



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

May 11, 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: David Shapiro - Law, John Long - City Clerk, Rositha Durham - Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:01 PM by Chair White and adjourned at 7:06 PM on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

**Approval of the March 22, 2021 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
----------------	-----------------

**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.**

Mr. Shapiro briefed the committee on his discussions with the Attorney General's Office regarding Executive Session minutes saying that the minutes must be approved by the Chair or by a vote of the body or by consent, i.e., having a standing rule stating that the minutes are approved unless objected to. Chair White stated that he's open to the various choices. Councilor Davis favored option 2 on the document provided by Mr. Long, who asked that rather than having the City Clerk notify members of approval, it just default so that that members have 30 days to review minutes. Councilor Rossetti asked that the clerks remind the Chairs of the new procedure until they get familiar with it. Councilor Davis noted option 2 removes the 24-hour period for the recorder of the minutes to obtain written approval of the minutes. He asked if, giving that there might be some back-and-forth communications before a Chair approves the minutes, the committee would then have the remainder of the 30-day period to review the minutes. Mr. Shapiro said the 30-day review period could be shortened to avoid potential conflicts with the Open Meeting Law's timelines.

Councilor Davis made the following motion:

That the current Rule 9 of the Rules of the City Council be replaced with the following language:

"Minutes of executive sessions shall be recorded by a recorder of the city council's choosing and

presented to the chair for approval. Members shall have seven days from adjournment of the executive session to request a review by the committee, and if such request is made, the chair shall schedule a meeting to facilitate such review in accordance with the open meeting law as soon as reasonably practicable. Once approved, the minutes shall be sealed and presented to the city clerk, who shall thereafter maintain them. All executive session minutes shall remain confidential until the city council votes in open session to release them. The city clerk and city solicitor shall, at least every six months, prepare a recommendation to the city council as to which minutes should be released pursuant to the open meeting law.”

The motion was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**211493: City Clerk submitting amendments to the Rules of the City Council to make them gender-neutral.**

Councilor Davis moved that the committee consider, and if agreeable, approve the draft and allow the clerk to make use of the singular pronouns they/their more frequently throughout the document, as deemed appropriate. Chair White stated that the clerk made the changes and his view is that the proposal should be approved as submitted. Councilor Davis countered that the clerk's work is accurate and accomplishes the goal, but he thinks it's important to use the singular pronouns they/their is some spots and he would like the clerk to use them more frequently to streamline the wording. Chair White, noting that Mr. Long will be leaving the City Clerk's position soon, said that he doesn't anticipate having another Rules Committee meeting before then, therefore, he would like to approve this as submitted or put it on hold until a new City Clerk is in place.

Mr. Long explained that he was reflecting past usage of they/their but agrees with Councilor Davis and will make the change if advised to do so, adding that it would be appropriate for the committee to make a motion that the City Clerk be allowed to make the Rules gender neutral.

Councilor Davis made a motion that the City Clerk propose amendments to the Rules of the City Council to make them gender neutral, including the use of the singular pronouns they and their.

The motion was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**211494: City Clerk submitting amendments to three Rules of the City Council, for various purposes described within.**

The committee reviewed the proposed changes, as follows:

**Rule 56**

Councilor Davis noted that the current rule states that the City Council may refer items to committees. The proposed change is to formally reflect the long-standing practice of having the presiding officer refer items to committees.

Councilor Davis moved to amend Rule 56 by adding at the end of the 1<sup>st</sup> sentence, the phrase “, unless a majority of members present shall vote otherwise.”

The amendment was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

Chair White moved to **approve Rule 56 as amended**. The motion was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

**Rule 60**

Councilor Davis asked why weddings would not be allowed any longer in the Council Chamber and Mr. Long explained that, “back in the day” the chamber was used by the City Clerk for weddings. The Council then decided to memorialize that practice, allowing weddings to be held in the chamber, but not allowing them to be scheduled in advance. He noted that there have been requests to use the chamber by outside justices, and occasionally the requested time may interfere with the city’s business, so he feels that it’s appropriate to close the chamber for that purpose.

Chair White moved to approve Rule 60, as proposed. The motion was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

**Rule 31.**

This proposal was submitted to allow greater discretion by the City Council for the content of the opening ceremonies of a meeting. Chair White moved to approve the proposed changes to Rule 31. 1). Councilor Rossetti stated that she was not comfortable with removing the salute to the flag. Councilor Davis stated that he reads the proposal as not taking away that part of the procedures but to allow the discretion of the Council at the time, adding that he agrees with the proposal.

Councilor Rossetti moved to **amend the proposal by inserting after the phrase “roll call”, the phrase “, a salute to the flag of the United States of America,”**. The amendment was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

Chair White moved to **approve Rule 31 as amended**. The motion was approved on a roll call vote of 3 in favor (Councilors Davis, Rossetti and White), 0 against and 0 absent.

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

Referenced Material:

- Draft Minutes Approval Rules Changes (with 211352)
- Draft Rules of the Council 12-12-19 gender-neutral (with 211493)
- Draft Miscellaneous Rules Changes (with 211494)