For many of our clients, the end of rent control-related protections was the single most important factor contributing to their housing crisis:

- Some clients received very substantial rent increases (up to 300%). Other clients facing relatively small increases (10%) nonetheless found themselves being pushed beyond their financial limits, if their income was limited to a pension, Social Security, SSI, or TAFDC. Nearly all of these clients were paying well above 50% of their income for shelter costs, or facing a rent increase which would push their shelter costs over the 50% threshold. In some cases, landlords have been willing to postpone increases while clients apply for and await subsidies from the Cambridge Housing Authority; in many cases, landlords have not shown that kind of patience.
- In some cases, the immediate issue was not a rent increase, but rather the planned renovation of the building. Some landlords have attempted to empty their buildings in order to sell or renovate; others have been willing to undertake piecemeal renovations or have bought or sold buildings without displacing tenants.

For some of our clients, the end of rent control was only one of several precipitating factors to their housing crisis. A fair number of our clients were only barely managing under rent control and subsequent protections. Some had accumulated arrearages of up to a few thousand dollars before they ever received a "big" rent increase. Some had been barely managing on incomes derived from public benefits programs (TAFDC, SSI, Social Security); others had eked by on small incomes derived from part time or erratic employment. Some had been without an income for from several months to a year. A substantial number of our clients came to us with utility arrearages and/or bad credit, including outstanding debts to credit card companies, the Housing Authority, etc.

Services Provided

The most common -- and, given our clients' dependence on subsidies and subsidized housing to stabilize their situations, perhaps the most important -- form of assistance that we have provided has been help with applications to the Cambridge Housing Authority for participation in the Section 8, AHVP, and public (elderly and family) housing programs. In addition to helping clients submit first-time applications to the CHA, we conduct routine and regular check-ins with CHA staff to ensure that applicants receive the ranking preference and expedited assistance that their situations merit. The CHA has been a supportive and invaluable partner in addressing the needs of our clientele: As described in greater detail below, 62% (45) of the 73) clients whose situations we helped stabilize either (a) moved into public housing, (b) were able to use a Section 8 or AHVP subsidy to remain in their existing housing, (c) received a Section 8 or AHVP subsidy which they were able to use in a new apartment, or (d) were able to use an existing Section 8 or MRVP subsidy in a new apartment.

In a number of cases, we have been able to work with clients' landlords to temporarily extend their threatened tenancies at rents below what they otherwise would have had

to pay. In some cases, we have been able to negotiate with landlords to stabilize ongoing tenancies with the use of CHA subsidies. The New Lease Fund, which can help address arrearages and or interim (pre-subsidy) rents that are beyond the means of a tenant, has been an important tool in helping to leverage landlord participation. About a third 53 of our 160 clients have needed legal assistance. Five came with their own lawyers. The contract with CASLS has enabled 32 clients to receive representation in court. Other CASLS lawyers have helped 7 clients, while CLSSC lawyers have represented another 9 clients.

About 81% (59) of the 73 households that have stabilized their housing situation have used New Lease Funds to help cover some of the costs. To date, we have paid movers and landlords \$49,000 (an average of slightly over \$765 per client). As prescribed by the advisory committee to the project, the Fund has been used to cover transitional rent costs, court settlements, moving costs, and arrearages in conjunction with agreements to stabilize ongoing tenancies. We have also used the Fund to have professionals clean out an apartment whose condition had prompted the landlord to seek an eviction.

Of the 81 clients no longer in the active caseload, 61 (75%) are now stably housed in Cambridge:

- 13 were assisted in remaining in their apartments, nine with help paying arrearages, and eight with the help of a Section 8 or AHVP subsidy from the Housing Authority.
- 25 moved into public housing
- 9 used Section 8 subsidies to move to apartments in Cambridge
- 5 moved to un-subsidized apartments in Cambridge
- 7 moved to other subsidized apartments in Cambridge (two of whom used Section 8 certificates)
- 2 bought condos in Cambridge

Of the other 15 stabilized clients:

- 3 used a Section 8 certificate or MRVP voucher outside Cambridge
- 9 moved to un-subsidized apartments outside Cambridge (one near family in New Hampshire)
- 2 bought condos outside Cambridge
- 1 found live-in work as a nanny

Five clients had less permanent outcomes.

- A drug-addicted client transitioned to a drug treatment program. New Lease paid moving costs. This individual is now in a transitional program operated by the Multi-Service Center at the Y.
- Two clients who had had no income for the past 6-12 months were evicted and moved into shelters. New Lease paid to move their possessions into storage and for a few months of storage until they can get back on their feet.
- Two clients are living in overcrowded conditions with friends while they wait for CHA housing.

