



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

June 18, 2020

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	Present	
Jesse Clingan	Ward Four City Councilor	Present	

The meeting was held via GoToWebinar and was called to order by Chair Davis at 6:08pm and adjourned at 8:36pm.

Others present: Khushbu Webber - Mayor's Office; David Shapiro - Law; Shannon Phillips - Law; Hannah Pappenheim - Law; Oliver Sellers-Garcia - OSE; Vithal Deshpande - OSE; Tracey Pratt - Just Us Somerville

209663: That the City Solicitor draft an ordinance requiring pollution mitigation for new housing built along high transit roads and highways.

Chair Davis noted that the Committee has been informed that this action must be taken through the Board of Health, which is open to input. Ms. Webber shared that the administration has determined that it would be helpful to provide staff assistance for the Committee to make recommendations. Mr. Sellers-Garcia agreed and noted that the Office of Sustainability and Environment would benefit from more information on the Committee's interests, and introduced Mr. Deshpande to provide more expertise on the regulatory context. Councilor Clingan noted that the state continually refuses sound and pollution mitigation barriers, and asked if other communities had accomplished pollution mitigation by ordinance. Mr. Deshpande shared that there are limited regulations, but there are advisories from the EPA and DEP. A next step might be to require filtration systems and regulate design and green space requirements. The Chair asked whether the Board of Health could require existing buildings to provide upgrades, rather than only affecting new buildings. Councilor McLaughlin added that development benefits for pollution mitigation would be a useful requirement.

RESULT:

KEPT IN COMMITTEE

210003: That the City Solicitor draft an ordinance formally recognizing domestic partnerships.

Chair Davis noted that the previous discussion raised concerns about the requirement that the registrants of a domestic partnership must amend the registration if their address changes. He clarified that the

domestic partnership would be terminated if the participants no longer lived together, and suggested removing the language regarding change of address.

The Chair moved to amend the ordinance by striking paragraph B of the Registration and Termination section and re-numbering the subsequent paragraphs (and making corresponding changes referring to that paragraph).

The motion was approved on a roll call vote of 4 members in favor (Clingan, Ewen-Campen, Niedergang, Davis), none against and 1 absent (McLaughlin).

The Chair moved to approve the ordinance as amended.

The motion was approved on a roll call vote of 4 members in favor (Clingan, Ewen-Campen, Niedergang, Davis), none against and 1 absent (McLaughlin).

This item was before the committee for discussion, therefore, the Law Department will submit the ordinance under a new item number to the City Council for action.

RESULT:

WORK COMPLETED

210195: City Solicitor submitting an amendment to the Municipal Ordinances to provide for the appointment of the Clerk and Assistant Clerks of Committees by this Council.

Chair Davis commented that Section 2-24 is titled Appointment of department heads and members of boards, and asked if it was specific to the powers of the Mayor. If it is not, 2-24 (d) could state that the City Council could appoint a clerk of committees and assistant clerks of committees, annually.

Chair Davis moved to amend the ordinance as follows:

Remove sections 2-24 (c) (1) and 2-24 (c) (2);

Add a section 2-24 (d) reading:

The City Council shall, in the municipal year in which the term of the incumbent expires, appoint the following officers, to serve for the terms hereinafter specified

- (1) A clerk of committees, annually; and
- (2) One or more assistants to the clerk of committees, annually.

Change Section 2-141 to add "and any assistants to the clerk of committees" after "The clerk of committees" in the first sentence, and remove the mayor, from "at the pleasure of the mayor and city council".

Remove the sentence "Notwithstanding Section 2-24, the Mayor is not the appointing authority for clerk of committees and any assistant clerk of committees. Clerk of Committees and Assistant Clerk of Committees shall be appointed by the City Council, and each shall hold his or her office for one year and until another shall be appointed and qualified in his or her stead, and may be removed and his or her place for the unexpired term filled, at the pleasure of the City Council."

Add the phrase "or assistants to the clerk of committees, as applicable," after "He or she shall act as a clerk of committees" in the second to last sentence.

The motion was approved on a roll call vote of 4 in favor (Clingan, Ewen-Campen, Niedergang, Davis), none against and 1 absent (McLaughlin).

RESULT:	APPROVED AS AMENDED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, Clingan
ABSENT:	McLaughlin

210233: That this Council draft an ordinance to establish a Use of Force Policy applicable to municipal law enforcement agencies.

