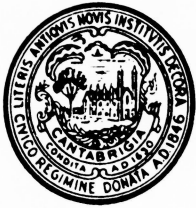


6



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

April 8, 1991

To the Honorable, the City Council:

In response to Awaiting report #4 regarding appointments to boards and commissions, pleased be advised of the following:

There is a City policy regarding the filling of vacancies or recommended reappointments to boards and commissions. When a vacancy occurs, notice is provided to the TAB and Cambridge Chronicle that the City Manager is soliciting applicants for the position. These applications are then reviewed; a continuing file of interested candidates is kept - even when vacancies do not exist.

Recommendations sent to the City Manager by a current board or commission must number twice the number of vacancies to be filled to ensure that the City Manager has a choice that will enhance the balance of the board or commission. Efforts are made to have competent people recommended who will provide balance to the total membership of the board or commission, taking into consideration race, gender, ethnicity, and geographical and philosophical balance.

Also note, certain boards and commissions either do not have specific terms, or specifically state that an individual may serve even after his/her term has expired, until such a reappointment is made.

Very truly yours,

Robert W. Healy
City Manager

Consent Agenda # 6

Awaiting Report Item Number 4 regarding
terms of appointments to boards and
commissions.

In City Council,

April 8, 1991

*Placed on file
Referred to the
Ordinance Committee*



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



8

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL 498-9011
FAX 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 24, 1990

To the Honorable, the City Council:

In response to Calendar Item #3 of May 14, 1990 regarding an Advisory Commission on Appointments, attached is a report from the City Solicitor, Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

Attachment



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Borris
Legal Counsel

Edward J. O'Connell
Legal Counsel

September 20, 1990

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Advisory Commission on Appointments

Dear Mr. Healy:

On May 16, you requested my opinion on the attached order of the City Council which proposes to amend the Cambridge Municipal Code, s. 2.58.010. The gist of the amendment is as follows:

1. Every person appointed to a Cambridge board or commission "shall be appointed to a fixed term not to exceed three years, and may be so reappointed."
2. Vacancies in boards and commissions shall be filled within ninety days.
3. Whenever any vacancy arises in any board or commission to be filled by the City Manager, an Advisory Commission on Appointments, shall, within 60 days, after a public process, recommend at least three applicants to the City Manager. The City Manager may not fill the position until the Commission has made its recommendations or until the expiration of the 60 days. The Commission is to consist of Cambridge residents appointed by the City Manager.

QUESTION

The issue is whether the proposed amendment, if passed in proper form, would contravene the Plan E City Charter, G.L. c. 43, ss. 1-45, 93-116.

DISCUSSION

General Laws, Chapter 43, s. 103 provides that the City Manager

... shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and officers of the city
...

Section 104 states:

Except as otherwise specifically provided in this chapter, it shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; ...

*

*

*

He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council. The city manager shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan, by the mayor, board of aldermen, common council and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are by this chapter conferred upon the school committee or are otherwise provided for thereby. (emphasis supplied)

Section 105 provides:

Such officers and employees as the city council, with the advice of the city manager, shall determine are necessary for the proper administration of the departments,

commissions, boards and offices of the city for whose administration the city manager is responsible shall be appointed, and may be removed, by the city manager. The city manager shall report every appointment and removal made by him to the city council at the next meeting thereof following such appointment or removal. The city manager may authorize the head of a department, commission or board, or the holder of an office, for whose administration he is responsible, to appoint and remove subordinates in such department, commission, board or office. All appointments by, or under the authority of, the city manager, if subject to chapter thirty-one and the rules and regulations made under authority thereof, shall be made in accordance therewith, and all other appointments as aforesaid shall be on the basis of executive and administrative ability and training and experience in the work to be performed. (emphasis supplied)

Section 107 states:

Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible....

In my opinion it is clear from sections 103-105 of the Charter that the City Manager is the chief executive officer and the appointing authority for the City. See Curry v. Cambridge, 351 Mass. 28, 30 (1966); City Manager of Medford v. Civil Service Commission, 329 Mass. 323, 330 (1952); Welch v. Contributory Retirement Appeal Board, 343 Mass. 502, 505-506 (1962); 2 McQuillan, Municipal Corporations, s. 9.21 (1988). His appointment power covers all City boards and commissions. G.L. c. 43, ss. 103, 104.