Another 81 clients remain at various stages of progress in the active caseload. Some are in court; many are waiting for subsidies or subsidized apartments; and a few are in the midst of a housing search. Some of the clients looking for housing are able to look on their own, and simply need help with their transitional costs. Other clients need our help in finding a new apartment. Nearly all of those clients have expressed a strong preference for remaining in Cambridge.

Given the increasing cost of rental housing in Cambridge, our success with many of these clients has been and will continue to be dependent upon the help of the Cambridge Housing Authority, and their subsidy (AHVP and Section 8) and public (elderly and family) housing programs. Unfortunately, there are only a limited number of subsidies available, and, under normal circumstances, only occasional openings in public housing. However, the CHA has been very helpful in assigning many of our clients top priority for those limited numbers of subsidies and subsidized apartments. As promised, a disproportionate number of our clients received subsidy certificates this Summer. More are scheduled to receive Certificates by January. Over the next few months, a substantial number of our clients will be offered public housing in newly renovated units at Roosevelt Towers or Newtowne Court.

The renting up of a dozen newly renovated Just-a-Start apartments over the next 4-5 months will likewise provide some of our clients with access to affordable units, although prospective tenants without section 8 certificates may be required to demonstrate incomes well above what our clients earn.

In helping New Lease clients with housing search, we have primarily relied upon listings in the paper, listings forwarded by the Metropolitan Boston Housing Board, and short listings prepared by the CHA for Section 8 subsidy holders. Over time, Program staff have developed relationships with a handful of landlords who have offered one or two affordable apartments to our clients. When clients have been pressured to find an apartment with little or no time left until their deadline (e.g., expiration of a Section 8 or AHVP, move-out deadline, etc.), we have referred them to local realtors who have previously indicated a willingness to work with our clients for below-market rates.

About six weeks ago in October, we sent out a mailing to all Cambridge landlords asking them for help in finding apartments for our clients and for other clients at the Multi-Service Center. The day before this report was prepared, we received a call from a landlord offering an East Cambridge apartment in response to that letter. New Lease and other MSC staff are working hard to make a match between one of our clients and that apartment.

Year-End Projections

Over the remaining three weeks of December, we might reasonably expect to take on 6 or 7 additional cases. New client intake has slowed down dramatically since our period of active outreach. Periodically, a formerly protected tenant who hadn't needed

assistance when we first contacted him/her calls to report that things have changed: their landlord has suddenly sold the building, etc. Or, someone who hadn't previously responded to our mail outreach calls asking for help with an unaffordable rent increase that they had never anticipated, or with a rent arrearage that they can't pay while they're awaiting adjudication of their Unemployment compensation claim. We also get some referrals from local agencies, like CEOC and the City's Department of Community Development. Three or four landlords have called promising to refer tenants whom they would like to either relocate or get subsidies for (so as to be able to raise the rent from Rent Control-era rents to Section 8 levels); however, several of these referrals have been delayed, for various reasons.

Over the next few weeks, we anticipate that 10 of our clients will become stabilized -- all in Cambridge:

- four will receive subsidies enabling them to remain in their apartments;
- two will move into CHA housing;
- three who have found apartments that will accept their subsidy will complete their move; and
- one who has found a subsidized SRO will move

Other clients will probably receive Section 8 certificates, and will only then^s be able to begin their housing search in earnest. Perhaps one or two clients whose cases are tied up in court will obtain resolution. These clients' changed circumstances will not be reflected in any statistical changes vis-a-vis closed cases, housing found, transitions completed, etc.

