



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

March 22, 2022
REPORT OF THE FINANCE COMMITTEE

| Attendee Name | Title | Status | Arrived |
|---------------------------------|---------------------------|---------|---------|
| Jake Wilson | Chair | Present | |
| Jefferson Thomas ("J.T.") Scott | Vice Chair | Present | |
| Beatriz GomezMouakad | Ward Five City Councilor | Late | |
| Judy PinedaNeufeld | Ward Seven City Councilor | Present | |
| Charlotte Kelly | City Councilor At Large | Present | |

Councilor Gomez Mouakad arrived at 7:05 due to another meeting and was unable to participate until 7:15 due to technical difficulties.

Others present: Aneesh Sahni - Mayor's Office, Denise Capers - Mayor's Office, Francis Wright - Law Office, Nicholas Antanavica - ISD, Michael Mastrobuoni - Auditing, Stephanie Widzowski - Assistant Clerk of Committees.

Approval of the March 8, 2022 Minutes

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| RESULT: | ACCEPTED |
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Police Department Items

213022: That the Chief of Police provide this Council's Committee on Finance with the full language of the crossing guards' contract and also provide the number of crossing guard hours filled by SPD personnel.

Chief Femino said that previously he could not provide the exact amount of hours that police covered crossing guard shifts because there was not a specific CAD code for it. However, in the past there seemed to be a surplus of crossing guards, and it was rare for police to cover their shifts. Based on the Council's request, Chief Femino instituted a new code specifically for guide posts. Officers have covered shifts 41 times this year since Feb 2, when that new code was put into effect.

Councilor Kelly expressed concern over the amount of SPD coverage, given previous conversations about pay disparities and wanting more roles for civilians, and urged the Administration to collaborate with Chief Femino to get the crossing guard positions filled by civilians.

Councilor Scott added that it would average to an officer covering a crossing guard shift more than once a business day, which creates a large cost for the city. He said that Massachusetts allows municipalities to use civilians for positions such as traffic details and road flaggers on construction sites (See 700 CMR 6). However, because it is usually done by sworn officers, it could be argued that the prevailing wage would reflect officers' pay. He wondered if this would give the crossing guard union leverage based on the prevailing wage, and if not, it may be worth revisiting the road flagger law.

Councilor Pineda Neufeld asked if the CAD code was just for crossings near schools or if it included other locations. Chief Femino replied that the code referred to crossing guard posts that were filled by police. Councilor Pineda Neufeld posed questions about how to get to the source of this staffing challenge and what authority City Council has to shift this dynamic. She said that another committee had been talking about crossing guards and recruitment and hearing parents' concerns about unfilled positions. The director of HR has said this is one of the most challenging roles to fill in the city. Councilor Pineda Neufeld expressed desire for a more holistic conversation on ensuring safety (outside of this committee) and getting the right people to fill each role.

Councilor Gomez Mouakad noted that many crossing guard positions have been filled by retirees, but that Somerville's demographics are changing. She asked if the city needed to make the positions more attractive to the new demographic. Chief Femino directed her to reach out to HR. Councilor Pineda Neufeld spoke to her conversations with Dir. Gill and confirmed that it is often retired citizens who are able to make the schedule for crossing guards, but that a lot of them stopped working during the pandemic for safety reasons. She also described structural barriers that are making it hard to fill positions. For example, some crossing guards take on different roles throughout the day, working inside between morning and afternoon shifts. But because they are paid by two different entities, they are not given benefits.

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| RESULT: |
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| WORK COMPLETED |
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212850: That the Administration update this Council on the status of the Police Staffing Study which was included in the FY2022 budget and estimated to take 2-4 months.

Councilor Kelly asked questions about the proposal submitted by Raftelis referred to in the RFP. In most examples of their previous work, community engagement was a cornerstone. However, that is not listed as part of their work here - instead, they are focusing on internal processes. Councilor Kelly asked for the reasoning behind that focus, and also when RSJ's work will finish relative to that of Raftelis. Dir. Capers said the internal focus was intentional - RSJ is currently in their community engagement phase, gathering information from Somerville at large. She added that community engagement also includes internal stakeholders. The RSJ portion of the work is ongoing and includes more short-term items. Councilor Kelly asked if there will be a definition of "calls for service" in the final study, to which Dir. Capers answered yes.

Councilor Kelly asked how the data analysis will shift from the 2001 management study to the contemporary study. Dir. Capers replied that the staffing analysis has a comprehensive understanding of management, staffing, and workload; and when operations is added, it also looks at specific units and assignments. The staffing study makes space for the undergoing shift in reimagining public safety. There was a question as to whether the 2001 study was conducted

by students. Councilor Scott said that the one in 2001 was done by MMA consulting, and then the city retained its attorney general to follow up in 2004.

