



# City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge," as revised in 1972, and now designated as: "The Code of the City of Cambridge."

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

The Code of the City of Cambridge is hereby amended by adding a second sentence to §2.104.010 which shall read as follows:

The Mayor, serving as the Chair Ex Officio of the School Committee, shall not receive any compensation pursuant to this section.

In City Council November 6, 1995.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0; Absent 0; Abstaining 1.

ATTEST: - D. Margaret Drury  
City Clerk



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# City of Cambridge

MASSACHUSETTS

*Unfinished*

In City Council

11/6

1995

*# 16 Section 2.104.010*

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

*8 0 0*

*TT ms  
RT*



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ATTEST: - D. Margaret Drury  
City Clerk



A

**CITY OF CAMBRIDGE**

Office of the City Solicitor  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139  
Tel. (617) 349-4121  
Fax. (617) 349-4134

*Russell B. Higley*  
City Solicitor

*Donald A. Drisdell*  
Deputy City Solicitor

*Michael C. Costello*  
Assistant City Solicitor

Legal Counsel

*Birge Albright*  
*Gail S. Gabriel*  
*Arthur J. Goldberg*  
*Linda A. Stamper*  
*Deborah R. Cautela*  
*Nancy E. Glowa*

September 15, 1995

Sheila T. Russell, Vice Mayor  
City Hall  
Cambridge, MA 02139

Re: *Mayor's Salary*

Dear Vice Mayor Russell:

In response to your letter of July 17, 1995, I have prepared the attached draft revisions to the Municipal Code.

The Plan E Charter requires that the Mayor serve as the Chair of the School Committee as a full voting member. M.G.L. c. 43, §100. The Mayor traditionally received the same salary as other members of the City Council plus an additional \$1,000 annual stipend.

In 1982 the Massachusetts legislature authorized cities and towns to pay members of school committees. See, Chapter 296 of the Acts of 1982, attached as Exhibit 1. On January 10, 1983 the City Council voted to pay School Committee members \$10,000 a year. See, Ordinance No. 991, attached as Exhibit 2.

On May 29, 1984 I rendered an opinion to the School Department concluding that the Mayor was entitled to be compensated as a member of the School committee. See, Opinion to Oliver S. Brown, attached as Exhibit 3.

Based upon these developments from 1984 to 1988 Mayor Leonard Russell, Mayor Frank Duehay, and Mayor Walter Sullivan received the salary of a City Council member, plus the \$1,000 stipend and the \$10,000 payment from the School Department as a member of the School Committee.

On June 6, 1988 the City Council adopted Ordinance No. 1070 and provided for the

first time in the City Council salary ordinance that the Mayor should be paid \$10,000 for serving as Chair Ex Officio of the School Committee. See, Ordinance 1070, attached as Exhibit 4. The City Manager has told the City Council that it was his intent that the addition of the \$10,000 payment to the Mayor in Ordinance 1070 should replace the payment being made to the Mayor by the School Department.

James Conry, Executive Director for Management Services for the School Department, has advised the City Council that the School Department did not realize that payment was no longer intended to be made to the Mayor by the School Department, and was relying upon the 1984 opinion authorizing payment to the Mayor as a member of the School Committee. Mr. Conry stated that in fact the School Department continued after 1988 to budget the money for payment to the Mayor.

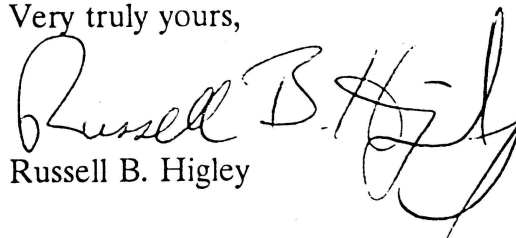
During 1988 and 1989 Mayor Vellucci received the \$10,000 payment from the City but declined the payment from the School Department. This was in effect the result intended by the City Manager. During 1990 and 1991 Mayor Wolf declined the offered payment from the School Department and accepted only a \$1,000 stipend in addition to her City Council salary. Mayor Wolf has indicated that because she supported the enactment of Chapter 296 in 1982 to allow payment to School Committee members, she did not want to benefit personally from the statute.

The ordinances currently create an ambiguity. Despite the City Manager's intent that payment not be duplicated, the School Department continued to budget and offer payment to the Mayor until October 1, 1994. If it is the intent of the City Council that the Mayor should receive payment for services as Chair of the School Committee directly and only as part of the Mayor's salary, then the ordinance for School Committee members should be amended to exclude the Mayor. I am attaching a proposed amendment to accomplish that change. See, Proposed Amendment to §2.104.010, attached as Exhibit 5.