SUMMARY 1998-02 EXPENDITURE PLAN

	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>	<u>FY01</u>	<u>FY02</u>	<u>TOTAL</u>
GENERAL GOVERNMENT						
Fiber Optic Network Infra.	1 000 000	355 000				1 355 000
Acq. of Personal Computers	<u>520 000</u>					<u>520 000</u>
	1 520 000	355 000	0	0	0	1 875 000
PUBLIC SAFETY						
Fire Vehicles/Equipment	290 000	250 000	250 000	250 000	250 000	1 290 000
Fire Station Renovations	150 000	1 000 000		1 000 000		2 150 000
Police Equipment/Renov.		<u>7 000 000</u>	<u>22 000 000</u>	<u>1 000 000</u>		<u>30 000 000</u>
	440 000	8 250 000	22 250 000	2 250 000	250 000	33 440 000
COMMUNITY MAINT. & DEV.						
Public Building Renovations	315 000	320 000	320 000	320 000	320 000	1 595 000
Streets/Sidewalks/Trees	2 350 000	2 350 000	2 350 000	2 350 000	2 350 000	11 750 000
Parking Improvements	430 000	450 000	450 000	450 000	450 000	2 230 000
Water System Improvements	600 000	2 600 000	600 000	2 600 000	600 000	7 000 000
Sewer Reconstruction	1 605 000	1 000 000	1 000 000	1 000 000	1 000 000	5 605 000
Cambridge Street Design Study						
Porter Sq./N. Mass Ave Improvements						
Historical Restoration		25 000	25 000	25 000	25 000	100 000
Employment Program Fund	277 500	277 500	277 500	277 500	277 500	1 387 500
Housing Rehab & Development	1 666 830	1 666 830	1 666 830	1 666 830	1 666 830	8 334 150
Affordable Housing Trust Fund	4 500 000	2 250 000	2 250 000	2 250 000	2 250 000	13 500 000
Neighborhood Business Development	275 000	275 000	275 000	275 000	275 000	1 375 000
Tobin/Russell Site Testing	100 000					100 000
Traffic Calming/Transportation Studies	450 000	450 000	450 000	450 000	450 000	2 250 000
One Per Cent for the Arts	15 000	15 000	15 000	15 000	15 000	75 000
Public Art Conservation Fund	35 000	35 000	35 000	35 000	35 000	175 000
Beautification Program	<u>175 000</u>	<u>65 000</u>	<u>65 000</u>	<u>65 000</u>	<u>65 000</u>	<u>435 000</u>
	12 794 330	11 779 330	9 779 330	11 779 330	9 779 330	55 911 650
HUMAN RESOURCE DEV.						
Library Renovations	100 000	1 300 000	7 600 000	7 600 000	100 000	16 700 000
Park Prevent. Maint. Program	100 000	100 000	100 000	100 000	100 000	500 000
Parks and Recreation	135 090	8 170 090	3 125 090	5 425 090	1 425 090	18 280 450
Accessibility Improvements	<u>50 000</u>	<u>50 000</u>	<u>50 000</u>	<u>50 000</u>	<u>50 000</u>	<u>250 000</u>
	385 090	9 620 090	10 875 090	13 175 090	1 675 090	35 730 450
EDUCATION						
School Equip./Renovations	<u>150 000</u>	<u>250 000</u>	<u>250 000</u>	<u>250 000</u>	<u>250 000</u>	<u>1 150 000</u>
	150 000	250 000	250 000	250 000	250 000	1 150 000
GRAND TOTAL	15 289 420	30 254 420	43 154 420	27 454 420	11 954 420	128 107 100

QUARTERLY REPORT OF INTERNAL TRAINING SESSIONS

July 1 through September 30, 1997

COURSES, PROGRAMS, SESSIONS OFFERED THROUGH DEVELOPMENT AND LEARNING CATALOG:

TYPE OF TRAINING	SESSION TITLE	DATE	NUMBER OF PARTICIPANTS	NUMBER MINORITY	NUMBER FEMALE
G	Americans with Disabilities	7/19	12	6	10
G	Polish Your Communication Skills	8/14	15	8	9
G	Responding to Public Record Requests	9/17	29	6	20
D	Workforce Diversity	8/18	12	8	9
D,M	City Manager sponsored Diversity Training	9/25	52	12	23
M	Management Round Table: Employee/Job Match	7/9	10	0	8
M	Management Round Table: Challenge at Work	8/4	11	1	6
M	Supportive Confrontation	9/23	7	3	6
H	Substance Abuse and Intro to EAP	8/21	13	6	9
H	Yoga: Session 1	9/19	11	5	10
	Session 2	9/26	10	4	9
H	Getting Started with Exercise	7/23	8	2	6

CODES FOR TYPE OF TRAINING:

- C Core Curriculum: New Employee or Required Training
- D Diversity
- G General Skill Development
- H Personal Health, Lifestyle, Safety
- M Management Development
- O Other

QUARTERLY REPORT OF INTERNAL TRAINING SESSIONS

July 1 through September 30, 1997

	O	Cambridge Demographics	8/12	4	0	2
	O	How To Be A Smart Consumer	7/22	6	2	6
	O	Public Art Appreciation	7/29	8	1	6
	O	A Walk Around Central Square	8/5	11	3	9
<i>TOTAL FOR QUARTER:</i>				219	67 (30.6%)	148 (67.6%)

CODES FOR TYPE OF TRAINING:

- C Core Curriculum: New Employee or Required Training
- D Diversity
- G General Skill Development
- H Personal Health, Lifestyle, Safety
- M Management Development
- O Other

QUARTERLY REPORT OF INTERNAL TRAINING SESSIONS

October 1 through December 31, 1997

COURSES, PROGRAMS, SESSIONS OFFERED THROUGH DEVELOPMENT AND LEARNING CATALOG:

