



BOSTON CITY COUNCIL

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One City Hall Square ♦ 5th Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

December 21, 2011

Dear Councillors:

As there is no formal docket before the Council regarding the City Clerk, I am writing to outline for you the process for filling the position of City Clerk.

Posting of the Position

The position was posted on the City of Boston Career Center website for seven days, beginning on November 25, 2011. At the end of the posting period, there were 26 applicants.

Rationale for Qualifications Identified in Job Description

The components identified in the job description tie into the day-to-day responsibilities of the Clerk generally within the Office of the Clerk as well as the specific responsibilities of the Clerk in relation to the working relationship with the City Council.

- ***Government/Legislative Experience:*** Experience in a public agency, particularly in the legislative environment, ties directly to the responsibilities of the Clerk in relation to Council activities.
- ***Leading an Agency, including Budget and Personnel:*** In FY2012, the Clerk's Office has a general fund budget of \$1M, with nearly 30 percent focused on Council related services, and a National Archive grant of \$90,000. The budget has a staff of 14, including several located outside of City Hall at the Archives in West Roxbury.
- ***City Charter, Public Records and Open Meeting Law:*** The Clerk is responsible for implementing the Open Meeting Law process for Council meetings and hearings, particularly posting and executive sessions. As for Public Records Laws, the City Clerk's Office, as the keeper of the City's records, is one of the primary departments responsible for all documents, including the legislation offered and approved by the City Council and Mayor.
- ***Robert's Rules:*** One of the primary functions of the City Clerk is to serve as the Parliamentarian to the City Council at its weekly meetings.

Review of Applicants for Qualification

Lorraine Schettino and Ann Braga reviewed the resumes of the 26 applicants against the criteria set forth in the job description. Each staff member reviewed the applicants' resumes independently and determined the three highest qualified candidates. The criteria were: Bachelor's Degree, 10 years government experience, with legislative experience preferred; 2 years planning, organizing and directing a public agency, including formulation, implementation and oversight of agency funding; experience with personnel management; working knowledge of the city charter, public records and open meeting laws and Robert's Rules. Based on a review of the applicants' resumes, thirteen were eliminated due to lack of a Bachelor's degree. Of the remaining applicants, seven had government experience and only three had ten or more years combined in government experience and leadership/personnel experience. Only Maureen Feeney met all of the requirements. The three top candidates were invited to participate in the interviews and two accepted. Those were: Natalie Carithers and Maureen Feeney.



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Interviews

On December 12, 2011, the Committee on Rules and Administration held a publically noticed meeting to interview the two finalists – Maureen Feeney and Natalie Carithers. This was the first time that Councillors interacted with the finalists. Members of the press and members of the public were present. All six members of the Committee and two additional Councillors were present and asked similar questions of both candidates. Both applicants did a good job in responding to the questions.

Issue of Possible Conflict of Interest

In his December 13th article on the selection process for the City clerk position, Andrew Ryan alleges that the interview of Maureen Feeney may have violated to ethics rules. I find it frustrating that rather than focusing on the Council's efforts to hold public interviews of the City Clerk for the first time in the history of that position or highlighting the Council's continued efforts to comply with the open meeting law, instead Mr. Ryan took the efforts by staff to ensure compliance with the open meeting law as a basis to raise an unfounded allegation about violations of the ethics rules.

The 30-day "cooling-off period" is in place in order to ensure that the most qualified applicants can apply for the position of City Clerk. Nothing prohibits the posting of the job at an earlier time, and nothing prohibits a former City Councilor from applying at an earlier time. All that is required is that the City Council cannot take any action until the 30 days has run its course. The Council did not interview former City Councilor Maureen Feeney until the 30-day cooling off period had run. All logistics of receiving and screening applications was conducted by staff. Staff alone weeded out the unqualified candidates and selected the three qualified for interviews. As I noted to Mr. Ryan, one of the selected applicants informed staff that she did not want to go through the public interview process and thus pulled her application.

It is important to note that the interview process was public not only in the interest of transparency, but also to comply with the open meeting law. The open meeting law requires 48 hours notice in advance of a public meeting, excluding weekends. We were under a tight timeline to have a new City Clerk in place for 2012, and it was strict compliance with the open meeting law that caused staff to schedule the interviews when they did so that the public could be duly noticed of the meeting at which the interviews were to be conducted.

The City Council, with guidance from Corporation Counsel, worked thoughtfully on the process of selecting a new City Clerk. The Council complied with both the open meeting law and the ethics laws and conducted interviews of the most qualified applicants for the position of City Clerk.



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Next Steps

I will ask that as a part of the meeting on December 21, 2011, that the Council elect a new Clerk for the City of Boston. Based on the experience identified in the resume and the interview, I will recommend that the Council elect Maureen Feeney as the next City Clerk, as she was the only applicant to meet all of the qualifications in the job description, and she demonstrated the depth and breadth of her knowledge and experience that will best assist the Council as it moves forward.

Sincerely,

Stephen J. Murphy
President