



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

October 7, 2021  
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Matthew McLaughlin	Ward One City Councilor	Excused	
Jesse Clingan	Ward Four City Councilor	Present	
William A. White Jr.	City Councilor At Large	Present	

President McLaughlin appointed Councilor White to replace him as a member of the committee, for this meeting only.

Others present: Frank Wright - Law, David Shapiro - Law, Jason Piques - Law, Lauren Racaniello Legislative Affairs, Hannah Carrillo - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:03 PM by Chair Davis and adjourned at 8:08 PM on a roll call vote of 5 in favor (Councilors Clingan, White, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

Chair Davis mentioned that the Legislative and Policy Analyst position was posted today and that details may be found at <https://www.somervillema.gov/residents/job-postings/legislative-and-policy-analyst-1>

**206811: Conveying the Report of the Clean and Open Elections Task Force.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**207392: Requesting approval of a Home Rule Petition providing for legal voting rights in municipal elections for non-citizen residents.**

Councilor Niedergang moved to amend Section 2 of the Home Rule Petition by striking the following text:

*“Upon turning eighteen, each local voter shall be taken off the separate list and notified that he or she must register as a regular voter in accordance with state law, regulations, and guidelines.”*

The motion was approved on a roll call vote of 5 in favor (Councilors Clingan, White, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

Chair Davis sponsored Ben Echevarria from the Welcome Project to address the committee regarding this item. Councilor Ewen-Campen spoke about political rights in the United States over the years and referenced the following document: *Political Rights in the Age of Migration: Lessons from the United States*, by Ron Hayduk; published online: 25 April 2014, *Springer Science+Business Media Dordrecht* 2014. The final publication is available at [link.springer.com](http://link.springer.com).

Chair Davis stated that every member of this community is a member of this community and he moved for approval of the item, as amended.

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, Clingan, White Jr.
<b>EXCUSED:</b>	McLaughlin

**210719: That the provisions of Sec. 8-3(1) be amended by changing "for not less than a twelve month period" to "not less than a one month period"**

Chair Davis noted that the administration has raised concerns about the impact of this change. Councilor White stated that after some additional consideration of this matter, he has decided to request that this item be placed on file.

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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**211812: Proposing an amendment to Ordinance 2-123 that would require notification to this Council of claims against the City filed at the MA Commission Against Discrimination.**

Councilor White commented that the City Council has a role in city government, therefore, if discrimination claims are brought against an employee, the Council has an interest in having those claims resolved. He noted that the Council is notified of other types of claims so he's not sure what the objection is with this item. Director Racaniello noted that the administration has concerns about sharing this kind of information. Councilor White moved for approval of the item.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, Clingan, White Jr.
<b>EXCUSED:</b>	McLaughlin

**211262: That this Council pursue a Charter or Ordinance amendment to expand Police and Fire Interview Panels to include a City Councilor and a designee of the Director of Racial and Social Justice.**

Chair Davis explained that the intent of this amendment is to address the problem of the City Council and/or its committees not being able to view the personnel files of Police/Fire employees during interviews. Solicitor Wright stated that the mayor has the authority to appoint the members of the interview panels and he suggested that if the Council wants to pursue a change, it would have to be done through the charter. Councilor Ewen-Campen feels that some version of the proposal would be a huge benefit to the city. Councilor White supports referring this idea to the Charter Review Committee. Chair Davis stated that a new item to that effect would be submitted to the City Council for referral to the Charter Review Committee.

**RESULT:**

**PLACED ON FILE**

**211260: That the City Solicitor prepare legislation revoking the enabling legislation for the Police Reserve List.**

Items 211260, 211319, 211261, 211318 were discussed together.

Chair Davis gave a brief background on these items, noting that the mayor had informed the Council that the use of reserve lists would no longer be used once exhausted. Director Racaniello confirmed that there are still 2 officers on the Police reserve list and that the Police Department would like to get them hired ASAP, most likely with the next round of permanent hires. Councilor Clingan asked why there's a delay in hiring the 2 remaining candidates on the reserve list and Director Racaniello didn't have the information but will follow up on it.

