

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on of the Whole

met in the Council Chamber on Wednesday, November 9, 2011 at 6:30 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on

November 3, 2011 at 6:19 PM.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: Councillor Ronan, O'Keefe

Also Present were Rich Viscay, Finance Dir. + Lisa Camarata, HR

SUBJECT(S)

(#620) Accept MGL Ch. 32B Sec. 21-23 Mass. Health Insurance Reform Law

- Invoke Rule of Necessity

Councillor Jerry Ryan, Councillor Pinto, Councillor McCarthy,
Councillor Pelletier, Councillor Furey, Councillor Sosnowski,

* Councillor Sargent recused himself (didn't invoke Rule of Necessity)

Councillor Sosnowski made a motion to amend order to
read "That the City of Salem elects to engage in the
process to change Health Insurance Benefits under MGL c. 32B,
Sections 21-23."

2nd by Councillor Pelletier

Voted on amendment ✓

Councillor Sosnowski made a motion to recommend approval
to the Full Council
2nd by Councillor Furey

Under discussion

- Councillor Proby had questions on Retiree increases
 - can't increase until 2014
- Councillor Sosnowski had more questions on retirees
- Councillor Furey is concerned for the retirees.

Roll Call Vote

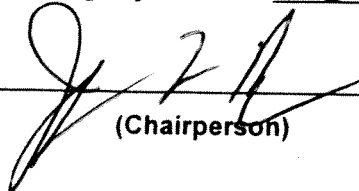
Invoked Rule of Necessity

2 In favor
3 Absent

Motion to Adjourn by Councillor Sosnowski

On the motion of C.

the meeting adjourned at 6:55 P.M.


(Chairperson)

City of Salem

Yea and Nay Vote of City Council

Upon the Question of

Committee of the Whole
Health Insurance

Date	Yea	Nay	Pres.	Absent
11-9-2011				
Michael Sosnowski	✓			
Arthur C. Sargent III				✓
John H. Ronan				✓
Paul C. Prevey	✓			
Steven A. Pinto	✓			
Jean M. Pelletier	✓			
Joseph A. O'Keefe Sr.				✓
Robert K. McCarthy	✓			
Joan B. Lovely	✓			
Thomas H. Furey	✓			
Jerry L. Ryan, President	✓			
Totals				

8 0

CITY CLERK

JR
Council President

The rule of necessity

The rule of necessity may be used if a board is unable to act on a matter because it lacks the number of members required to take a valid official vote, solely because members are disqualified by the conflict of interest law from acting. The matter before the City Council, adoption of MGL c. 32B, Section 21, cannot be acted upon by the City Council unless the rule of necessity is invoked because the Council lacks a quorum to take an official vote on this matter because at least six members of the Council are disqualified as they or an immediate family member participates in the city health plan. An immediate family member is defined as a spouse and/or the parents, siblings and children of both the municipal employee and the spouse.

I, Councilor Jerry Ryan, have a conflict of interest because my _____ participates in the city's health insurance. I hereby invoke the rule of necessity so that I and ALL other Councilors MAY vote on the adoption of this General Law under the authority of the rule of necessity.

Each disqualified member who wishes to participate under the rule of necessity must **first** disclose publicly the facts that created the conflict and then state their vote or motion.

Example: I, Councilor _____ participate in the city's health insurance plan and but for the rule of necessity, I would be disqualified from acting. I move to recommend to the full Council that MGL c. 32B, Section 21 be.....

Following a motion, Clerk calls a roll call vote. Any disqualified member wishing to vote must state the fact that creates the conflict and then state his/her vote.