



CITY COUNCIL
CITY OF NORTHAMPTON
MASSACHUSETTS

COUNCILORS:

- Marissa Elkins, At-Large
- Jamila Gore, At-Large
- Stanley W. Moulton, III, Ward 1
- Karen Foster, Ward 2
- Jim Nash, Ward 3
- Garrick Perry, Ward 4
- Alex Jarrett, Ward 5
- Marianne L. LaBarge, Ward 6
- Rachel Maiore, Ward 7

Northampton City Council
Minutes of the Organizational Meeting
of January 3, 2022
1 p.m. held virtually via Zoom
The meeting was presided over by City Councilor Marianne LaBarge

1. Roll Call

At 1 p.m., Councilor LaBarge convened the meeting. On a roll call, the following councilors were present:

- Marissa Elkins, Councilor At-Large
- Jamila Gore, Councilor At-Large
- Stanley W. Moulton, III, Ward 1
- Karen Foster, Ward 2
- James Nash, Ward 3
- Garrick Perry, Ward 4
- Alex Jarrett, Ward 5
- Marianne L. LaBarge, Ward 6
- Rachel Maiore, Ward 7

2. Public Comment

Jackie Balance commented on how exciting it is to see the new council convening and organizing itself for the next two years. She is excited to see the returning councilors; they are the cream of the crop and the new councilors have so much promise. She feels like she is in the delivery room at a birth. Just last year in February, the last council declared a climate emergency and the previous council declared a climate emergency in August of 2019. She is hoping this council will be the group that finally addresses the 'emergency' part of climate emergency. Leaders of Climate Action Now, Sunrise, Extinction Rebellion and Marty Nathan's neighborhood group, 2 Degrees, all stand ready to support and collaborate with this council on every action they can take to reduce plastics and fossil fuels in their city.

3. Election of a City Council President for 2022 – 2023

Councilor LaBarge briefly described the procedure she would use in accepting nominations, then opened the floor to nominations for council president.

Councilor Elkins asked if it is prescribed that the council must take a roll call vote. If there is more than one name put forward, she would like the opportunity to vote by secret ballot, she said.

Solicitor Seewald advised that all votes taken in remote participation must be by roll call per state law.

Councilor Elkins asked if that was limited to measures, and Attorney Seewald said it applies to all votes.

Councilor Foster nominated Councilor Nash.

Councilor Maire said she would like to put her hat in the ring.

There being no further nominations, Councilor LaBarge announced that nominations are closed.

Councilor LaBarge invited Councilor Nash to make a statement.

Councilor Nash said he humbly accepts the nomination to serve as City Council president for the next term. In support of his nomination, he noted that he has served as City Council vice president as well as serving on every council committee and that he has a thorough understanding of each committee. He has chaired the Transportation and Parking Commission (TPC) and the Community Resources Committee. Prior to serving on the council, he served on the Zoning Revisions Committee, served five years on the Northampton Public Transit Committee, chaired the Passenger Rail Advisory Committee and served on the Disability Commission for over a decade. He served on the Ward 3 Neighborhood Association for over 10 years including stints as both president and vice president. He has been a member of the Northampton Democratic City Committee for a decade and the Ward 3 chair since 2015. He could keep going, but, suffice it to say, he has served on many boards and committees. He has spent over 30 years in human services delivering vocational programming for youths with disabilities. This work has led to strong links with Northampton's business community and included many hundreds of meetings, including ISP's (Individual Service Plans) IEP's (Individual Education Plans) and PCP's, sometimes as a facilitator and always as a member of a team. He enjoys being a member of a body that works hard to listen to participants and sometimes has difficult conversations. He particularly enjoys finding ways to move forward, whether in his career or on council, and believes this is one of his greatest strength and a hallmark of his work as a city councilor.

Reflecting on his City Council tenure recently on the Bill Newman show, former Councilor Bill Dwight commented that he never got things done alone; council is about working together. "My accomplishments were always a 'we,'" he stressed. Councilor Nash said he shares that philosophy. His approach as a member of City Council has been to collaborate and to work as a team and that approach would continue if elected council president.

Councilor Foster said she appreciated Councilor Elkins's starting question as she holds all her fellow councilors in high esteem and has a strong working relationship with all returning councilors. As to why she chose to put Councilor Nash's name forward, some things about her working relationship with him aren't necessarily shown through meetings, she shared. She proceeded to talk about how he helped her as a new councilor. One thing she has always appreciated when grappling with difficult decisions is Councilor Nash's openness to feedback and to listening to things from a new perspective. Referring to a financial order to build an animal control facility in her ward as an example, Councilor Nash immediately reached out to her after that meeting as a gesture of support and in an effort to be helpful. She called him one Saturday night at 9 p.m. for advice on that issue, and he immediately returned her call.