Chair Davis introduced that this item, along with 210235 and 210291, were introduced as a response to the outpouring of support for changes in policing. These are not the only steps taken, but rather are those that fall under the purview of this Committee. The City Council is limited in its powers, articulated in the charter, to affect the budget. The City Council has the power to decrease or cut specific line items, it cannot add or shift funds.

See also: 210235.

RESULT:	KEPT IN COMMITTEE
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210235: Calling upon this Council to create a Police Commission and a Community Police Review Agency.

Chair Davis noted that research is being conducted, including interviews with other cities who have Civilian Commissions or Committees, such as Oakland, to develop the best practices for creation of such entities. The Chair read the resolution, which is based on the Oakland model, and noted that the structure will be determined through a community process. He then introduced Ms. Pratt, from Just Us Somerville. Ms. Pratt is also a Somerville resident, and thanked the Committee for hearing the current demands to end racial injustice. Just Us Somerville is a group of residents of color, who began meeting after the death of George Floyd, to address decisions that were made without the input of affected communities of color. The group aims to build the collective voice of people of color in Somerville. The group is advocating for items 210233, 210235, and 210291.

Ms. Pratt noted that as police reform resolutions are crafted at every level of government, it must be asked whether they will change anything. The very foundation of government is built on racist views, and systemic racism has been acknowledged by Mayor Curtatone and others. Trying to reform the Police Department, an inherently racist structure, is putting a band-aid on a wound that requires stitches. Sound and just, unbiased law enforcement policies must be created. Systemic racism is a threat to public health, and legislation must also be created to reform the City's government. Anti-bias, anti-racist, and cultural competency training should also be offered, beginning with elected officials.

Chair Davis emphasized that the message from the Committee is that these voices are heard. The Committee is looking to follow the lead of those in the community. Councilor Ewen-Campen commented that the amount of public engagement and the specific calls to action are inspiring, and the force of public engagement is enabling action. Councilor Clingan asked how certification of police relates to this, and Ms. Pratt noted that many other professions require continuing education, and police should be no different. Chair Davis noted that certification would not substitute for a Civilian Review Commission, but could be a complementary goal. A number of state and federal proposals could inform the City's decisions, but will not be the limit to what the City pursues. Ms. Webber added that the administration supports the legislation at the state level, and the correlation to creation of an Oversight Committee would be complementary. The administration is welcoming to any policing reform.

Councilor Niedergang suggested that the plans for both the use of force policy and creation of a community review agency are well-developed and should be moved on quickly. Chair Davis noted that connecting with other groups and individuals in the community, as well as experts in the field, is important, but agreed that this is important work that should move forward. He also expressed that a forum that can be interactive may be more useful than a public hearing. Councilor McLaughlin added that a listening session would be helpful. Councilor Niedergang agreed that conversations are helpful, but any concerns and objections to the items from the Law and Police Departments should be addressed early in the process, to ensure that suggestions are feasible. Attorney Phillips added that she will be working on item 210291, and Attorney McKenzie will likely be working on 210233 and 210235 as well.

RESULT:

KEPT IN COMMITTEE

210291: That the City Solicitor draft an ordinance, prior to this Council's June 25 meeting, banning racial profiling.

Ms. Phillips asked for some clarity around the intent of this order, and provided examples of other racial profiling laws, as well as what the Somerville Police Department policies already state, which includes an annual review and some training elements. She noted that state and federal constitutional law do also make racial profiling a violation. Councilor Ewen-Campen requested information on what data can be collected on the race of individuals involved in police interactions. Councilor Niedergang elaborated that the department's incident form approved by the state does not include race data, but the process to change the form should be undertaken again. Ms. Webber noted that the civil citation booklets do not capture race information, and approval is required from the Supreme Judicial Court to make modifications.

RESULT:

KEPT IN COMMITTEE

Handouts:

- S2307 - Signed Parchment (with 210195)
- Clerks of Committes 6-16-2020 (with 210195)
- newyorkcity-ny-1 (with 210291)
- Biased Based Policing (with 210291)
- Jackson, MS Code of Ordinances (with 210291)
- Lawrence, MA Code of Ordinances (with 210291)
- ord-_38-_fair_and_impartial_policing_final_for_sb_signature (with 210291)