



CITY COUNCIL
CITY OF NORTHAMPTON
MASSACHUSETTS

COUNCILORS:

- President Gina-Louise Sciarra, At-Large
- Vice President James Nash, Ward 3
- William H. Dwight, At-Large
- Michael J. Quinlan, Jr., Ward 1
- Karen Foster, Ward 2
- John Thorpe, 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 7, 2020
4 p.m. held in City Council Chambers
212 Main Street, Northampton

The meeting was presided over by City Councilor Marianne LaBarge

1. Roll Call

At 4:08 p.m., Councilor LaBarge convened the meeting. On a roll call, the following councilors were present:

William H Dwight, At-Large
Karen Foster, Ward 2
Alex Jarrett, Ward 5
Marianne L. LaBarge, Ward 6
Rachel Maiore, Ward 7
James Nash, Ward 3
Michael J. Quinlan, Jr., Ward 1
Gina-Louise Sciarra, Former Vice President/At-Large
John Thorpe, Ward 4

2. Election of a City Council President for 2020 – 2021

Councilor LaBarge explained the procedure she would use in conducting the election and opened the floor to nominations.

Councilor Dwight nominated Councilor Sciarra. Councilor Nash seconded.

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

Councilor LaBarge invited Councilor Sciarra to make a statement.

Councilor Sciarra began by saying she was in awe of Councilor LaBarge's 21 years of service and that it was a privilege to sit there with them all. It's not an easy path; it's really a process unlike any other process. Those who do it with a clear sense of purpose and a desire to serve and be expansive with their access really do it with honor and she sees that in abundance in all of them, both new and returning councilors. She's talked with all of them about her desire to help and how important this is for the council. When it became clear there was going to be significant turnover on the council, she found herself reflecting on the experience the five of them are in now. Her goal if elected as council president is to lead in a way of service but, in addition to service to the people of the city, in service to all of them. She is very sure returning colleagues will join her in all of that. Together she wants to build that sense of purpose while addressing the issues and concerns unique to each member and common to them all.

She can promise that this won't be a seamless process; it probably won't be always elegantly done, but they'll all do this together. They will have thoughtful discussions and debates. . . they will run the gamut together but she knows they will do it in good faith and with respect and with the shared goal of serving the people of Florence and Northampton and Leeds. She thanked members for considering her for council president.

Councilor Foster said she wanted to convey her support. She has sort of viewed Councilor Sciarra as the president since the election. The attitude of working as a body and deliberating together along with helping them all along to her is very meaningful as a city councilor and as a quality is critical in a council president.

Councilor LaBarge said she has worked with Councilor Sciarra for six years. She's been on committees with Councilor Sciarra and she is extremely helpful. If she ever has to talk to her it is with due respect. Whenever there's a meeting, she's there. "I am supporting Councilor Sciarra because I feel that she will be fair with every councilor. She is a listener and there's no doubt about it."

She can call her and she gets back to her. She has a lot of respect for Councilor Sciarra and thinks what she said today is very valuable. She wanted to congratulate her – [the honor] is well deserved.

The one virtue of Councilor Sciarra that's going to stand out and that's going to be evident over the next two years is how this body functions and how it collaborates, Councilor Dwight suggested. The biggest challenge is the comity, the collegiality, is wanting. Some people enjoy watching a council that is at each other's throats and at each other's backs but the time that they do the best work for their constituents is actually boring to watch. He is looking to Councilor Sciarra to demystify what they do. He noted that some people who speak before them are trembling; they're terrified because councilors represent that power. Councilor Sciarra has always worked to demystify that. That is the strength that she brings to this body. In fact, he thought she should have been council president for quite a while now. He is grateful for the opportunity to nominate her and vote for her. He is taking a leap to predict she is going to win.

Councilor Nash said he would like to point to a number of Councilor Sciarra's attributes. She has many years of experience chairing different meetings and chairing City Council many times over the last year in Councilor O'Donnell's absence and doing an amazing job. He is very confident that Councilor Sciarra

can keep them focused and on task. She's the author of numerous pieces of legislation, some having to do with women's rights and rights for their schools. She's an excellent collaborator; she doesn't hog the limelight on anything that she's worked on. What Councilor Dwight mentioned about her being accommodating and hospitable, he's seen Councilor Sciarra demonstrate the ability to put people at ease. Lastly, she has this alignment of heart and intellect and temperament which he thinks is really important to have in this leadership position. Those are the reasons he will be voting for Councilor Sciarra today and it's an honor, he concluded.

