CAMBRIDGE MATTERS # 15

 Commissioner Steve Rideout

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Once again City Council met virtually with the Mayor in City Council Chambers in order that the public would be able to watch and hear the discussion of issues over Town Hall Streams. The Commissioners joined the meeting through a separate video chat service. The meeting video is available for viewing at [www.townhallstreams.com](http://www.townhallstreams.com).

The meeting started at 6:00 p.m. with opening remarks and moment of silence led by the Mayor followed by the Pledge of Allegiance. The meeting agenda was adopted on a unanimous vote, and there were no public comments to start the meeting. During the consideration of the Consent Calendar, I asked that item 3 be taken up separately and Commissioner Sydnor asked that item 5 be taken up separately. Items 2, 4, and 5 a and b were then approved unanimously on Commissioner Hanson’s motion and my second. They were as follows:

* The April 27th meeting minutes
* The request of the ADA committee to have the ADA fair on October 10th, 2020 from noon to 4:00 p.m. at the corner of Race and Cedar Streets
* The first amendment of the Ironman Agreement and the Eagleman Agreement to move the 2020 events to the same date of September 19, 2020 and to move the race dates of future Ironman Events to a week earlier in September 2021-2023 than originally scheduled

Item 3 appeared to be a request from Cambridge Mainstreet to hold its farmers’ market for one day – May 14th. As I interpreted that to mean the date that they wanted to start, I asked for clarification. Katie Clendaniel, the Executive Director of Downtown Cambridge, advised us that they were looking for that to be the start date for Thursdays through October. They also wanted to be open from 2-6:30 p.m. On Commissioner Sydnor’s motion seconded by Commissioner Hanson, this request was approved 5-0.

Item 5 was the request of the School Board to hold a Senior Class vehicle parade. Commissioner Sydnor asked the police chief for some more details. It will be held on May 28th from 6-8 p.m. on a parade route through downtown Cambridge, and the police department will make every effort to ensure social distancing by the public. The students will remain in their vehicles. On my motion seconded by Commissioner Cannon, this request was approved 5-0.

Two ordinances were presented for first reading. The City Attorney read them to make the public aware of their purpose, and they were continued over to May 26th for second reading, public hearing, and possible adoption. Ordinance 1162 proposes to set the tax rate for real and personal property. The real property rate is down approximately 2 cents to maintain the constant yield that I described in an earlier report. The personal property rate remains the same at $1.69. Ordinance 1163 proposes to set the Fiscal Year 2021 budget for all city funds. These are both important matters about which the public will be able to provide its views at our next meeting or by emailing or calling the Mayor and/or City Commissioners.

Under Old Business there were several matters. On Commissioner Hanson’s motion and second by Commissioner Cannon, Tomey Electric, Inc., as the low bidder, was awarded the contract for electrical improvements at Long Wharf. The offer of Maryland DHCD to reimburse the city the approximate $117,000 we expended to demolish 507 Race Street was approved in concept on a vote of 3-2 on Commissioner Hanson’s motion and my second subject to the state providing a MOU with the city that would be detailed and brought back to city council for final approval. Commissioner Cannon joined us in approving the motion and Commissioners Sydnor and Foster opposed.

As you will recall, the city spent reserve funds to perform an emergency tear down of the building and was looking to be reimbursed or to place a lien on the property. The state had offered, without the city seeking a grant, to provide the city $380,000 to establish a rent to own program and had made a presentation to the Mayor and City Council about it several months ago. The offer for the reimbursement of the approximate $117,000 is proposed to come from this grant so that the rent to own portion of the grant would be reduced to $263,000 with the remaining $117,000 being returned to the city.

Commissioner Foster vigorously opposed this motion claiming that this was simply taking additional money away from the Pine Street Area. She and Commissioner Sydnor went on to ask for an accounting of how much money from a separate grant for Pine Street had been spent, which city staff indicated they would provide at a future meeting. The basic complaint was that the money in this older grant had not yet been expended and that some of the potential money from the new grant was being taken from the Pine Street Area, while the grant has not yet been awarded. The plan is to modify the new award to include High Street and Race Street for the use of these monies as well.

To give you some context to this issue, in 2018 the city hired Yvette Robinson, a housing specialist, who had planned to move to Cambridge to do her work. Because of matters outside of her control that did not happen, and so she worked from her home in Detroit under a contract and came to Cambridge one week a month for meetings, public discussions, presentations, and the like.

In June of 2019, over my objection and that of Commissioner Hanson, Ms. Robinson’s contract was not renewed. During her year as a contractor with the city, I thought that she had done an excellent job in laying the foundation for the work that was planned for the Pine Street Area, as a detailed and community driven plan was needed due to the importance of the area, the views of the residents, and the complexity of the housing issues there. Just as that work was about to begin, city council on a 3-2 vote declined to renew Ms. Robinson’s contract. We did not have a replacement for her in waiting and despite changing the job description still do not have anyone to take her place. As a result, city staff that has other responsibilities have been trying to fill in for the work she did.

Had Ms. Robinson remained under contract, who knows where we might be with the Pine Street Area project, about which Commissioners Sydnor and Foster complain; but based on what I saw of Ms. Robinson’s work, I think that we would be much further along than is our current situation, which is the result of decisions that city council made that it turns out were not in the best interest of the city.

Next up for consideration was Resolution 20-05 that extended the City’s State of Emergency Declaration and the Executive Order 20-02. On Commissioner Sydnor’s motion and my second, this passed 5-0. The Mayor then mentioned that as of May 11th there were 103 confirmed cases of Covid-19 in Dorchester County.

