

JURISDICTION OF THE ETHICS COMMISSION –
THE ETHICS COMMISSION IS LIMITED IN ITS AUTHORITY TO HEAR
AND DECIDE COMPLAINTS THAT FALL WITHIN THE ETHICS CODE OF
THE CITY AND TO ISSUE ADVISORY OPINIONS TO HELP EDUCATE THE
PUBLIC, ELECTED AND APPOINTED OFFICIALS, AND CITY STAFF

CAMBRIDGE ETHICS COMMISSION
C/O ROBERT S. COLLISON, ESQ.
311 HGH STREET
CAMBRIDGE. MD 21613

ADVISORY OPINION

OPINION 04 -2013

HAVING MET ON April 11, 2013, AND CONSIDERED THE REQUEST FOR
AN ADVISORY OPINION AND HAVING CONSIDERED THE LEGAL
OPINION OF ROBERT S. COLLISON, ESQ., COUNSEL FOR THE ETHICS
COMMISSION,

AND THE FOLLOWING BEING ASKED BY A PERSON NOT WISHING TO
BE IDENTIFIED:

May a member of City Council make inappropriate comments during City Council
meetings including racially charged statements without something being done by
the Ethics Commission or some other entity?

AND THE MEMBERS OF THE COMMISSION BEING OF THE OPINION
THAT THIS REQUEST DEALS WITH A MATTER OUTSIDE OF THE
JURISDICTION OF THE ETHICS COMMISSION BUT WITHIN OTHER
REQUIREMENTS OF THE CITY CODE AND IS SUBJECT TO THE RIGHTS
OF ALL CITIZENS, INCLUDING CITY COMMISSIONERS, AFFORDED BY
THE 1ST AMENDMENT OF THE U.S. CONSTITUTION;

THE CAMBRIDGE ETHICS COMMISSION BY UNANIMOUS VOTE
HEREBY STATES THE FOLLOWING AS THE OPINION OF THE
COMMISSION:

The Ethics Code of the City of Cambridge deals with behavior of public officials related to financial interests and conflicts of interest and not with what they may or may not say either privately or in a public forum. The 1st Amendment of the Constitution of the United States protects freedom of speech, and the members of the Ethics Commission having listened to the tape recording of the meeting at issue, find no basis for assuming jurisdiction of this event other than to issue this opinion.

The Commission finds that Section 1-15 of the Code of the City of Cambridge applies to this situation wherein it states in relevant part as follows:

Decorum

- (1) While the council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the council or disturb any member while speaking or refuse to obey the order of the council or its presiding officer, except as otherwise herein provided.
- (2) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council at that meeting, unless permission to continue be granted by a majority vote of the council.

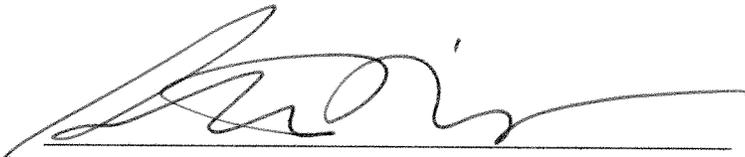
Enforcement of decorum

- (3) Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the presiding officer.

It therefore appears that the Mayor as the presiding officer, or the presiding officer in the absence of the Mayor, has the responsibility to maintain the decorum of any meeting including both the behavior of members of the public as well as members of the City Council.

THE COMMISSION REQUESTS THE CLERK OF THE CITY OF CAMBRIDGE TO PLACE THIS OPINION ON THE WEBSITE OF THE CITY OF CAMBRIDGE AND MAKE COPIES AVAILABLE TO THE PUBLIC WHEN REQUESTED.

DATED THIS 11th DAY OF APRIL, 2013.

A handwritten signature in black ink, appearing to read "S. Rideout", written over a horizontal line.

STEPHEN W. RIDEOUT, COMMISSIONER
ON BEHALF OF THE COMMISSION