



City of Somerville, Massachusetts

City Council Legislative Matters Committee

Meeting Minutes

Tuesday, September 13, 2022

6:00 PM

Others present: Anne Gill – Director of Human Resources, Brendan Salisbury – Legislative and Policy Analyst, Aneesh Sahni – Director of Intergovernmental Affairs, Peter Forcellese - Legislative Clerk. The meeting took place virtually via GoToWebinar and was called to order at 6:04 PM by Chair Davis and adjourned at 8:00 PM on a roll call vote of 5 in favor (Councilors Clingan, Scott, Burnley, Ewen-Campen and Davis), none against and 0 absent.

Roll Call

Present: Jesse Clingan, Jefferson Thomas (J.T.) Scott, Willie Burnley Jr., Ward Three City Councilor Ben Ewen-Campen and Ward Six City Councilor Lance L. Davis

1. Ordinance
(ID # [22-1461](#))

By Councilor Pineda Neufeld, Councilor Burnley Jr., Councilor Davis, Councilor Ewen-Campen, Councilor Gomez Mouakad, Councilor Kelly, Councilor McLaughlin, Councilor Scott, Councilor Strezo and Councilor Wilson

That Chapter 2, Article VI, Section 2-319 of the Code of Ordinances, regarding bereavement leave, be amended as attached.

Chair Davis noted that there are a number of text changes, primarily to add a new sub section for bereavement leave to modify the death of a child to include loss of pregnancy by miscarriage, stillbirth, or abortion. Director Sahni said that the Administration is supportive of the changes. Human Resources Director Anne Gill is also in favor of the changes. Councilor Scott inquired if there was any flexibility permitted to account for delays in the funeral services and Director Gill explained that in these types of cases, there is flexibility and they are considered individually. She believes that the language is fine, as is.

RESULT: RECOMMENDED TO BE APPROVED

AYE: Ward Four City Councilor Clingan, Ward Two City Councilor Scott, City Councilor At Large Burnley Jr., Ward Three City Councilor Ewen-Campen and Ward Six City Councilor Davis

2. Order
(ID # [22-1448](#))

By Councilor Burnley Jr. and Councilor Ewen-Campen
That the City hereby adopt the provisions of the Massachusetts General Laws Chapter 175M: Family and Medical Leave.

Discussed with 22-1446

Chair Davis included these items on the agenda to begin the conversation on this topic. Councilor Burnley commented that members of the City Council have received inquiries about this topic from various stakeholders in the city and he would like to know what insights the city has on this matter.

Director Gill stated that the city is reviewing the complete benefits package, not individual benefits, in an effort to give employees the best support and boost employee retention. She noted that all of these things cost money and will be looked at as part of the total compensation package. Director Gill explained that the process is heavily data driven and that data is continually being compiled. Working environments are also considered and best practices are looked at. The timeline is lengthy because the scope of the review has been greatly expanded to include all employees.

Councilor Ewen-Campen asked if this is a decision to be made by the City Council and Chair Davis confirmed that it is. Councilor Ewen-Campen also asked if the state law applies to all employees in the state and Director Gill said it does, provided they opted in. Chair Davis had a different interpretation of the act and he asked Solicitor Shapiro to provide an opinion. Councilor Ewen-Campen asked if there were any employees who could not avail themselves of the city’s Family Medical Leave (FML) and Director Gill replied that those who did not meet the requirements, e.g., length of employment, would not be eligible. Councilor Clingan expressed his disappointment about the level of conversation regarding this matter and he feels that the Council owes it to the city’s employees to take a thorough look at this and to move quickly towards adoption. Chair Davis is in favor of moving forward with this and would like to adopt the provisions. Councilor Scott agreed with Councilor Clingan that this should be accepted without waiting for the comprehensive compensation review to be completed. Councilor Burnley asked Director Gill to provide a side by side benefits package for various employee groups with respect to FML, however, Chair Davis asked that Councilor Burnley hold off on his request until the Administration can provide information as to what this will actually mean to the city. Councilor Burnley also asked if department heads could poll employees in their departments as to which benefits they would like to have and Director Gill explained that this is actually happening in some fashion. She noted that preferences may vary based on the age of the employees. Councilor Burnley doesn’t think that the city would be raising expectations by asking employees if they want this benefit.

RESULT: KEPT IN COMMITTEE

- 3. Order (ID # [22-1446](#))

By Councilor Burnley Jr., Councilor Wilson, Councilor Kelly and Councilor Ewen-Campen

That the Director of Human Resources provide a preliminary report on staff feedback regarding the Commonwealth's Paid Family and Medical Leave policy.