The proposed amendment raises the question whether it contravenes the Charter to provide that the Manager must delay appointments to boards and commissions for up to sixty days pending the receipt of recommendations from an advisory commission. An additional question raised is whether the City Council, by establishing such an advisory commission, would "take part in the appointment ... of officers and employees in that portion of the service of said city for whose administration the city manager is responsible". G.L. c. 43, s. 107.

The word "appointment" has been defined as follows:

The selection or designation of a person, by the person ... having authority therefor, to fill an office or public function and discharge the duties of the same. (citation omitted)

The term "appointment" is to be distinguished from "election". The former is an executive act

Black's Law Dictionary (1968)

See 6 C.J.S., "Appointment", p. 102 (1975).

"The power to appoint and the power to remove officers are in their nature executive powers." Opinion of the Justices, 303 Mass. 615, 623 (1939); Opinion of the Justices, 302 Mass. 605, 620-621 (1939); Murphy v. Webster, 131 Mass. 482, 488 (1881).

In Massachusetts, there are more cases dealing with the City Manager's removal power than his appointment power. See, e.g. Welch v. Contributory Retirement Appeal Board, 343 Mass. 502 (1962), which held that the City Manager of Medford at his pleasure was entitled to remove the Director of Public Works from office

without complying with the procedures specified in G.L. c. 32, s. 16(2) pertaining to contributory retirement. The Court stated that, "The plain language of (G.L. c. 43), s. 105 seems to contemplate giving immediate effect to the removal and complete freedom of action by the city manager." Id. at 507-508.

The Welch case follows Williams v. City Manager of Haverhill, 330 Mass. 14 (1953), where the facts were as follows: Haverhill had a Plan D form of government, similar to Plan E, which became effective in Haverhill on January 7, 1952, and, on the same day one McLean was appointed City Manager. On January 2, 1950, Williams had been appointed a member of the board of assessors for a term of three years, and he was acting in that capacity on March 6, 1952 when he received a letter from the City Manager notifying him that he was removed from office. Williams brought a petition for mandamus seeking reinstatement.

In finding in favor of the City Manager, the Court held

(1) that the assessing department was one of the departments for whose administration the City Manager was responsible, and, therefore, that an assessor was removable by the City Manager; and

(2) that the Manager was not required to furnish the assessor with specifications of the charges against him or to grant him a hearing.

During the course of its opinion, the Court in Williams stated that under s. 90 of the Plan D Charter, which corresponds to s. 104 of the Plan E charter,

... full and plenary power to make all appointments and removals in various branches of the municipal service has been conferred upon the city manager in order to secure effective administration of those branches for

which the city manager is responsible.

330 Mass. at 17-18.

In Cambridge, it is clear that the City Manager is responsible for the administration of all City boards and commissions. G.L. c. 43, s. 103. It follows from this that the Manager has "full and plenary power" to make all appointments and removals regarding such boards and commissions. According to Black's Law Dictionary (1968), "plenary" means

Full, entire, complete, absolute, perfect, unqualified.

See also Webster's II, New Riverside University Dictionary (1984).

In G.L. c. 43, s. 104, it is stated, inter alia, that the City Manager

shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council.

It seems clear to me that the "other duties as may be ... required of him by ordinance ..." are duties other than his duty to make all appointments and removals, which is imposed on him by s. 104, and, further, that his duties imposed by ordinance may not impinge on his duty to make appointments and removals.

In Williams, the Court stated:

Nowhere in the various places in the charter where the power of removal is conferred upon the city manager is there the slightest intimation that it should be exercised in any particular manner, nor is there contained therein any indication that it is to be

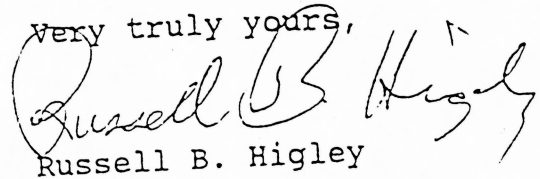
7
limited in any way except as to persons in the
classified civil service.

330 Mass. at 18.

I believe that the same can be said regarding the City Manager's
power of appointment.

In my opinion, the proposed Advisory Commission on
Appointments would qualify and infringe the City Manager's
appointment power under G.L. c. 43, s. 104, and, therefore, would
be inconsistent with that section, which is part of the Plan E
Charter. Of course, an ordinance which is inconsistent with a
state statute is invalid. See, e.g., Bloom v. Worcester, 363 Mass.
136 (1973); Beard v. Salisbury, 378 Mass. 435, 440 (1979); Tierney
v. Mayor of Boston, 10 Mass.App.Ct. 404, 405 (1980).