Similarly on the TPC, although it has been a difficult time to come on as a new councilor and build relationships, any time there was an opportunity, he turned around and brought her into the discussion. Over and over again Councilor Nash included her on an email or in a meeting or a phone call. It was a natural way he helped to open doors and helped her to be included as a brand new councilor. Those are the qualities that led her to nominate him as council president, and she appreciated this chance to speak to his leadership style.

Councilor Moulton said he wanted to speak to the qualities he's observed in Councilor Nash during this past term. He sees Councilor Nash as a very even-handed, level-headed councilor who is collaborative in his approach not only on Ward 3 issues but on issues across the city. He has seen examples where he's worked very closely with other councilors addressing issues in their wards and also city-wide issues. He also respects the depth of leadership experience Councilor Nash would bring to the role of president, having served as vice president for the last term, chaired Community Resources and formerly chaired TPC. He has held other positions of leadership in his ward and with the Cutcheon's program where he served as board president. He thinks his combination of collaborative leadership and breadth of experience would serve them well in this time with four new members and three members in their second term.

Councilor LaBarge invited Councilor Maire to speak to her nomination.

The good thing about today is that there are so many good choices, Councilor Maire commented. Having spent the last six months unpacking and dissecting what makes a good, effective and equitable meeting,

she wanted to put her hat in the ring. It has been a real education unpacking that with other councilors and she also appreciated the perspective of resident members. In her generation of councilors, they are seasoned but they have big shoes to fill with Council President/now Mayor Sciarra. She has chairing experience. Her background is political organizing and public health trainings. She is confident she can do the job. Especially going into another term of remote meetings, she is comfortable with that medium. As they move forward, she thinks a lot about making a culture that's inviting for their constituents. She thinks she could bring a new view of how to run these meetings. She thinks fairness also has to be for department staff and for councilors. She runs compassionate and concise meetings that are very respectful of people's time. Meetings need a dynamic balance; they need to be open and inviting to constituents but they also need to be more concise. The Rules Committee came up with some great recommendations, and she is excited to see them play out. They have a majority of women councilors now but what tends to happen is that the same demographic puts its hat in for leadership positions. These are the pivot points at which they can make different choices if they really want to see a different kind of governance that's more inclusive. "It is time for all of us to take chances, especially those who are traditionally underrepresented, and give people true choices," she suggested. "That's what I'm here for."

Councilor LaBarge appreciatively acknowledged the time Councilor Nash spent working closely with her as chair of the TPC to resolve serious problems with an intersection in her ward (Westhampton Road and West Farms Road). But, she has also worked very closely with Councilor Maiore and likes the action she is presenting. "I'm just really, really comfortable with Councilor Rachel Maiore and I think she would do an excellent job." She is bringing in a new look and "I'm ready for a new look," Councilor LaBarge shared.

Councilor Gore also spoke in favor of Councilor Maiore's nomination, reiterating what Councilor Maiore said about the representation on the council. Since they are a majority women, it would be good to have a woman as council president. She likes the work Councilor Maiore did on the Rules Committee and thinks she would run a concise meeting and do an excellent job as council president.

Councilor Jarrett said he would like to appreciate both Councilor Maiore and Councilor Nash for stepping up and thinks both would do a great job. Councilor Nash is always a great person to discuss any topic with and is very knowledgeable about how to move something forward. He appreciates the progressive energy and the courage Councilor Maiore has displayed chairing the Rules Committee, serving on the Energy and Sustainability Commission and bringing forth numerous resolutions and amendments with him. They have a lot of work ahead of them as a council and much to consider: ARPA funds, the Community Care Department, the resiliency hub, their climate commitment, public safety and transparency, among many others. He thinks Councilor Maiore will lead them well through this period and bring new energy, be innovative, compassionate and understanding.

Councilor LaBarge called the nominations to a vote, and councilors voted by roll call as follows:

Councilor Elkins – Councilor Nash
Councilor Foster – Councilor Nash
Councilor Gore – Councilor Maiore
Councilor Jarrett – Councilor Maiore
Councilor LaBarge – Councilor Maiore
Councilor Maiore – Councilor Maiore
Councilor Moulton – Councilor Nash
Councilor Nash – Councilor Nash
Councilor Perry – Councilor Nash.

Councilor LaBarge announced that Councilor Nash is president of the City Council.

Councilor Nash thanked everyone and assumed the position of chair, saying he really appreciates this opportunity and is deeply committed to them all working together. He acknowledged the split vote, assuring them that his goal is for all of them to be leading here.

4. Election of City Council Vice President for 2020 – 2021

Councilor Nash opened the floor to nominations for vice chair.

Councilor Moulton nominated Councilor Foster. Councilor Elkins seconded.