In closing, I should point out that the City Council raised the salary for School Committee members from \$10,000 to \$13,000 on June 20, 1988. If it is the intent of the Council that the Mayor should receive the same salary as other members of the School Committee it will be necessary to amend §2.62.010 (F)(b) so as to increase the amount accordingly.

Please let me know if I can be of further assistance.

Very truly yours,

  
Russell B. Higley

EX-1

35.

ACTS, 1982. - Chaps. 296, 297.

first, nineteen hundred and eighty-one, may be filed not later than December fifteenth, nineteen hundred and eighty-two.

on its passage.

Approved July 9, 1982.

July 9, 1982.

USE OF PROCEEDS  
PROPERTY BY THE TOWN

Chap. 296. AN ACT AUTHORIZING CITIES AND TOWNS TO COMPENSATE THEIR SCHOOL COMMITTEE MEMBERS.

Be it enacted, etc., as follows:

provisions of section  
provisions of any other  
a town of Needham is  
environmental purpose, the  
school, the Highland  
arter school and the  
vided that there is no  
es at the time of sale

Section 52 of chapter 71 of the General Laws, as amended by chapter 90 of the acts of 1932, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The school committee shall serve without compensation, except that a member of a school committee of a city, town, regional school district or superintendency union may be compensated for his services by a majority vote of the city council in a city having a Plan D or Plan E charter; in a city not having a Plan D or Plan E charter by vote of the city council, subject to the provisions of the charter of such a city; in a town by a majority vote at a town meeting; and in a regional school district or school superintendency by a majority vote of the voting member towns authorized at their respective town meetings, the amount of such compensation, in each case, to be set by the respective cities, towns or groups of towns.

on its passage.

Approved July 9, 1982.

July 9, 1982.

TIME WITHIN WHICH  
AIN ABATEMENTS OR  
VIDED IN THE YEAR  
EIGHTY-ONE MAY BE

Chap. 297. AN ACT RELATIVE TO ANNUAL REIMBURSEMENT OF THE COSTS OF CHEMICALS FOR THE OPERATION AND MAINTENANCE OF CERTAIN WATER POLLUTION ABATEMENT FACILITIES.

Be it enacted, etc., as follows:

is act would tend to  
gulate immediately the  
erefore it is hereby  
ary for the immediate

Section 37 of chapter 21 of the General Laws is hereby amended by striking out the second and third paragraphs, added by chapter 510 of the acts of 1980, and inserting in place thereof the following paragraph:-

law to the contrary  
under the provisions  
chapter fifty-nine of  
ar commencing on July

Any public entity which has constructed abatement facilities shall be eligible, subject to appropriation, for reimbursement of up to fifty per cent of the annual costs involved in the purchase of chemicals used for chlorination, sludge dewatering, odor

EX-2



**ORDINANCE NO. 991.**  
Final Publication No. 2188.  
First publication in the  
Chronicle on December 30, 1982.  
**CITY OF CAMBRIDGE**  
In the Year One Thousand,  
Nine Hundred Eighty-Two -  
**AN ORDINANCE**

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

That Chapter Two entitled "Administration" is hereby amended by adding at the end thereof a new Division Four entitled "Compensation for the Members of the School Committee" which reads as follows:

**Division Four**

**Section 2-222. Compensation for the Members of the School Committee**

Under the authority of Chapter 296 of the Acts of 1982 the elected members of the School Committee shall receive for their annual compensation the amount of Ten Thousand Dollars (\$10,000) to be paid monthly or weekly.

This ordinance shall take effect upon passage.

In City Council January 10, 1983.

Passed to be ordained by a yeas and nays vote: Yeas 7; Nays 0; Absent 2.

Robert W. Healy,  
City Manager

ATTEST:-

Paul E. Healy,  
City Clerk

(C)Jan.13



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 493-9020

LAW DEPARTMENT

EX-3

RUSSELL B. HIGLEY  
CITY SOLICITOR

MICHAEL C. COSTELLO  
ASSISTANT CITY SOLICITOR

EDWARD A. CUNNINGHAM  
SEVERLIN B. SINGLETON  
DAVID B. O'CONNOR  
BIRGE ALBRIGHT  
LEGAL COUNSEL

May 29, 1984

Mr. Oliver S. Brown  
Assistant Superintendent  
Cambridge School Department  
150 Thorndike Street  
Cambridge, Mass. 02141

Dear Mr. Brown:

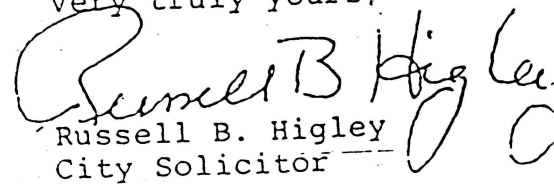
You have asked my opinion relative to the Mayor of the City receiving a salary as Chairman of the School Committee.

