



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

March 22, 2021  
REPORT OF THE RULES SPECIAL COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Mary Jo Rossetti	Vice Chair	Present	
Lance L. Davis	Ward Six City Councilor	Present	

Others present: Shannon Phillips - Law, John Long - City Clerk, Kim Wells - Assistant Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:05 PM by Chair White and adjourned at 6:38 PM on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

**Approval of the October 25, 2018 Minutes**

The minutes were approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), none against and none absent.

<b>RESULT:</b>	<b>ACCEPTED</b>
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**206962: That this Board amend Rule 16 of the Board by adding to the second sentence, after the phrase "These motions shall" the phrase "be decided by a majority vote of those present and shall...."**

Councilor Davis commented that there was some ambiguity between the Council's rules and Robert's Rules of Order on the process of approving motions entertained while an item is under debate and he thinks that this language would remove the ambiguity.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	White Jr., Rossetti, Davis

**211352: That the Rules Committee work with the City Solicitor to establish firm procedures regarding executive sessions to ensure compliance with the Open Meeting Law.**

Chair White asked the members if the precedent of having the Chair, (or President), of a meeting approve Executive Session minutes should continue, or if the full body should approve them. He explained that the item before the committee essentially has 2 changes: 1) changing "presiding

Officer” to “chair” and 2) adding language that executive session minutes be reviewed “at least every six months”. Councilor Davis said he thinks that this is a good change.

Councilor Rossetti spoke about a recent Confirmation of Appointments and Personnel Matters Committee Executive Session (ES) where she wanted the committee to review and approve the ES minutes. She thinks that the question of who will approve ES minutes could be left up to the Chair. Councilor Davis commented that he would agree with giving the Chair discretion, but he raised the scenario where the Chair doesn't want to allow the body to review/approve ES minutes, but the committee does want to. He suggested that some language might be needed to cover that occurrence. Chair White commented that perhaps at the end of an ES, the committee (body) could decide if the Chair would approve the ES minutes or if the Committee wants to do it. Councilor Rossetti pointed out that having committees review/approve ES minutes could result in more meetings and Councilor Davis stated that given the volume of work councilors have, he would rather that the decision be at the Chair's discretion, unless a member wants to invoke some provision to have the committee (body) review/approve the ES minutes, (which could happen at any time). Councilor Rossetti noted that ES minutes are usually only brought before the City Council when it's time to possibly release them.

Members discussed a timeline for making a request to review/approve the ES minutes and Councilor Davis suggested that the current draft could be amended simply by adding that the clerk notify members that they have 30 days to request a review. Ms. Phillips said she would have to research this matter and get back to the committee with information of time limits and how other communities are handling this. Chair White believes that under the state's Open Meeting Law (OML), reasonable measures are to be taken to approve minutes quickly.

Councilor Davis put forth the following 4 step proposal:

1. The Chair may request committee review and schedule a meeting therefore in accordance with [applicable laws/open meeting law]
2. If the Chair doesn't request a committee review, the Clerk will send a notice to members of the committee of approval of such minutes.
3. Members have thirty days to request review by the committee.
4. The Chair shall schedule a meeting to facilitate such review in accordance with [applicable laws/open meeting law] as soon as reasonably practicable.

Chair White also noted that Assistant Solicitor Shapiro had provided the Attorney General's opinion regarding agenda addendums. Ms. Phillips explained that the opinion from the Attorney General's Office is that when a Chair delegates the creation of a meeting notice to another person, the Attorney General's Office would look to what that person reasonably anticipated, and that could then hold the whole body liable for an OML violation. Chair White asked Ms. Phillips to review the City Council's rules for compliance with the OML, as well as with the 48-hour rule for departments, chairs, members to add items to an agenda. City Clerk John Long offered his assistance.

**RESULT:**

**KEPT IN COMMITTEE**

**Referenced Material:**

- Rule 9 3.12.21-1 (with 211352)