



MICHAEL P. ROSS
BOSTON CITY COUNCIL

December 13, 2010

Charles C. Yancey
Boston City Council
City Hall
Boston, MA 02201

Dear Councilor Yancey

I am writing in response to your letter dated December 8, 2010 in which you requested my response to the procedural objections you raised during the December 1, 2010 City Council hearing regarding the removal of Councilor Turner. As an initial matter, I provided you with a comprehensive response on the record during the December 1st hearing. Nonetheless, I will now reduce my response to writing in an effort to bring closure to the matter.

With respect to your concerns about the City Council's right to vote to remove a Councilor from office, as has been reiterated several times, the City Charter specifically gives the City Council the right to judge the qualifications of its member. St. 1951 c. 376, § 17. In addition, case law is well settled on this matter. Should the Council determine that felony convictions deem a member of the Council unqualified to serve, the Council may remove such a member from office. City Council Rule 40A, which was passed unanimously by the City Council, simply provides the procedural mechanism by which the Council may exercise its rights under the City Charter. On December 1, 2010, the City Council properly exercised such rights.

With respect to your concerns about parliamentary procedure, the purpose of the Rules which you have highlighted is to ensure that matters which must be assigned a Committee of the City Council are so-assigned. Generally, this is to ensure there is an appropriate hearing at which the given matter is fully discussed, rather than an abbreviated discussion on the floor of the regularly scheduled meeting of the Council. Accordingly, divergence from these protocols requires a unanimous vote of the Council.

The motion to remove Councilor Turner was not such a matter. Rather, the motion, by explicit design, was to be taken up by the entire body and could have been done in an executive session, but for the request of Councilor Turner. The motion was heard at a special meeting of the Council properly called under Rule 40A. Although meetings at which the Council is called upon to determine discipline or removal of a Councilor or City Council staff are, thankfully

DISTRICT 8

BOSTON CITY HALL, ONE CITY HALL PLAZA, BOSTON, MASSACHUSETTS 02201
(617) 635-4225 FAX: (617) 635-4203 MICHAEL.ROSS@CI.BOSTON.MA.US

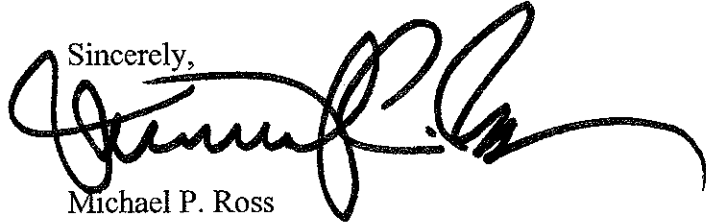
extremely rare, the procedure by which the Council is to address such matters is entirely different than the legislative and other routine matters the Council handles during the course of business.

As I noted above, the purpose of the parliamentary rules to which you cite, are to ensure adequate discussion by the Council of a matter. The adequacy of discussion requires that the Councilors have access to all information required to take a fully-informed vote. As I articulated, during my comments on the record at the December 1, 2010 hearing, the Council and each individual Councilor had ample time and all the information needed to make a responsible and informed vote at the December 1st hearing. Any contention to the contrary is unfounded and inaccurate.

Your concerns about disenfranchisement are similarly unfounded. The staff for District Seven is available to continue to provide constituent services and a special election will be held as expeditiously as possible within the next few months.

I hope this letter has addressed your concerns and that this matter is now resolved.

Sincerely,



Michael P. Ross
President, Boston City Council

CC: Rosaria E. Salerno
All Colleagues

DISTRICT 8

BOSTON CITY HALL, ONE CITY HALL PLAZA, BOSTON, MASSACHUSETTS 02201
(617) 635-4225 FAX: (617) 635-4203 MICHAEL.ROSS@CI.BOSTON.MA.US