On July 9, 1982, the Legislature adopted Chapter 296 of the Acts of 1982. On January 10, 1983, the City Council adopted Ordinance 991 which authorizes compensation for Members of the School Committee. Chapter 296 of the Acts of 1982 authorizes a city with a Plan E form of government to adopt this section subject to the local charter of the city.

As you are aware, the City of Cambridge is governed by Chapter 43, section 93 and other related sections. Chapter 43, section 100 sets forth the powers and duties of the mayor. This section, in part, states that he (mayor) shall be the chairman of the city council and chairman of the school committee. As chairman of the school committee the mayor has a vote on all issues that come before the school committee.

It is my opinion that the Mayor is entitled to be compensated as a Member of the School Committee as a result of the language contained in Chapter 296 of the Acts of 1982.

Very truly yours,

  
Russell B. Higley  
City Solicitor

RBH/jl

EX-4

ORDINANCE NO. 1070  
Final publication number 2408.  
First publication in the Chronicle  
on May 26, 1988.



CITY OF CAMBRIDGE  
In the Year One Thousand,  
Nine Hundred Eighty-Eight

**AN ORDINANCE**

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

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

That Chapter Two entitled "Administration", Article XXII entitled "Officers Generally", Section 2-191 entitled "List of Salaries in General", is hereby amended by striking out the provisions of Ordinance Number 1033 ordained by the City Council on June 2, 1986 providing for the salaries of the Mayor and the City Council Members and substituting in place thereof a new salary schedule which reads as follows:

Each member shall receive the following salaries; and are to be paid monthly or weekly, unless otherwise stated:

Mayor \$31,500 (flat rate)

Chair Ex Officio, School Committee \$10,000 (flat rate)

City Council Member \$31,500 (flat rate)

The effective date of this rate shall be July 1, 1988.

Effective July 1, 1989 the above positions shall receive an additional increase of five and one-half percent (5-1/2) of the salary of July 1, 1988.

In City Council June 6, 1988.

Passed to be ordained by a yeas and nays vote:-  
Yeas 8; Nays 0; Absent 0; Present 1.

Robert W. Healy, City Manager.

ATTEST:-

John E. Flynn

Deputy City Clerk

(C)June9



# City of Cambridge

EX-5

In the Year One Thousand, Nine Hundred

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# City of Cambridge

The Ordinance Committee held a public meeting on October 5, 1995, beginning at 5:15 p.m. in the Sullivan Chamber for the purpose of considering clarifications to the Municipal Code relating to the Mayor's Salary.

Present at the hearing were Vice Mayor Sheila T. Russell, Chair of the Committee, Councillor Kathleen L. Born, and City Clerk Margaret Drury.

Vice Mayor Russell convened the hearing, and noted that the Committee is in receipt of a letter from City Solicitor Russell Higley, with suggestions as to how to clarify the Municipal Code regarding the Mayor's salary. Attachment A.

She noted that the City Solicitor's letter contains possibilities for clarification, with the draft amendments that would be required to effectuate clarifications. These clarifications are to amend Section 2.104.010 to exclude the Mayor from the ordinance under which the School Committee is paid, and to amend Section 2.62.010 (F) to reflect that the Mayor shall receive the same amount of compensation for being chair of the School Committee as the members of the School Committee receive.

Councillor Born moved that the proposed amendments be forwarded to the full City Council; and the motion passed unanimously on a voice vote.

The meeting was adjourned at 5:28 p.m.

For the Committee

  
Vice Mayor Sheila T. Russell, Chair

0-29

Ordinance Committee hearing  
held on Wednesday, October 5,  
1995 regarding a proposed  
amendment to the Municipal  
Code regarding clarification of  
the Mayor's salary. *in Section*  
2.104.010

10/16/95 - Passed to a  
second reading

10/19 - Published Chronicle

11/6/95 - Passed to be  
ordained 8-0-0-0-1

11/9/95 - Published -  
Chronicle

In City Council October 16, 1995

Report accepted and placed on file.

Two ordinance amendments passed to  
a second reading.