Very truly yours,



Russell B. Higley

RBH/jab

Opin#2\ADVCOMM.APT

**BOARDS AND COMMISSIONS
CITY OF CAMBRIDGE**

Name: Advisory Committee on Environmentally Desirable Practices
Number of Members: 8
Law Regulating Board: City Ordinance - Section 8.56.030 of the Municipal Code

Name: Affordable Housing Trust Board
Number of Members: 8
Law Regulating Board: Article 11.200 of the Zoning Ordinances of the City of Cambridge

Name: Animal Commission
Number of Members: 7 (5 vacant)
Law Regulating Board: City Ordinance - Section 2.82.030 of the Municipal Code

Name: Arts Council
Number of Members: 13
Law Regulating Board: City Ordinance - Section 2.114.020 of the Municipal Code

Name: Biohazards Committee
Number of Members: 6
Law Regulating Board: City Ordinance - Section 8.20.030 of the Municipal Code

Name: Board of Examiners
Number of Members: 3 (1 vacant)
Law Regulating Board: 1943 Municipal Building Code

Name: Board of Survey
Number of Members: 3 (1 vacant)
Law Regulating Board: M.G.L. Chapter 143

Name: Board of Zoning Appeal
Number of Members: 5, plus 3 alternates
Law Regulating Board: M.G.L. Chapter 40A

Name: Board of Building Appeal
Number of Members: 5
Law Regulating Board: M.G.L. Chapter 143

Boards and Commissions
Page 2

Name: Cambridge Housing Authority
Number of Members: 5
Law Regulating Board: M.G.L. Chapter 121B

Name: Central Square Advisory Committee
Number of Members: 9
Law Regulating Board: Article 11.304.1 of the Zoning Ordinance of the City of Cambridge

Name: Civic Unity Committee
Number of Members: 20
Law Regulating Board: Executive Order of the City of Cambridge

Name: Conservation Commission
Number of Members: 7, plus 6 associate commissioners
Law Regulating Board: Chapter 233 of the Acts of 1957

Name: Consumer Advisory Committee
Number of Members: 7
Law Regulating Board: M.G.L. Chapter 40, Section 8F, City Ordinance - 2.92.010 of the Municipal Code

Name: Council on Aging
Number of Members: 11
Law Regulating Board: City Ordinance - Section 2.100.010 of the Municipal Code

Name: Election Commission
Number of Members: 4
Law Regulating Board: Chapter 239 of the Acts of 1921

Name: Half Crown Neighborhood Conservation District Commission
Number of Members: 5, plus 3 alternates
Law Regulating Board: City Ordinance - Section 2.78.160 of the Municipal Code

Boards and Commissions
Page 3

Name:	<u>Commission on Handicapped Persons</u>
Number of Members:	11
Law Regulating Board:	City Ordinance - Section 2.96.010 of the Municipal Code
Name:	<u>Harvard Square Advisory Committee</u>
Number of Members:	13
Law Regulating Board:	Article 11.54.1 of Zoning Ordinance of the City of Cambridge
Name:	<u>Health Policy Board</u>
Number of Members:	15
Law Regulating Board:	City Ordinance - Section 2.72.020 of the Municipal Code
Name:	<u>Historical Commission</u>
Number of Members:	7
Law Regulating Board:	M.G.L. Chapter 40C, City Ordinance - Section 2.78.010 of the Municipal Code
Name:	<u>Human Rights Commission</u>
Number of Members:	11
Law Regulating Board:	City Ordinance - Section 2.76.040 of the Municipal Code
Name:	<u>Human Services Commission</u>
Number of Members:	9
Law Regulating Board:	City Ordinance - Section 2.98.010 of the Municipal Code
Name:	<u>Library Board of Trustees</u>
Number of Members:	5
Law Regulating Board:	City Ordinance - Section 2.46.010 of the Municipal Code
Name:	<u>License Commission</u>
Number of Members:	3
Law Regulating Board:	Chapter 83 of the Special Acts of 1919, as amended

Boards and Commissions
Page 4

Name: Mid Cambridge Neighborhood Conservation District Commission
Number of Members: 5, plus 3 alternates
Law Regulating Board: City Ordinance - Section 2.78.160 of the Municipal Code

Name: Oil Recycling Committee
Number of Members: 9
Law Regulating Board: City Ordinance - Section 8.52.020 of the Municipal Code

Name: Peace Commission
Number of Members: 20
Law Regulating Board: City Ordinance - Section 2.90.010 of the Municipal Code