TYPE OF TRAINING	SESSION TITLE	DATE	NUMBER OF PARTICIPANTS	NUMBER MINORITY	NUMBER FEMALE
G	Communicating with a TTY: Two sessions	12/12- 12/19	12 (estimate)		
G	Elder/Child/Disabled Abuse (DHSP sponsored)	10/16	13	6	6
G	Filling City Vacancies	10/22	4	1	4
G	Polish Your Communication Skills	10/9	4	3	4
C	Preventing Sexual Harassment	11/20	22	4	6
C	Preventing Sexual Harassment	12/4	20 (estimate)		
D,M	City Manager sponsored Diversity Training	10/3	46	11	23
M	Management Round Table: Maintaining Good Communication	10/29	12	3	8
M	Management Round Table: Evaluating Employees	11/5	9	1	5
M	Making Meetings Work	11/18	4	0	3
M	Performance Management	10/8	10	5	8

CODES FOR TYPE OF TRAINING:

- C Core Curriculum: New Employee or Required Training
- D Diversity
- G General Skill Development
- H Personal Health, Lifestyle, Safety
- M Management Development
- O Other

QUARTERLY REPORT OF INTERNAL TRAINING SESSIONS

October 1 through December 31, 1997

	H	CPR	12/2	10 (estimate)	
	H	AIDS/HIV/Hepatitis B (DHSP sponsored)	12/18	12 (estimate)	
	H	Yoga: Eight Sessions (4-12 attendees) per session	10/3 11/21	42	
<i>TOTAL FOR QUARTER:</i>				220 (estimate)	(to be completed at end of quarter)

CODES FOR TYPE OF TRAINING:

- C Core Curriculum: New Employee or Required Training
- D Diversity
- G General Skill Development
- H Personal Health, Lifestyle, Safety
- M Management Development
- O Other

OTHER TRAINING

July 1 through December 31, 1997

TRAINING OFFERED THROUGH OTHER DEPARTMENTS, COMMITTEES, VENDORS:

TYPE OF TRAINING	SESSION TITLE	DATE	NUMBER OF PARTICIPANTS
G	Catapult Computer Training	-	59
G	Elementary Pegasus E-Mail: Three Sessions (MIS sponsored)	7/30,11/6, 11/20	52
G	Team Building: Purchasing Two sessions	11/97 & 12/15/97	8
D	Diversity Luncheon	10/97	78
<i>TOTAL FOR QUARTER:</i>			197

<p>CODES FOR TYPE OF TRAINING:</p> <p>C Core Curriculum: New Employee or Required Training</p> <p>D Diversity</p> <p>G General Skill Development</p> <p>H Personal Health, Lifestyle, Safety</p> <p>M Management Development</p> <p>O Other</p>

Appendix # 5: WORKFORCE DEVELOPMENT PROGRAMS & INITIATIVES

Adult Workforce Development Programs & Initiatives

12/9/97

Programs and Initiatives where City funds (and/or state/federal funds the City receives) are expended:

Cambridge Employment Program - This program, which costs about \$78,000 of City funds, is open to every Cambridge resident and provides personalized job readiness, resume preparation assistance and job matching. Customers are encouraged to schedule appointments with the CEP Director who can help them to organize an effective job search. CEP staff make referrals to education and training programs when appropriate and work closely with local community-based organizations to coordinate services. CEP staff organize job fairs and work closely with employers to increase placement opportunities for residents. Collaborating organizations include the Cambridge Community Services, the Community Learning Center, Cambridge Housing Authority, community-based organizations and the Office of Workforce Development (OWD). CEP has served 137 residents since the beginning of FY '98, and placed 39 of them in employment and job training or education. In order to increase the capacity of CEP to provide a fuller range of services to both residents and employers, the plan is to link CEP and Career Source, the One Stop Career Center in Alewife, more closely.

Community Learning Center - The Center provides adult education services which can assist Cambridge residents in employment among many areas. As of 1/98, \$485,709 of the Center's budget will be City funded, while \$860,988 will come from a large number of other sources. Most of these other sources are state funds (such as Department of Education grants and JTPA 8% funds) and federal funds (such as HUD and Head Start funds). Also, the Friends of the Community Learning Center receives private contributions. The Community Learning Center has a wide range of partners, among which are Cambridge Housing Authority, the Cambridge School Department, the Community Schools, the Center for Families, shelters and other programs serving the homeless, Headstart, SCALE, ESL Network partners, Adult Career Pathways partners, Bunker Hill Community College, Concilio Hispano, and OWD. Community Learning Center programs are open to any Cambridge resident with a skill level below that of a high school graduate. Its Adult Career Pathways program, which is specifically targeted to teach employment related skills, will serve 17 Cambridge residents during FY '98. Specific target populations include homeless adults, parents of young children, Head Start parents, Cambridge Housing Authority residents, and others for whom the center receives targeted funds. During FY '97, the Community Learning Center had 600 slots and served over 1,000 Cambridge residents. During FY '98, the center will increase its slots to 695 and expects to increase the number served proportionately.