Councilor Niedergang would like to move forward, where possible, and approve the item for the Fire Department (211318). Director Racaniello informed the committee that there is still one person on the Fire reserve list, however Chair Davis noted that the administration had previously stated that the list had been exhausted. Councilor Niedergang is willing to wait until this information can be verified but he would like to get this done before the end of the year.

**RESULT:**

**KEPT IN COMMITTEE**

**211319: Requesting rescission of the adoption of MGL Chapter 147 Sections 11, 12 and 13 relative to a Reserve Police Force.**

Items 211260, 211319, 211261, 211318 were discussed together.

**RESULT:**

**KEPT IN COMMITTEE**

**211261: That the City Solicitor prepare legislation revoking the enabling legislation for the Fire Reserve List.**

Items 211260, 211319, 211261, 211318 were discussed together.

**RESULT:**

**KEPT IN COMMITTEE**

**211318: Requesting rescission of the adoption of MGL Chapter 48 Sections 59B, 59C and 59D relative to a Reserve Fire Force.**

Items 211260, 211319, 211261, 211318 were discussed together.

**RESULT:**

**KEPT IN COMMITTEE**

**211601: That the City Solicitor and the Chief of Police discuss with the Committee on Legislative Matters a formal policy or ordinance to decriminalize or deprioritize arrests for drug possession, and prioritize treatment over incarceration.**

Director Racaniello reported that the Police Chief is working on formalizing the department's unofficial policy on this matter. Chair Davis asked Director Racaniello to submit the policy to the City Council

when it's completed. (Chair David noted that Councilor McLaughlin was advised that he should recuse himself from this discussion.)

**RESULT:**

**WORK COMPLETED**

**210605: That the City Solicitor draft an ordinance prohibiting the installation of public lighting in excess of a temperature level to be determined.**

Director Racaniello suggested that issues on this matter be brought to her or Liaison Carrillo's attention, for discussion with HHS Director Kress. Director Racaniello noted that Director Kress wrote a memo in 2017 about LED lighting and she will share that memo with the committee.

**RESULT:**

**PLACED ON FILE**

**212255: That this Council consider an Automated Speed Enforcement in School Zones Home Rule Petition similar to the one already approved by Salem MA.**

Assistant City Solicitor Piques updated the committee on this matter and reported that there have been no substantive changes to the home rule petition, as drafted. Councilor Niedergang spoke about some of his concerns and Assistant City Solicitor Piques responded to those queries. Director Racaniello commented that the draft has been sent to both the Police and Mobility Departments, but the administration has not yet received their feedback. Councilor White stated that he is comfortable with the draft. Councilor Ewen-Campen has looked into the privacy issues and was assured that the draft raises no red flags. Chair Davis asked that the Solicitor's Office confirm that this would not interfere or conflict with the city's Surveillance Technology Ordinance and Solicitor Wright indicated that a response will be ready for the committee next week.

Councilor Niedergang **proposed amending Section 3. (a) by increasing the maximum fine from \$25 to \$100.** The law office will check with the Police Department to check if this amount is appropriate and will inform the committee what the allowed maximum should be. The motion was withdrawn.

Councilor Niedergang proposed **amending Section 3. (a) by striking the last sentence in this section.** ("The city may send a written warning to the owner or owners in lieu of enforcement for the purpose of education.")

Councilor Clingan feels that leaving the sentence in is fair, as does Councilor Ewen-Campen. Chair Davis suggested leaving the working as is. The motion was withdrawn.

As this item was before the committee for discussion, Councilor Niedergang made a motion **that the City Council consider and approve this Home Rule Petition, as reviewed by the Committee on Legislative Matters, with the change to the amount of the maximum fine in Section 3. (a), as recommended by the City Solicitor's Office.**

**RESULT:**

**KEPT IN COMMITTEE**