The final matter under Old Business was brought by the City Attorney seeking direction from city council on drafting a Charter Amendment related to salaries and compensation for elected officials. Much of the discussion about this matter was procedural and involved the disagreement of Commissioners Foster and Sydnor about the right of city council to consider the matter due to prior decisions and the disagreement on their position by the city attorney, his effort to explain why they were in error, and why the matter could be considered. Rather than try to explain it, I refer you to the Town Hall Streams video of the meeting starting at about 49 minutes into the meeting.

The basic assertion by Commissioners Foster and Sydnor was that the requirements of Robert’s Rules of Order prevented this matter from being considered due to earlier votes by city council and the need for someone from the prevailing side to bring the matter back for consideration. The City Attorney presented that it could be revisited at any time and that the Commissioners should do so. As with many things involving City Council, looking at the law will give us some direction. In this case, while it was not referenced in the discussion, City Code Section 1-15 (m) 5 and 6 – Rules of Debate is clear on which argument should prevail. It appears that Commissioners Sydnor and Foster had not recently read this section or had forgotten that subsection 6 followed subsection 5.

They state as follows:

(5) A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any members, and may be made at anytime and have precedence over all other motions or while a members has the floor; it shall be debatable.

**(6) Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.**

Upon completion of their stated positions, Commissioner Sydnor moved and Commissioner Foster seconded his motion that we not consider the city attorney’s request to draft a Charter Amendment regarding the issue of Compensation for Elected Officials. This motion failed on a vote of 2-3 with Commissioners Foster and Sydnor voting in favor and Commissioners Cannon, Hanson, and myself being in opposition. The proposal to change the Charter is the first of two steps that are needed to clarify how city council can address this issue in the future as currently the Charter only allows for city council to determine salaries and no other compensation or benefits.

If no action were taken the next city council would, per the opinion of the city attorney, only be allowed to receive salary with legally required benefits of social security, FICA, etc. but could not have funding for health insurance, conferences or meetings or city provided phones or computers. As I felt that we needed to make decisions on those matters to clarify actions taken over the past 30 years by city council and staff that were not legally authorized, I then moved to have the city attorney draft a proposed Charter amendment that would authorize city council to modify by ordinance the salary and benefits/compensation for the Mayor and Commissioners on future city councils as the Compensation Committee had recommended. On a second by Commissioner Cannon, the motion passed 3-2 with Commissioner Hanson joining in the majority and Commissioners Foster and Sydnor being in opposition.

The issue here for everyone to understand is that years ago without legal authority that anyone can find in the city records, prior Mayors and Commissioners, as part time elected officials, were given the opportunity to join in the city health insurance program and receive other benefits without the citizens of Cambridge ever being aware of them or prior city councils providing public notice of their intent to allow these benefits. Under the city’s current self-insurance health care program, over the objection of Commissioner Hanson and myself, two members of city council are receiving low cost health coverage. Previously the city attorney provided an opinion that we could not change current benefits for members of City Council that included these health benefits. While we disagreed, we decided that it would not be appropriate or cost effective to file a lawsuit on the issue. Because the cost of the Commissioner’s payment for the health insurance is based on their part time salary and the benefit that they receive can mean up to $100,000 toward the payment of medical bills for each Commissioner and $100,000 for any family member included, we felt that such benefits needed to be adopted or not in a public process about which the citizens of the city were given notice and had a right to be heard.

The city is self-insured for up to $1 million for health coverage for its employees at which point a secondary insurance policy starts. That $1 million is taxpayer money. Were a future city council to have a Mayor and 5 Commissioners who were married and that benefit existed, they would be entitled to up to a total of $1.2 million in medical payments that if exercised would move all other city employees into the secondary insurance coverage and would significantly increase future health care coverage costs in the way of increased taxes on the taxpayers. This is a potential benefit, in my view, for part time elected officials that is unacceptable now and should be in the future. It is, however, a benefit that some of the current members of city council want to see maintained for themselves were they to win reelection in October. I think that it is important that if they want it that they defend having it in open and public hearings. A committee representing all five wards of the city and recommended for appointment by the Commissioners unanimously recommended that elected officials not be entitled to health coverage through the city.

With New Business, the Waterfront Implementation Plan was presented and placed on the May 26th agenda for consideration and adoption. I would urge you to look at it and provide your views. Copies should be available on the city website. If not, please contact me, and I will send you a copy. Our Planning and Zoning Commission has taken a good hard look at this plan earlier this year.

Next on my motion and second by Commissioners Hanson and Cannon, we approved unanimously the hiring of the PKS firm to be the City Auditor for the next three years at a considerable saving to perform the annual city audits.

The final matter of business was the acceptance of $38,132 in overtime pay from the Federal Government provided because of the Covid-19 crisis. This was approved on the motion of Commissioner Sydnor and second of Commissioner Hanson on a vote of 4-0 with Commissioner Foster abstaining.

During the closing comment period, we learned that the basketball courts remain closed due to the Governor’s Executive Order. The city manager confirmed that the proposed budget contained no raises this year given the downturn in the economy due to the Covid-19 crisis. He mentioned that the FY 21 budget anticipated no funding from the Highway User Fund for the coming year and he would soon learn if the city would receive any additional Highway User Funds for this year. At this point he is unsure if he will need to ask for monies from the reserve to balance this year’s budget, but the city has received some unexpected monies that may allow us to be balanced or close to it without having to go into reserves.

The Mayor reported that almost 2000 care packages had been prepared and were being distributed to community members in response to the Covid-19 crisis. The police chief indicated that his officers were continuing to enforce the use of masks in businesses that are open and are providing warnings, education, and finally taking enforcement action if businesses fail to cooperate.

Thanks for reading.

Steve