Central Artery/Tunnel Project - Training funds from the Central Artery Tunnel project (most of it through ERI) have been used to fund both occupational skills training and recruitment/referral into the Apprenticeship Preparedness Program operated through the Boston Building Trades. In FY '98, the program will receive \$22,000 of funds through the City, and \$158,404 of funds from the Massachusetts Highway Department. The computer skills training is conducted by Computer-Ed. Past skills training has combined computer skills and CAD training with the goal of getting graduates into CA/T worksite training slots. With the design phase of the project winding down, there are fewer and fewer worksite training slots available. Therefore, this year the computer skills program has expanded and is offering the 32 week/20 hour per week Computer-Ed Office Specialist curriculum (spreadsheet, word processing, keyboarding, etc.) so that graduates will be able to find placements in non-CA/T positions. Specific target groups for this project include: African American men between the ages of 18 and 24 and over 40, all Puerto Ricans, single women heads of households, Asian Americans, Latinos, Native Americans, women, handicapped individuals. All applicants must meet HUD low income guidelines and must lack a significant work history. During FY '97, there were 14 individuals served in the APP program, of whom 6 were Cambridge residents, and 45 in the computer skills program, of whom 21 were Cambridge residents. During FY '98, there are 34 individuals served in the APP program, of whom 20 are Cambridge residents. There are 28 currently enrolled in computer skills training, of whom 16 are Cambridge residents. We anticipate that the program will be level-funded next year, but have not received confirmation about this from the Mass Highway Department.

Just-a-Start Biomedical Careers Program - This nine month certificate program combines academic classes and laboratory training to enable graduates to find jobs in the biomedical field as laboratory technicians, research assistants, quality control technicians, etc. Bunker Hill Community College collaborates with Just-a-Start on this program. During FY '98, the program will receive \$50,000 through a contract with the City, and \$216,000 of other funding. The program is designed especially for people who have not attended college or who have been out of school for many years. Historically, the demographic breakdown for the program has been 16% between age 18-22; 48% minority; and 70% female. During FY '97, the program enrolled 28 individuals, of whom 4 were Cambridge residents. During FY '98, the program enrolled 32 individuals, of whom 12 are Cambridge residents. Just-A-Start conducted extensive outreach to target populations in concert with OWD and many other Cambridge organizations and agencies.

Solutions at Work - This program provides employment, training and transitional work experiences to homeless individuals. HUD Homeless funds which come through the City support services for 6 individuals annually.

CASCAP Consumer-Provider Program - This largely state funded training, internship, placement program prepares consumers of DMH services to work in programs providing human services. HUD Homeless funds which come through the City support two program slots annually. The program serves Cambridge residents and others. Collaborators include Bunker Hill Community College, which provides a certification for graduates of the program. During FY '97, 19 Cambridge residents participated in the Consumer-Provider Program.

Programs and Initiatives where City dollars (and/or state/federal funds the City receives) are not expended but substantial in-kind resources are provided

Bunker Hill Community College Cambridge Campus - BHCC offers classes during the evening at CRLS to eligible residents of Cambridge and surrounding cities and towns. Although the college assumes the cost for staffing and faculty for the satellite campus, significant in-kind contributions from the City include use of CRLS rooms and equipment. (During FY '98, the City also provided \$9,360 to upgrade computers at CRLS for BHCC classes and CRLS students' use.) There is also significant staff time devoted to oversight of the campus on the part of OWD and the Community Learning Center. Collaborators include the Community Learning Center, the School Department, Cambridge Housing Authority, Just-a-Start and OWD. There are a variety of low cost courses offered each semester including: Intro to Microsoft Office; Accounting; College Writing; Algebra; and Phlebotomy. BHCC also offers a tuition-free computer class on Saturday mornings for CHA tenants. During FY '97, 99 Cambridge residents enrolled in courses and 186 individuals were enrolled in total. During FY '98's fall semester, 79 residents were enrolled in courses, out of a total of 115 individuals. Enrollments have been increasing during each semester since the Cambridge Campus was created, and had a higher rate of increase than other BHCC campuses this fall.

Jobs Consortium - A number of program providers in the City participate in the OWD-sponsored Jobs Consortium. This group is a consortium of job developers who have agreed to share job leads and present a united front to employers. New services will include mock interview practice sessions and job fairs. Membership helps to expand placement opportunities for program participants. Members include: Just A Start, CEP, North Charles Employment and Training, CASCAP, GBRS, the Salvation Army, Career Source, the Department of Transitional Assistance and several agencies which do not serve Cambridge residents, but provide technical assistance and share information. The Jobs Consortium expects to share 750 to 1,000 job leads annually based upon a renewed commitment of OWD staff support.