Name: Planning Board
Number of Members: 7, plus 2 associate members
Law Regulating Board: M.G.L. Chapter 41, Sections 70-72

Name: Police Review and Advisory Board
Number of Members: 5 (1 vacant)
Law Regulating Board: City Ordinance - Section 2.74.020 of the Municipal Code

Name: Redevelopment Authority
Number of Members: 5
Law Regulating Board: M.G.L. Chapter 121B

Name: Rent Control Board
Number of Members: 5
Law Regulating Board: Chapter 36 of the Special Acts of 1976

Name: Retirement Board
Number of Members: 3
Law Regulating Board: M.G.L. Chapter 32

Name: Scientific Advisory Committee
Number of Members: 10
Law Regulating Board: Executive Order of the City of Cambridge

Boards and Commissions
Page 5

Name: Commission on the Status of Women
Number of Members: 20
Law Regulating Board: City Ordinance - Section 2.88.010 of
the Municipal Code

Name: Traffic Board
Number of Members: 3 (1 vacant)
Law Regulating Board: Chapter 455 of the Acts of 1961

Name: Water Board
Number of Members: 5
Law Regulating Board: City Ordinance - Section 13.08.010 of
the Municipal Code



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 11, 1991

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 45, regarding questions relating to Board & Commissions.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

CONSENT AGENDA # 7

Awaiting Report Item No. 45, regarding
questions relating to Boards and
Commissions.

In City Council,

February 11, 1991

Placed on file



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and

WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it

ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and

WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it

ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

~~May 7, 1990~~

May 14, 1990

COUNCILLOR CYR

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

~~May 7, 1990~~

May 14, 1990

COUNCILLOR CYR

WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and

WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it

ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~-24-~~

IN CITY COUNCIL

~~--May 7, 1990--~~

May 14, 1990

COUNCILLOR CYR

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

~~May 7, 1990~~

May 14, 1990

COUNCILLOR CYR

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of its Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of it's Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn

John E. Flynn, Deputy City Clerk.



City of Cambridge

Calendar Item # 3

~~24~~

IN CITY COUNCIL

~~May 7, 1990~~

May 14, 1990

COUNCILLOR CYR

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of it's Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.



City of Cambridge

24.

IN CITY COUNCIL

COUNCILLOR CYR

May 7, 1990

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of it's Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:
- C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.
- D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

CHARTER RIGHT EXERCISED BY COUNCILLOR WALSH



City of Cambridge

Calendar Item # 3

-24-

IN CITY COUNCIL

COUNCILLOR CYR

~~May 7, 1990~~

May 14, 1990

- WHEREAS: The City of Cambridge strives to appoint highly qualified residents to all of it's Boards and Commissions; and
- WHEREAS: It is important that all residents have equal access to these positions and opportunities to serve; now therefore be it
- ORDERED: That the City Council amend of the Cambridge Municipal Code, Title 2 Section 2.58.010 by adding new sections (c) and (d) at the end thereof, which shall read as follows:

C. Except as otherwise expressly provided by law or ordinance, every person appointed to a board or commission under the City of Cambridge shall be appointed to a fixed term not to exceed three years, and may be so reappointed. Whenever a vacancy, including a vacancy that arises by expiration of term, arises in such a board or commission, it shall be filled within ninety days.

D. The City Manager shall appoint an Advisory Commission on Appointments, composed of seven residents of the city who shall so far as possible fairly reflect the city's composition by geography, political viewpoint, sex, race, status as homeowner or tenant, ethnic origin, and economic status. The members shall serve staggered two-year terms. Not later than sixty days after any vacancy arises in any board or commission to be filled by the City Manager, whether by death, resignation, disqualification, or expiration of term, the Advisory Committee shall give notice of the vacancy, in both Cambridge weekly newspapers, shall actively solicit qualified applicants, and shall publicly recommend not fewer than three such applicants to the City Manager. The City Manager shall not fill any such position until the Advisory Committee has made its recommendations or until sixty days have expired from the creation of the vacancy.

In City Council May 14, 1990

Adopted by the affirmative vote of nine members.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.

0-58

Order # 24 Cal #3

Councillor Cyr re: amendment to the Municipal Code regarding appointments to boards and commissions.

12/9/91 Placed on file
without prejudice

In City Council,

May 7, 1990

Charter Right
expressed by
Councillor Walsh
5/14/90 Order adopted
Referred to the
Ordinance Committee
Copy sent to Ord. Committee
5/15/90 (de)

100-0-1200