There being no further nominations, **Councilor Nash closed nominations.**

Councilor Foster commented that two years ago at the organizational meeting, she couldn't imagine that her name would be one put forth for vice president of the City Council. She expressed appreciation for the

support she has received from councilors and constituents. Honestly, she loves this work and really, really loves being on council. She takes great pride when she looks around the city and sees a change that she's put forward or something that she's had a hand in. She's taken to heart the point made earlier that they don't do anything on council as individuals.

She encouraged the new councilors to call, text or email her as they go along, saying she wants to be able to extend a hand. She and Councilor Nash have a strong working relationship and she looks forward to working with him in his leadership role. She confirmed they have work to do, saying she looks forward to taking it on collaboratively.

Councilor Elkins said she was happy to second Councilor Foster's nomination as she was her constituent first. She actually visited the decision to run for office and get involved before, and, if she had, Councilor Foster would have been her adversary. She is glad it didn't work out that way as Councilor Foster has been a worthy candidate. She thinks she would be a wonderful vice president.

Councilor Nash said he is thrilled that it seems imminent that Councilor Foster will be the vice president. He appreciates the way she's gone about her council business over the last two years. He has really valued her advice at points and, based on her nomination, she appreciated the same from him. He stated publicly that he views his presidency as working in partnership with the vice president and will work collaboratively with her as well as any other committee chairs. He thinks this is a great nomination.

Councilor Nash called the nomination to a vote, and councilors voted by roll call as follows:

Councilor Elkins – Councilor Foster
Councilor Foster – Councilor Foster
Councilor Gore – Councilor Foster
Councilor Jarrett – Councilor Foster
Councilor LaBarge – Councilor Foster
Councilor Maiore – Councilor Foster
Councilor Moulton – Councilor Foster
Councilor Nash – Councilor Foster
Councilor Perry – Councilor Foster.

Councilor Nash announced that Councilor Foster was elected vice president

5. Appointment of Enrollment Committee for 2022 - 2023

Councilor Nash asked if there were any volunteers for the enrollment committee. Councilor LaBarge and Councilor Elkins volunteered. Councilors Nash appointed the two of them to the enrollment committee.

6. 22.001 An Order to Adopt City Council Rules for 2022 – 2023

Councilor Foster moved to adopt the council rules. Councilor Jarrett seconded.

Councilor Foster, Councilor Moulton and Councilor Nash expressed appreciation for the hard work of the Rules Committee in reviewing the council rules and coming up with recommendations to streamline the council's processes. Councilor Moulton shared his confidence that the principal changes – removing the Finance Committee from the regular meeting and limiting public comment to 90 minutes – will both streamline the meeting and strike a balance between the need to hear from lots of people and the need to conduct council business in a timely manner. He mentioned still needing to figure out the procedure the presiding officer will use to integrate live, in-person public comment with comments from those speaking remotely, particularly when the number of participants exceeds the number that can be accommodated in 90 minutes.

The rules can be amended at any time during the council session should councilors have additional amendments to propose, Councilor Foster reminded.

The motion passed unanimously 9:0 by roll call vote.

7. Interim Procedure for Conducting City Council Meetings

Councilors discussed whether to remain remote until April 1, 2022 or to resume meeting in person. [The governor's order suspending certain provisions of the Open Meeting Law (OML) to allow meetings to be conducted remotely expires April 1st.]

Councilor Foster opened the discussion by recommending that the council stay remote until April 1st. In the discussion that followed, the councilors who spoke (Councilor Jarrett, Councilor LaBarge, Councilor Maiore, Councilor Nash and Councilor Perry) expressed support for this decision.

Restrictions in place at the inauguration this morning gave them a glimpse of where the council may be able to head with masks, vaccine proofs and testing, but she doesn't think they're there yet, Councilor Foster explained. Three of her guests for inauguration chose not to come at the last minute because they still didn't feel comfortable even with the precautions in place. Remote meetings have opened up opportunities for participation, she added. More than 80% of American adults own a smart phone so the access to public meetings by remote participation is already far more expanded than the percentage of adults who can get to City Council Chambers on Thursdays at 7 o'clock. Remote participation opens doors to people with caregiving responsibilities, transportation issues, vision loss that makes driving at night difficult and health issues, among other things.

Moving to hybrid is an option, she confirmed. They can do it but it's going to require more band width in terms of logistics and managing the technology. In the interests of equity and giving them more time to master the learning curve, why not take advantage of the state law going to April 1st? She suggested. "That would be my very, very strong preference," she said.

Given current case counts, he does suggest they stay remote for the time being, Councilor Jarrett agreed. He questioned whether people might also have difficulty understanding them if councilors are still required to be masked in chambers.