Discussed with 22-1448

RESULT: KEPT IN COMMITTEE

4. Communication By Councilor Ewen-Campen
(ID # [22-1428](#)) Conveying recommendations for an effective body worn camera Use Policy in Somerville.

Discussed with 22-1171

Chair Davis included these items on the agenda to begin the conversation on this topic. Councilor Ewen-Campen explained that his communication was submitted to make sure that body cameras are being used for the approved purpose. He went on to say that it's now the Administration's turn to come forward with a policy that it would like to put in place and he believes that this should go hand in hand with civilian oversight of policing. Councilor Ewen-Campen expressed his feeling that it's important that police officers do not have access to camera video prior to giving statements on an incident. Solicitor Shapiro believes that the City Council's funding mechanism is the cleanest way to deal with this item from the Council's perspective. He noted that if the city imposed a personnel ordinance that impacted working conditions and was in conflict with a collective bargaining agreement, the collective bargaining agreement would prevail and he cited TOWN OF LEE vs. LABOR RELATIONS COMMISSION, 21 Mass. App. Ct. 166 (Mass. App. Ct. 1985) as an example. Councilor Burnley asked how a policy would be rolled out and Councilor Ewen-Campen explained that it could be through the surveillance ordinance or through a policy put forth by the Administration. Chair Davis believes that this belongs as part of the Surveillance Technology Ordinance. Councilor Scott noted that the use of body cameras, as specified in the police collective bargaining agreement, exclude some of the uses that residents have indicated they want them used for. With respect to policies, he said that those policies may be changed at any time by the Police Department without Council approval. He thinks that it's time to move forward with civilian oversight of policing. He feels that striking body worn cameras from the exemption would force the conversation on this matter.

Director Sahni said the Administration is committed to working with the Council on this matter. Based on where the conversation is currently, he requested that the Council not make the change as it could affect something already on the books with collective bargaining. Chair Davis commented that the item had been returned to the committee to review the sequencing. Solicitor Shapiro stated that there are no sequencing concerns but the matter is subject to collective bargaining. Chair Davis agrees with the overall approach and thinks it makes sense to engage in the discussion at a future meeting with the objective of putting forth the Council's parameters for the use of body worn cameras. He thinks the exemption should be removed at this point in time.

Councilor Scott made a motion that item 22-1171 be approved.

Councilor Ewen-Campen noted that there is a body camera item in another committee.

RESULT: KEPT IN COMMITTEE

5. Ordinance (ID # [22-1171](#)) By Councilor Ewen-Campen, Councilor Gomez Mouakad, Councilor Kelly, Councilor Wilson, Councilor Scott, Councilor Clingan, Councilor Pineda Neufeld, Councilor Strezo, Councilor Davis, Councilor McLaughlin and Councilor Burnley Jr. Proposing an amendment to the Surveillance Oversight Ordinance (Chapter 10, Article III, Sec 10.63) to remove the exemption for body-worn cameras.

Discussed with 22-1428
Chair Davis commented that this item was returned to the committee by the City Council so that the language could be review to ensure that it is in line with the city’s policies.

RESULT: RECOMMENDED TO BE APPROVED
AYE: Ward Four City Councilor Clingan, Ward Two City Councilor Scott, City Councilor At Large Burnley Jr., Ward Three City Councilor Ewen-Campen and Ward Six City Councilor Davis

6. Mayor's Request (ID # [22-1494](#)) Requesting the acceptance of Section 84 of Chapter 179 of the Acts of 2022 for local approval of the provisions of the Clean Energy and Offshore Wind Act.

Director Sahni explained this is relevant to the Home Rule Petition (HRP) approved by the Council regarding net zero emissions. In order for the city to be eligible for the pilot, this acceptance is needed. Solicitor Shapiro explained that the statute requires both local approval and HRP submission, in no particular order. Council Ewen-Campen is in support of this. Councilor Burnley inquired if the city meets the 10% affordability requirement stated in Section 84 (c) and Solicitor Shapiro noted that this would have no bearing on acting on this item tonight. Councilor Scott explained that this is just the start of the process for participation in the program. Chair Davis moved for approval.

RESULT: RECOMMENDED TO BE APPROVED
AYE: Ward Four City Councilor Clingan, Ward Two City Councilor Scott, City Councilor At Large Burnley Jr., Ward Three City Councilor Ewen-Campen and Ward Six City Councilor Davis