Cambridge Adult Employment Alliance - The Alliance is a group of local employment, job training and education providers who meet monthly in an effort to coordinate service planning and provision in the City. The group is currently participating in a system assessment, initiated by OWD, to get a better

sense of how programs connect and to identify possible gaps in service to residents. The members represent agencies that deal with a variety of client populations, such as individuals with disabilities, low income youth and adults, job seekers with lower skill levels, etc. Members include CEP, Community Learning Center, ERI, Career Source, Just a Start, Concilio Hispano, CASCAP, North Charles Employment and Training Program, GBRS, Cambridge Housing Authority, Somerville-Cambridge Elder Services, Men of Color Taskforce, Centro Presente, Massachusetts Alliance of Portuguese Speakers, Health of the City and the Ethiopian Mutual Assistance Association.

Career Source - This one-stop career center meets the needs of both employers and individuals seeking employment or job training. Federal and state funds support Career Source, among which JTPA funds flow through Employment Resources Inc. (ERI) with the approval of Cambridge's City Manager. A partnership between ERI and the Sullivan and Cogliano Companies, Career Source provides a variety of free and fee-based services. Free services to job-seekers include on-line talent bank and job listings, job referral services, access to a resource library, education/training program listings, financial aid eligibility assessment, basic skills/interests assessment, an individualized initial interview, workshops on resume development, networking skills, interview and techniques, and referral to specialty program providers, while fee-based service include specialized job search counseling and computer training classes. Free services to employers include job-matching, on-line talent bank and job listings, and a dedicated account representative, while fee-based services include customized executive searches, outplacement services and human resource consulting. Thus far during FY '98, Career Source has served 351 Cambridge residents. During the first quarter of FY '98, Career Source served 1,172 individuals, placed 71 in jobs (of 495 who wanted employment) and referred 989 to education/training programs. Among the 1,172 individuals served, 106 received services funded through the Department of Transitional Assistance and 79 were enrolled for services funded by JTPA.

Cambridge Housing Authority (CHA) Economic Development and Social Services Program - This program, which has just received two year HUD funding (matched by in-kind services from the Community Learning Center and OWD [among others]) will establish a Community Computer Center at Washington Elms/Newtowne Court, provide additional Bunker Hill Community College vocational training course offerings to Cambridge Housing Authority residents, create a resident Employment Assistance Program with a Vocational Case Management component in association with the Cambridge Employment Program, begin an Adult Post-Secondary Education Preparation Program to prepare adults, especially non-native English speakers, to take advantage of community college courses and expand the Work Force program (details are in the Youth Workforce Development Programs and Initiatives section of this report). The program's goal is to provide services to at least 560 public housing residents over two years.

Programs and Initiatives where neither City dollars (and/or state/federal funds the City receives) are expended nor substantial in-kind support is provided

Just A Start Supported Work - This program provides Department of Transitional Assistance recipients who have little or no work experience with an opportunity to develop employability skills. The program places participants in jobs and provides ongoing support throughout the placement. The program goal is to have the placement turn into a full time permanent position. There were a total of 161 individuals served last year, of which 22 were Cambridge residents. The goal for FY'98 is 165 participants.

Just A Start Basics Program - This twelve week training program, to begin in March, targets welfare recipients who want to find entry level jobs as clerical workers, secretaries, receptionists, customer service workers, bank clerks and other similar occupations. The program offers instruction in business math, business writing, customer service skills, office computer applications, and career and life planning. The goal is to serve 18 individuals; recruitment will include outreach to Cambridge welfare recipients.

North Charles Employment Program - This state funded (DMH) program provides a range of employment, job training and education services to consumers of DMH services, including those who are housed and those who are homeless. During FY '97 the North Charles Employment Program provided services to 83 individuals, of whom 40 were Cambridge residents.

Salvation Army - The Salvation Army provides employment services to residents of their shelter and other homeless individuals who seek out their services. Services are funded through private donations.

Youth Workforce Development Programs & Initiatives

Programs and Initiatives where City funds (and/or state/federal funds the City receives) are expended:

OWD Mayor's Summer Youth Employment Program - City funds for this program provide employment, career preparation and college awareness services. About \$450,000 of City funds support this program, with much of these funds expended on wages for teenagers in public sector employment. The program focuses services in the summer and increasingly during the school year on those who are 14-15 years old and those who have barriers to private employment. During FY '97, 477 Cambridge residents between 14 and 18 were employed. During FY '98, 463 individuals were employed, of whom 71% were 14-15 years old.