Councilor Kelly asked how RSJ is planning to implement recommendations, to which Dir. Capers requested more time to engage the community before answering that question. Councilor Kelly commented that a large component of the Raftelis proposal emphasized the need to ensure recommendations are implemented, but that the consultant may make recommendations that the community does not support. She asked for clarification on when and how the community will be able to weigh in on these recommendations. Dir. Capers said that the community will be able to see the recommendations in full transparency once the consultant is finished.

Councilor Kelly expressed concern that in the list of consultants working on the staffing study, there is not a firm that specializes in alternatives to police for public safety. She asked if there was an expert looking at alternatives. Dir. Capers assured Councilor Kelly that RSJ conducted a thorough search to select this firm and included a question on holistic public safety in the interview process. She added that alternative models are listed in the RFP.

Councilor Gomez Mouakad asked what key points should come out of this study to lead to a holistic view of reimagining policing. She also noted other municipalities have alternative programs, but most are very young, and some have staffing issues. She asked how to create an informed and successful program. Dir. Capers said that this work involves many elements of policy and safety that have different priorities to different residents. To do good work, the city first needs a comprehensive understanding of its current status. She also spoke to the importance of keeping the conversation relevant to Somerville instead of at a national level, and of having a unified narrative on the data and what residents want.

Councilor Kelly asked why additional personnel were listed as necessary for body-worn camera implementation. Dir. Capers answered that by City Council approving funding for body-worn cameras, they committed in good faith to implementing body camera programs in the SPD. She said that staff are needed for management and training for the cameras. Councilor Scott mentioned advice from the Law Office from 2020 about MOAs (item 210582) that said City Council does not have influence or input on JLMC processes, and based on that advice, he believes it would be the Administration, not City Council, who has made a commitment to implement body cameras.

Councilor Kelly asked why there was no discussion in the RFP around the change in perception around policing in Somerville. She referred to a Tisch poll of Somerville residents about their desire to shift the role of policing to other departments, for example, in the event of a mental health crisis. Dir. Capers replied that it is a misperception to say there is a change in opinion, as RSJ does not yet have the full depth of the community's feedback, including vulnerable populations. Councilor Kelly responded that the city has heard from vulnerable residents in the last few years. She acknowledged the process of getting feedback never ends, but did not want to erase recent conversations. She also drew attention to a section of the RFP that called for more budget and staffing to implement operational changes, but only for patrol officers. She expressed concern that it feels like the city is presupposing an answer to questions that have not been fully investigated yet.

Councilor Gomez Mouakad expressed concern about referencing data points on polls. She suspected that the Tisch poll was only sent out in English, and that as a result it is hard to know

who answered the survey. She stressed that immigrant and non-English-speaking residents are tired of being politicized, and called surveys only in English or from academic sources red flags.

Chair Wilson asked the Committee to refrain from having at length discussions about the Tisch survey, as it was not entered in the public record for the meeting. As Chair, he wants to ensure that any poll cited and discussed at meetings is available for everyone to read.

Councilor Pineda Neufeld advised against making a general statement that there is a change in perception on policing across Somerville. She asked if the community engagement is being done in multiple languages. Dir. Capers said that translators for Haitian Creole, Mandarin, Nepalese, Spanish, and Portuguese are available, and they will make their outreach ASL-accessible.

RESULT:

WORK COMPLETED

Law Department Items

212847: That the Administration comply with Order #206164, relative to the employment of other counsel.

Mr. Wright explained that in the past few years, there have been several cases before the Civil Service Commission to bypass candidates for police appointment and promotion. For these situations, the Mayor had appointed individuals, but they were not confirmed by City Council. The Law Department had given advice contrary to the action taken by City Council and as a result, in Mr. Wright's opinion, it was better to bring in someone from outside to serve as co-counsel with the city to go before Civil Service. A key point is that Civil Service only recognizes appellate and appellee (i.e. the city) and does not distinguish between the Mayor and City Council. An outside attorney would work directly with City Council.

Chair Wilson said that there is a budget set aside for seeking outside counsel, around \$25,000, and asked for clarification that Mr. Wright thinks there are cases where City Council should have outside counsel. Mr. Wright disagreed, saying that the Council should not have their own attorney, but co-counsel would have to be recommended by the Solicitor. There was discussion on whether City Council could receive outside counsel, and for what purposes.