Councilor Jarrett said he'd also like to speak in support of Councilor Sciarra for president. He appreciates that she took the time to contact all of them and that she has a plan for their education. He thinks they will be addressing a lot of issues; a lot of them have big ideas and he trusts she will be able to guide them on such a path.

There being no further comments, Councilor LaBarge called for a roll call and the nomination passed unanimously 9:0 by roll call vote.

Councilor LaBarge announced that Councilor Sciarra was, by acclamation, the new council president, and Councilor Sciarra assumed the position of chair

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

Councilor Sciarra opened the floor to nominations for council vice president.

Councilor Dwight nominated Councilor Nash. Councilor Thorpe seconded.

Councilor LaBarge nominated Councilor Dwight.

Councilor Dwight respectfully declined.

There being no further nominations, Councilor Sciarra invited Councilor Nash to make a statement.

He does hope that Councilor Sciarra is healthy and can make it to as many meetings as possible but he will make a point of being ready to serve if she's not able, Councilor Nash accepted.

It is worth noting that many of the virtues just assigned to Councilor Sciarra are also in Councilor Nash, Councilor Dwight affirmed. He is very magnanimous and very thoughtful and collaborates very well. Their synergistic combination as officers is going to serve them very well. Given that they are in a sea change here, there is going to be a demonstrable change. He thinks these two are the best prepared to facilitate that change. "You're looking at two of the most hard-working councilors. Nothing makes me feel better about the coming term than having these two helmsman," he enthused.

Councilor Sciarra said they had worked together on many things and she feels like they work really well together and it's always a pleasure to work with him. She doesn't know anyone who works harder than he does. He is so thoughtful and deliberative about everything and his constituents are so well served. It would truly be an honor to serve with him.

She is pretty thrilled by this, Councilor Maiore attested. As a new councilor, she thinks this is a pretty good team to get them going. Both Councilor Nash and Councilor Sciarra have been easy to approach.

There being no further comments, Councilor Sciarra called for a roll call, and the nomination was approved unanimously 9:0 by roll call vote. She announced that Councilor Nash was vice president.

Councilor Nash said it was very humbling and thanked everyone for the vote of confidence and kind words.

4. Appointment of Enrollment Committee for 2020 - 2021

Councilor Sciarra read Section 5.7 of the council rules regarding the enrollment committee. She asked Councilor Maiore and Councilor Jarrett if they would be willing to serve on the enrollment committee, and they agreed.

5. 20.001 An Order to Adopt City Council Rules for 2020 – 2021

Councilor Dwight moved to approve the order to adopt the rules for this term. Councilor LaBarge seconded.

Councilor Jarrett noted that the Table of Contents (2.6.1.5.) makes reference to a Committee on Public Works and Utilities which no longer exists. Councilor Sciarra acknowledged some housekeeping changes are necessary and said this can be accomplished by means of an order at a later date. As a point of information, Councilor Dwight noted that the current rules were adopted mid-term after councilors reviewed the old rules and found them wanting. Modifications and changes can be forthcoming as councilors have time to scrutinize them and change them, he confirmed. The most recent iteration was crafted almost exclusively by former Council President Ryan O'Donnell. By accepting these, members are not locking themselves into something irredeemable, he assured.

Councilor Sciarra called the motion to a vote, and it passed unanimously 9:0 by roll call.

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

Attorney Seewald congratulated Councilor Sciarra and new and returning councilors on their elections. He looks forward to meeting and getting to know the new councilors and encouraged them to contact him if they ever have a question.

"I'm here to help guide you but I'm also here to keep you out of trouble," he confided.

With regard to the Open Meeting Law (OML), generally, the most basic open-body requirement is that meetings be open to the public, he advised. The OML also requires that the public have advance notice of what they're going to talk about and that, after the meeting, the public has access to what they talked about.

A matter must be posted 48 hours before the meeting, he reminded.

He expressed his understanding that they should have received OML materials. They must file a certification that they have received it within two weeks of taking office.

Attorney Seewald reviewed the following traps for the unwary:

- A quorum may not deliberate outside of a public meeting. A quorum of the City Council is five.
- If planning to introduce something to this body, introduce it with four sponsors or less, he suggested. If it is introduced with five it is going to be evident that they have been talking outside of a public meeting.