Youth Employment Center - Located at CRLS, the center serves students ages 14-19, and serves as a one-stop point of contact with Cambridge's youth employment programs. The Center is funded through about \$9,000 of City funds provided by OWD, contribution of space and related services by CRLS and staff time contributed by collaborating organizations. In addition to information about programs and private sector jobs, the center provides employment preparation workshops and a "Step One" application form accepted by all collaborating organizations for entry into their programs. Collaborators include Cambridge Housing Authority's Workforce program, Just-a-Start, Employment Resources Inc. and OWD. During FY '97 the Youth Employment Center served 550 teenagers, and will do so in FY '98 as well. We hope to expand coordination among service providers and offer a wider range of workshops and private sector employment opportunities.

Just-a-Start Student Support Network - This program, a collaboration among Just-a-Start, the Cambridge Housing Authority, CRLS and OWD, serves first generation college students, GED students transitioning to college and CRLS students in 11th and 12th grade who are considering college. The major source of program support is state School to Work funds which flow through the Office of Workforce Development and are now in their final year. During FY '97, the program received \$14,000 of School to Work funds. During FY '98, it will receive \$21,000 (of which \$14,000 will come be School to Work funds). The program also receives an in-kind contribution of OWD staff time. The Student Support Network, a model School to Career program, assists first generation urban college students in making a successful transition from high school to college through peer mentoring and support. During FY '97, the Student Support Network served 21 Cambridge residents. During FY '98, the program plans to serve 32 Cambridge residents. Agencies sponsoring the program hope to expand it to serve more students and to strengthen its connection to the school system.

Cambridge Community Services CityLinks - This school to career internship program serves bilingual CRLS students in 11th and 12th grades. Collaborators include City departments, the CRLS Bilingual Department and OWD. Total funding for CityLinks is about \$104,000, including about \$60,000 of private foundation funds and \$44,000 of City funds. City funds pay for stipends which teen participants receive for their internships. During FY '98, the program is serving 16 students. CCS and OWD hope to bring the program back to its normal 20 students and increase its connection to the CRLS Bilingual department.

RSTA Career Path Internship Programs - These school to career internship programs (Infant/Toddler, Management and Finance, Lesley Careers in Education, Harvard, and Health Careers serve CRLS students in 11th and 12th grade. Collaborators include Cambridge Community Services and OWD. Internship program funding includes \$175,000 for student stipends in FY '97 and \$150,000 for student stipends in FY '98 (from a combination of private sector, Cambridge School Department and City sources) and significant teacher time. Of

this funding, \$30,000 during FY '97 and \$25,000 during FY '98 came from grant sources, mainly state School to Work funds through OWD. Additional in-kind contributions include staff time and supplies. During FY '97, these internship programs served 80 CRLS students including those in the CityLinks program (above). During FY '98, they will serve approximately 65 including those in the CityLinks program. CRLS class schedule was finalized later than usual, causing a reduction in the number of students who could commit to internship programs. The partners who collaborate to provide the internship programs hope to increase the number of students enrolled, increase the extent to which internship programs are institutionalized in the school system, and consider adding new programs.

CRLS Advising Program - This new program, funded through CRLS (largely through commitment of teachers' time) provides all 9th grade high school students with a structured advising program focused on academic development, career exploration and health/wellness. Collaborators with CRLS in the creation of this program include a parent representative of the School Council and staff from the Teen Health Center, Cambridge Public Health Commission, Cambridge Community Services, and OWD. The program will serve all ninth graders during FY '98 (approximately 500). Expansion of the Advising Program next year to include all 10th grade students is under consideration, and perhaps to all CRLS students over the next several years. The Advising program may also be an effective "feeder" for other school to career offerings.

Cambridge Housing Authority's Work Force Program - This program, funded by a range of federal, state and private contributions, including \$15,000 of funds which it receives through the City, serves 13-19 year old Cambridge Housing Authority residents. A unique unemployment prevention program the Work Force Program is designed to break the cycle of poverty in public housing developments through the use of career development activities, educational and recreational workshops, and strong support systems. OWD provides a variety of in-kind support services to the Workforce program, including collaborative work on public relations and job development for the private sector component of the program each summer. During FY '97, the program served about 120 participants, all of whom were employed, and among whom 22 were placed in private sector employment with assistance from OWD. In FY '98, the Work Force will serve a similar number. In addition, new HUD Economic Development and Social Services funding (see this item in the Adult section for more information) will make possible addition of a First-Generation to College Retention Program, providing 45 teenage participants, program graduates and their parents (including 23 previous program participants and their parents) with supports for completion of post-secondary education.

