



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

November 17, 2011

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Thomas F. Taylor	Chair	Absent	
William A. White Jr.	Vice Chair	Present	
Bruce M. Desmond	Alderman At Large	Present	
John M Connolly	Alderman At Large	Present	
Rebekah Gewirtz	Ward Six Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Dennis M. Sullivan	Alderman At Large	Present	
Omar Boukili	Administrative Assistant	Present	
Frank Wright	City Solicitor	Present	
Matt Buckley	Asst. City Solicitor	Present	
Thomas Bent		Present	

- Public Hearing: Local Hiring Ordinance

Several individuals spoke on the item, noting the following:

- The ordinance would minimize social and economic injustice,
- The ordinance is goal oriented, not quota oriented, therefore it cannot be struck down,
- Somerville residents deserve first choice of jobs,
- Local jobs promote diversity,
- Somerville companies should be able to work in their “own back yard”.

Those speaking against the item noted the following:

- The ordinance would scare off developers and businesses,
- Problems associated with downstream regulation,
- Somerville residents and property values would be harmed,
- Conflicts with union protocols,
- The ordinance is not practical for all businesses.

The record will remain open until the close of business on November 25, 2011 to accept written testimony.

191563 - That the City adopt the attached Local Hiring Ordinance.:

Mr. Buckley discussed a recent court decision which struck down a similar ordinance in Fall River as being unconstitutional and he spoke about the federal preemption of the Employee Retirement Income Security Act (ERISA), citing benefits, medical care and apprenticeship programs as issues. It is Mr. Buckley's opinion that the proposed ordinance is also unconstitutional and is open to challenge, exposing the city to litigation and associated costs. He noted that Fall River had to pay \$150,000 in legal fees to the party that sued and was the victor in court.

Chairman White referenced a recent case in Cleveland and suggested that the Privileges and Immunities Clause should be looked into and questioned how not applying the proposed ordinance to New Hampshire residents would impact it. Members of the committee also questioned how the proposed ordinance would impact the city's Responsible Employer Ordinance.

Alderman Desmond requested that Mr. LeBlanc, of the Somerville Community Corporation, provide the committee with the documentation he referenced at this meeting.

RESULT:	KEPT IN COMMITTEE
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