- A quorum can happen without all members being physically present. The rule applies to oral communications, texts, whatever. Any communication by five councilors outside of an open meeting will most likely be a violation of the OML.

Members will be getting emails and agendas, etc. from the council clerk. He urged them to send communications only to the Administrative Assistant and not to 'Reply All.'

Members asked questions and offered comments.

Councilor Dwight pointed out that quorums get smaller when they're talking about committees. [A quorum of a four-member subcommittee is three.]

Councilor Nash attended an OML workshop and the lawyer presenting recommended never stating how you're going to vote, he shared.

Attorney Seewald said he disagreed. He thinks councilors have the right to speak to their constituents any way they like. If they sponsor a measure, it's obvious how they're going to vote on it. What they can't do is talk about it to other councilors in either serial or direct fashion.

PUBLIC RECORDS LAW

Any document made or received by a city councilor in his or her capacity as a councilor is presumed to be a public record, including electronic documents, emails, texts, etc., he confirmed. Be aware that if they are using a private email for government business, that email account is subject to being searched by the city if it has a public records request.

Think carefully before creating a document that they don't want to see above the fold in the Daily Hampshire Gazette. One of the primary requestors of public records are the newspapers.

Councilor Jarrett asked about personal notes.

Notes made for oneself are not public records, Attorney Seewald advised. Personal notes are protected from being disclosed as long as the maker protects them by not disclosing them.

CONFLICT OF INTEREST

The intent of the Conflict of Interest (COI) law is that councilors when acting as councilors serve one master; that nothing else is creeping into their thought process or deliberation that is personal to them or to their immediate family members. "Anytime you think that your personal interests are somehow bleeding into your decision-making process – stop," he advised. "Get guidance before you act. If you ever have a question, get guidance."

He is required to file his COI opinions with the City Clerk because they're not private. Questions filed with the Ethics Commission are protected.

Councilor Sciarra asked if councilors had to get written opinions. Attorney Seewald said no, but in order to be protected they need a written opinion.

Specific prohibitions – if a member has a conflict, it prohibits him or her from participating in that matter, not just from voting but from participating in any way. The Ethics Commission would tell you to leave the room. He would tell them to leave the dais.

Historically, he used to say you cannot take a bribe but he's going to say 'no quid pro quo.'

"You can't take a nickel for doing what you're supposed to do as a city councilor," he stressed. Beyond bribery, there are limits to the gifts they can accept. \$50 is the limit. "You can't take things of value as a councilor as a gift."

Self-dealing – Don't participate in any matter in which you or your immediate family member has a financial interest. (Immediate family is defined as parents, children, siblings, spouse, spouse's parents, children and siblings.)

Don't participate in any matter that has a foreseeable financial impact on your employer or on any organization to which you're affiliated.

You can't receive compensation for participating in your private life in any matter in which the city has a direct financial interest, he added. City employees can't act as an agent before a board of the city. If an employee is a lawyer, he can't represent somebody before the Zoning Board of Appeals or Planning Board. There are limits on holding contracts, he added.

One thing that's come up regularly is that there have been councilors who have done fundraising for nonprofits. Be very careful about that because, as a councilor, you have an ability to act in a coercive manner even if you don't think you're being coercive, he cautioned. What's not permitted is for you to go on the radio and make a pitch or send out a mailing. Councilors can't target constituents; any fundraising solicitation has to be general. Never make a request as Councilor Smith.

Councilor Maiore asked about posting on social media. She asked if she could highlight small businesses on her page, and Attorney Seewald said yes.

Councilor Foster noted that she is the Executive Director of a nonprofit and one of her most important responsibilities is fundraising.

This is an opportunity to remind them that if they have a question, they should get guidance, Attorney Seewald reiterated.

He has been talking about actual conflicts of interest; there is actually something called an appearance of conflict of interest, he continued. If your best friend of 40 years comes before this council, it could appear to a reasonable person that this person might get a better shake than somebody you didn't know. Given that there is not an actual financial conflict, the remedy for that is sunshine, i.e.: disclosure. Simply disclosing that John Smith has been my neighbor for 40 years cures the problem. It's the undisclosed relationship that's the problem. If you think you can't be impartial, step away. You have an obligation to be impartial.