Mr. Wright referred to a code of ordinance that states that the City Solicitor should be the only legal consultant to the city except in cases where others are needed. There have been a variety of cases where outside counsel was sought to handle an area of expertise, but they would still be subordinate to the City Solicitor. Chair Wilson asked if that ordinance could be interpreted as allowing City Council to consult an outside attorney in a situation that required it, to which Mr. Wright said that the city tries to follow the precedent of only pursuing outside counsel if there is need. If it is a contract, it requires the Mayor's approval.

Councilor Scott asked if school committees can have separate counsel, to which Mr. Wright said yes, based on Chapter 71, sections 37E and 37F of Massachusetts General Laws. Councilor Scott said he thought Chair Wilson's reading of the ordinance is appropriate. He compared the situation to eminent domain, which is reserved for City Council, but Councilor Scott has been told before that it is prepared by the executive branch and merely signed by the Council. He wondered if the only way to solve this disagreement is to have it adjudicated, but that would require hiring counsel. He said he would prefer to have this discussion in the full Council meeting.

Dir. Sahni said that when this item has come up previously in committee, the Administration has said there is a legal issue to discuss. Previously, the Committee wanted to know how to make this budget operational. That cannot be answered today, but Dir. Sahni wanted to have the Solicitor weigh in on the discussion.

Councilor Scott moved to discharge this item without recommendation.

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| RESULT: | DISCHARGED W/NO RECOMMENDATION |
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Grant Acceptance Items

213319: Requesting acceptance of, and approval to expend, a \$6,810 grant with no new match required, from the National Environmental Health Association-U.S. Food and Drug Administration Retail Flexible Funding Model Grant Program to the Inspectional Services Department for inspection team training.

Mr. Antanavica explained that the FDA grants are to help with food inspection in the Health Department. The first one is for a self-evaluation, after which a third party reviews techniques to create an improvement plan. The second grant is to initiate steps for the resulting program.

Councilor Kelly asked what goals ISD is trying to achieve through their self-assessment. Mr. Antanavica said that they are currently using an outside service for their food inspections and intend to use that service for another year or two while this evaluation is ongoing. The other goal is to put together a process with a consultant to implement rigorous training programs for new hires.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

213320: Requesting acceptance of, and approval to expend, a \$5,000 grant with no new match required, from the National Environmental Health Association-U.S. Food and Drug Administration Retail Flexible Funding Model Grant Program to the Inspectional Services Department for an FDA self assessment.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

Budget Items

212846: Proposing an ordinance relative to a mid-fiscal year report of municipal finances, with next-fiscal year budget projections.

Councilor Scott explained that revisions were made to the ordinance to address concerns from Dir. Bean and Mr. Mastrobuoni around the wording in Councilor White's original ordinance. Councilor Scott presented text that included revisions from the directors, and asked the other councilors for feedback to incorporate into a submission for a supplemental order at the City Council meeting. Items requested in the new ordinance text include the anticipated Levy Limit (the maximum amount a city can raise through real estate taxes) and new growth projections, a review of the first 2 quarters of revenue and comparison to historical trends, certified free cash

remaining, an update on existing Debt Service for the city and anticipated projects, and a review of key vacancies across city departments.

Mr. Mastrobuoni called the ordinance a step in the right direction. He said he was hesitant about speaking to anticipated projects to be bonded for the fiscal year if for a February presentation.

Councilor Gomez Mouakad asked if the report would take the same format as the annual budget, and expressed an interest in knowing the big-picture for the budget. Mr. Mastrobuoni answered that the numbers would be the same, but the format would be streamlined. He recommended reviewing the YTD budget reports, which are available on the Finance Department website.

Councilor Scott said a mid-year report is not without precedent; a similar presentation was given in April 2018. This ordinance would formalize the mid-year check-in process and have the added benefit of giving new councilors context going forward. He said they would like to have another meeting like this in April to get a sense of third quarter progress.

Dir. Sahni said that the Mayor's Office agrees on the value of a status update like what this ordinance proposes. The text reviewed at this meeting is new, and the Administration would like to review and provide feedback on the document first, but they intend to take some of the steps Mr. Mastrobuoni mentioned. A new ordinance with the agreed-upon components is being drafted by Councilor Scott in additional consultation with Mr. Mastrobuoni and will be introduced at Thursday night's City Council meeting.

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| RESULT: | WORK COMPLETED |
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213016: Conveying a request for City Council input on priorities for the Fiscal Year 2023 Budget.

Chair Wilson described the process he hopes to take for the upcoming budget meetings. He and Legislative and Policy Analyst Brendan Salisbury will be giving a full update at the City Council meeting this week.

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| RESULT: | WORK COMPLETED |
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