Several councilors recommended being proactive between now and April by working to come up with a viable hybrid model and trying to secure tests, which are not yet readily available. It would be an equity issue if only folks who could afford tests had access to meetings, Councilor Maiore pointed out.

Councilor Maiore moved to remain remote until April 1st. Councilor Moulton seconded. Councilor Maiore added the friendly amendment that the decision applies to subcommittees. **The motion passed unanimously 9:0 by roll call vote.**

8. Open Meeting Law, Conflict of Interest and Public Records Law - Attorney Seewald

Attorney Seewald introduced himself as the acting city solicitor and gave a presentation on the Open Meeting Law (OML), Conflict of Interest and Public Records Law. He said he would be available to each of them personally to consult on conflict of interest questions, which personally put them at the most risk.

The OML, Conflict of Interest and Public Records Law generally fall under the heading of open government, he presented. Rules are different in the public sector. The Open Meeting Law is as fundamental a requirement of open government as there is. Some of its requirements will be handled for them as a body such as the posting of agendas, record keeping, etc. Each of them should have received OML materials to be completed and filed with the council office.

The solicitor discussed traps for the unwary. Most OML violations are completely inadvertent, he observed. Rarely are board members conspiring to violate the OML. With regard to serial communications - anyone of them cannot speak with more than three members on a matter that comes before the body, he stressed. There can also not be serial communications among a quorum of the body. Please be thoughtful about serially communicating with individual members, he urged. When you get an email from the body, a 'Reply All' is always a violation of the OML. An expression of opinion to the body is always a violation.

He has encouraged the council president and administrative assistant to remind them not to 'Reply All.' He also urged councilors not to have more than four councilors sponsor legislation, since this is generally an indication of communication outside of a public meeting.

With regard to the earlier question of whether elections could be by secret ballot, he took the opportunity to clarify that, "Secret ballots are always illegal in Massachusetts."

"You need to be on the record," he stressed. "It's always an open vote."

PUBLIC RECORDS

Any document made or received by them in their role as a city councilor is presumptively a public record. This includes text messages, emails or any written communication or document that they make or receive as a city councilor.

He recommended creating a separate email address for correspondence as a councilor since email communications are subject to disclosure in response to a public records request.

CONFLICT OF INTEREST

This is perhaps the most important of the three because avoiding a violation is up to the individual. The bottom-line theory is that, as public officials, they can only serve one interest and that is the residents of the city. Anytime their personal interests, their family's interests or their business interests bleed into their decision-making as a councilor, they need to step back and seek guidance before proceeding. If their participation in a matter is prohibited, this is not limited to voting, he stressed. "You cannot participate in that matter in any way." Councilors with a conflict need to step away completely and not participate at all.

Another basic rule is, "No quid pro quo," otherwise known as a bribe. "You cannot take anything from any other party for doing your job."

Even if there is no quid pro quo, in other words, even if it's not to entice you to do something, you cannot accept a gift of anything of substantial value.

Attorney Seewald concluded by offering to take general questions.

Councilor Maiore asked about google docs.

Attorney Seewald advised councilors not to circulate google docs. "You cannot modify documents as a board." As a council, they should not be circulating and modifying google docs. He confirmed it is okay to circulate a piece of legislation among two or three councilors working on it together.

Councilor Jarrett asked what constitutes a committee of a multi-member body.

A committee is a subset of the parent body that is assigned a task by the parent body to perform and report back, Attorney Seewald advised. It would not include a member of the council who decided to draft legislation and contacted another councilor to help draft it. But if two members are assigned by the council to create legislation, that would be a subcommittee, and its meetings must be held in open session.

Councilor Nash thanked the city solicitor, noting of the council in general that, "We've created a culture where we work hard not to violate any of these rules." Being attentive and contacting Attorney Seewald when necessary is recommended, he volunteered.

9. **22.002 An Order to Set Date and Time of 2020-2021 City Council Meetings - 1st Reading**

Councilor Nash reviewed the proposed dates. He believes they have avoided virtually all conflicts with Jewish holidays. They do have a conflict with school vacation.

Councilor Maiore moved to approve the order as amended. Councilor LaBarge seconded.

Councilor Jarrett presented a proposed amendment to move the two April meetings in both 2022 and 2023 back a week, which would result in a third meeting in the fifth week of March in both years and a three-week break between the April and May meetings. He screen-shared the proposed change.

Councilor Jarrett moved to amend the dates. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.

The motion to approve passed unanimously 9:0 by roll call vote.

10. **Administrative Items**

Councilor Nash thanked the administrative assistant for sending out the committee preference forms and encouraged councilors to fill them out and submit them as soon as possible if they haven't already. He said he would keep everybody apprised of his appointments.

11. **Adjourn**

There being no other business, Councilor LaBarge moved to adjourn. Councilor Moulton seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 2:48 p.m.