7. 20.002 An Order to Set Date and Time of 2020-2021 City Council Meetings - 1st Reading

Councilors agreed to waive the reading of the order by consent. The City Council meets the 1st and 3rd Thursdays of the month with the exception that, in the summer, the council just meets once a month, Councilor Sciarra explained.

Councilor Dwight moved to accept the order setting the council's schedule. Councilor LaBarge seconded.

Councilor Maiore asked if they could discuss an adjustment to the meeting time. She wanted to take a fresh look at the time, she explained. She has heard from some folks who come for public comment that they would prefer the meetings to start earlier. She wanted to hear what others thought about the pros and cons of an earlier time.

The practice of the council has been to try to recognize if people in the audience are present for specific items and to move those items up on the agenda, Councilor Dwight pointed out. The reason 7 o'clock was arrived at had mostly to do with people's ability to get out of work, take care of their children and get something to eat. When they start earlier they start bleeding into peoples' work schedules. He has no objections to considering another time but those are the reasons behind it.

Councilors discussed, with Councilor Dwight pointing out that the start time is part of a broader discussion of access that includes considering holding meetings in other locations such as Florence, providing child care, parking and the size and configuration of the meeting space itself. Councilor Nash noted there would need to be considerable messaging around a change in time, since the 7 p.m. start is fairly well-embedded in peoples' minds.

"There are no elegant solutions, unfortunately," Councilor Dwight observed. There will always be constraints for any number of people wanting to attend. "We do need to address access, period," he agreed.

Councilors Nash and Sciarra mentioned options for pursuing the topic as being to either refer it to committee or have Councilor Sciarra as council president issue a committee study request. Once the committees are settled, she would be happy to work with a committee, Councilor Sciarra confirmed.

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

8. Administrative Items

Councilor Sciarra collected committee preference forms from councilors and said she would be making committee assignments and assignments to multi-member bodies as soon as possible.

Councilor Sciarra announced the times of Legislative Matters and Finance Committee organizational meetings as January 13, 2020 @ 5 p.m. and January 14, 2020 @ 5 p.m., respectively.

Community Resources will meet for the first time January 20, 2020 at 5 p.m., Transportation and Parking Commission January 21, 2020 at 4 p.m. and the Disability Commission Tuesday, January 21st at 5 p.m. [Editor's note: the Community Resources Committee meeting was later moved to February 3, 2020 at 5 p.m. after it was realized that January 20th was Martin Luther King Day.]

January 30, 2020 is a joint meeting with the School Committee. She has asked the Mayor for him or Finance Director Susan Wright to take some extra time to walk through some terminology at that meeting.

City services will hold its first meeting February 3, 2020 at 4 p.m.

9. Adjourn

There being no other business, Councilor Dwight moved to adjourn. Councilor LaBarge seconded. The meeting was adjourned at 5:38 p.m.

EXHIBIT A

List of Documents Reviewed at January 7, 2020 Northampton City Council Organizational Meeting:

1. January 7, 2020 Agenda
2. 20.001 An Order to Adopt City Council Rules for 2020 – 2021
3. 20.002 An Order to Set Date and Time of 2020-2021 City Council Meetings - 1st Reading

2020 - 2021 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL											
Record of City Council Votes for January 7, 2020		Dwight	Foster	Jarrett	LaBarge	Maiore	Nash	Quinlan	Sciarra	Thorpe	Total
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @ 4:08 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present
Election of a City Council President for 2020 - 2021		Nominated Gina-Louise Sciarra	Sciarra	Sciarra	Sciarra	Sciarra	Second Sciarra	Sciarra	Sciarra	Sciarra	9 in favor of Sciarra
Election of City Council Vice-President for 2020 - 2021		Nominated Jim Nash	Nash	Nash	Nash	Nash	Nash	Nash	Nash	Second Nash	9 in favor of Nash
Appointment of Enrollment Committee for 2020 - 2021		No vote taken. Councilor Sciarra asked Councilor Jarrett and Councilor Maiore if they would be willing to serve on the enrollment committee, and they agreed.									
20.001 An Order to Adopt City Council Rules for 2020 - 2021	Single reading	Motion to Adopt Council	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	9 Yes, 0 No; Roll Call
20.002 An Order to Set Date and Time of 2020-2021 City Council Meetings - 1st Reading	1st reading	Motion to Adopt Schedule	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	9 Yes, 0 No; Roll Call

At 5:38 p.m., Councilor Dwight moved to adjourn the meeting; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.