Just-a-Start Youth Build - This program is largely federally funded with a total FY '97 budget of \$625,000, but includes a special Placement Counseling Component paid for by \$13,500 of CDBG through a contract between OWD and Just-a-Start. The program serves at-risk youth 16-24 years old, most of whom are

out of school. It provides education and training services through a model in which youth work part-time, generally in construction, and attend GED preparation or remedial education classes. In FY '97 Just-a-Start's Youth Build program served 37 Cambridge residents. So far in FY '98, the program has served 20 Cambridge residents, and is still recruiting. A large majority of participants are placed in post-program full-time employment. Participants also are assisted in entering community college or technical education programs after they graduate from Youth Build.

Just-a-Start Teenwork - This program funded by a combination of sources including CDBG received through a contract between OWD and Just-a-Start. For example, in FY '97, \$25,000 of CDBG funds was matched by \$14,927 of other funds raised by Just-a-Start, for a total program budget of \$39,927. OWD also provides outreach, public relations, job pledge development and other technical assistance services. The program serves Cambridge teenagers 16-19 years old, providing them with job placement and ongoing support services. The program also provides support services to businesses which employ them. During FY '97, Teenwork served 91 Cambridge teens. The program anticipates serving 100 during FY '98.

Programs and Initiatives where City dollars (and/or state/federal funds the City receives) are not expended but substantial in-kind resources are provided

"We've Got a Job to Do" Summer Jobs Campaign - This campaign connects Cambridge teenagers 16-19 years old with summer employment in the private sector. The Office of Workforce Development coordinates efforts to secure pledges of jobs from Cambridge employers, working closely with Just-a-Start, ERI and the Cambridge Housing Authority's Work Force program. These three agencies work closely to place teenagers in jobs resulting from the pledges and provide on-going case management and support services to the teenager and the employer. As a result of the campaign, 231 teenagers were employed (many of whom also participated in youth employment programs described in the Youth section of this report).

Jobs for Bay State Graduates, Inc. - This program, funded by state and private dollars, and sponsored by CRLS prepares economically and/or academically at-risk CRLS seniors for employment and assists them to find jobs. CRLS provides space and associated services to this program. During FY '97, the program served 30 students, and will serve 40 students during FY '98.

ERI Summer Youth Employment and Training Program - This private sector summer employment program serves Cambridge youth who are at risk. Collaborators with ERI include OWD and businesses which provide employment. OWD provides in-kind support including staff time to conduct public relations, secure job pledges, recruitment and job development assistance. The program will serve 22 Cambridge residents during FY '98.

Programs and Initiatives where neither City dollars (and/or state/federal funds the City receives) are expended nor substantial in-kind support is provided

CCS Academics for Changing Times - This program, funded by the federal Americorps program, serves youth aged 17-22. It provides community service opportunities, making it possible for them to earn a stipend and educational award for college while working with community after-school programs and summer camps. Other collaborators include community service providers and the public schools. The program will serve about 20 students during FY '98.

ERI Summer Youth Employment and Training Program - This program, funded by JTPA IIB, serves youth ages 14-21 who are economically, physically or mentally disadvantaged. It provides education and training services with public sector job placement and counseling. The program has served (and will serve) approximately 690 individuals of whom 220 are Cambridge residents during FY '97 and FY '98.

ERI Funding for Education and Training - These slots, funded by JTPA IIC, serve out-of-school youth ages 16-21 who are economically, physically or mentally disadvantaged. They provide education, job training, counseling and post-program job placement services. Collaborators include Just-a-Start, LARE and other employment, training and education providers. The program will serve 86 individuals during FY '98, of whom 19 are Cambridge residents. (Seven of the Cambridge residents are counted in the Just-a-Start Youthbuild program.)



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22.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 15, 1997

To the Honorable, the City Council:

I am pleased to submit to you a status report for the first half of Fiscal Year 1998 (July 1, 1997 projected through 12/31/97 where possible) on the City Council Priorities. This report, requested by the City Council at the fall hearing on its priorities, reflects substantial activity in all of the specified areas.

I look forward to a productive discussion on this information.

Very truly yours,

Robert W. Healy
City Manager

- Attachments:
- City Council Mission & Priorities
 - City Manager's Status Report
 - Appendix #1: FY96-98 Completed Housing Projects & FY98 Projects under Development
 - Appendix #2: New Lease Program Description
 - Appendix #3: FY98 5-Year Capital Plan
 - Appendix #4: Training Offered Through Development & Learning Catalogue
 - Appendix #5: Workforce Development Programs & Initiatives
 - Appendix #6: Boards & Commissions Manual

Consent Agenda #22

S-776

Relative to a status report for the first
half of Fiscal Year 1998 on the City Council
Priorities.

In City Council December 15, 1997

Referred to the
7:00 P.M. Hearing