



## MEMBERS

Javier Luengo-Garrido, Citizen  
Councilor Jamila Gore  
Susan MacDonald-Bolanos, Citizen  
Gwen Nabad, Citizen  
Councilor Garrick Perry  
Cynthia Suopis, Citizen  
Janna White, Citizen

### **City Council Select Committee to Study Barriers to Serving on City Boards and Commissions Organizational Meeting – June 9, 2022**

**5 p.m.**

#### **Meeting Minutes**

This meeting was held by remote participation via Zoom. Instructions for how to join the meeting were included on the meeting agenda. The meeting was recorded for future review by the public.

- 1. Opening Remarks by Councilor Nash:** At 5:00 Councilor Nash opened the meeting and noted that this was the organizational meeting of the Select Committee to Study Barriers to Serving on City Boards and Commissions. The meeting was held virtually on Zoom and was being video and audio recorded. The meeting is subject to open meeting law.
- 2. ROLL CALL:** City Clerk Pamela Powers called the roll. The following individuals were present: Javier Luengo-Garrido, Councilor Jamila Gore, Susan MacDonald-Bolanos, Gwen Nabad, Councilor Garrick Perry, Cynthia Suopis, and Janna White. In keeping with the City Council rules, the first person listed as a committee member, Javier Luengo-Garrido, acted as chair of the meeting until the election of the chair and vice-chair was held.
- 3. PUBLIC COMMENT:** None
- 4. ELECTION OF CHAIR/VICE CHAIR:** Councilor Nash explained the duties of the chair of the committee. The chair would be responsible for setting the meeting agenda and running the meeting. The chair and the vice chair will be responsible for publishing the final report back to city council and to present the findings of the committee. A city staff person will publish agendas to the city's calendar consistent with open meeting laws. There will be a staff person attending each meeting who will take the roll and record votes of the committee. Staff will also publish meeting minutes after the meeting.

Upon opening of the nominations for committee chair, Cynthia Suopis nominated Javier Luengo-Garrido for chair. Janna White seconded the motion. On a roll call vote to close nominations, the motion was approved 7 Yes (Gore, MacDonald-Bolanos, Nabad, Perry, Suopis, White, Luengo-Garrido), 0 No. Javier Luengo-Garrido was elected chair on a roll call vote of 7 Yes, (MacDonald-Bolanos, Nabad, Perry, Suopis, White, Luengo-Garrido, Gore), 0 No.

Chair Luengo-Garrido announced that the committee would open nominations for a vice-chair. Gwen Nabad moved to elect Councilor Gore as vice-chair. Javier Luengo-Garrido seconded the motion. The committee unanimously approved closing nominations on a roll call vote of 7 Yes (Nabad, Perry, Suopis, White, Luengo-Garrido, Gore, MacDonald-Bolanos), 0 No. Councilor Gore was elected as vice chair on a roll call vote of 7 Yes (Perry, Suopis, White, Luengo-Garrido, Gore, MacDonald-Bolanos, Nabad), 0 No.

## **5. OVERVIEW OF OPEN MEETING LAW, PUBLIC RECORDS AND CONFLICT OF INTEREST – ALAN SEEWALD, ESQ.**

Attorney Seewald guided the discussion about open meeting law, public records, and conflict of interest.

### Open Meeting Law

Open meeting law is a fundamental requirement that the committee is going to have to abide by. There are general requirements for posting meeting notices, items that need to appear on notices, etc., and this part of the law will be taken care of by staff. Members will be receiving open meeting law materials and are encouraged to review them in more detail. Committee members may not deliberate except in an open meeting that is duly posted. Deliberations include a gathering of a quorum of the committee, whether in person or virtually. There are ways that deliberations can violate open meeting law even without members gathering:

First, serial communications among a quorum (majority of the committee members) happen when member A speaks to member B who speaks to member C, who speaks to member D, etc. This should never happen, whether in person or via e-mail. Members are free to speak to each other outside of a meeting, but they should be careful not to speak with more than a quorum.

Second, e-mails sent to the entire committee should never be answered by “reply all”. Expressing opinions to items circulated, even if no one responds to the opinion, is an open meeting law violation. Committee members are encouraged to have the staff person circulate items that will be considered by the committee at a future meeting.

Third, every vote must be public, and there will never be a secret ballot. A vote taken by secret ballot, whether done in-person, virtually, or outside of the meeting will violate open meeting law.

### Public Records

All documents reviewed by the committee are public records. Documents must be preserved for a minimum period of time. Records include texts, e-mails (preserve for seven years), voicemails, and documents. If someone requests to see e-mails that are part of a personal e-mail account, these must be produced if this is part of the scope of the public record request. Once records are distributed to the requester, they can be published on any platform by the person receiving them. The committee is encouraged, therefore, to think about this prior to publishing anything to other committee members. Attorney Seewald suggests creating a separate e-mail account just for this committee. Attorney Seewald advised committee members to preserve all documents made or received so that the records can be easily retrieved.

### Conflict of Interest

Attorney Seewald notes that this committee likely won't be discussing matters of financial interest. However, members need to be aware that they cannot participate in certain matters if certain conditions are met. A member may not participate in a particular matter if:

- a member
- a member's immediate family member
- a member's employer, or
- anyone a member might be negotiating with for employment

has a financial interest in any matter that comes before the committee. The member must leave the meeting while the matter is being discussed/deliberated. Attorney Seewald suggests getting guidance from him or from the State Ethics Commission if a member has a question about this. It is best to ask prior to the item being discussed rather than after the item comes before the committee. Once an item is referred to enforcement by the State Ethics Commission, the consequences can be substantial. This is a serious matter that should not be taken lightly.

Attorney Seewald notes that committee members cannot take bribes, nor can members accept anything, no matter how insignificant, to encourage them to perform a job in a particular way. Even if it is not quid pro quo, members may not accept anything from the public because of their role on the committee. If a member of the public wants to thank a member for participating on this committee, members cannot accept anything worth \$50 or more. There are also limitations on holding contracts with the city. If any member is currently holding a contract with the city, the member should contact Attorney Seewald for guidance. There are also limits on the ability to act as an agent or attorney for a third party in any matter in which the city has a substantial interest. As a public official, a committee member may not ask for money on behalf of any organization. Members are still able to contribute to agencies they want to support, but they cannot ask the general public

for money on behalf of any organization.

## **6. DISCUSS MEETING SCHEDULE**

The committee discussed the timeline to complete its objective. The resolution reflected a completion date of October 20<sup>th</sup>; however, Councilor Nash suggested that the chair reach out to him or Councilor Foster if an extension is needed. He recognizes that the committee is getting a late start and the original timeline was determined based on when the resolution passed in City Council.

For planning purposes, Councilor Perry indicated that bi-weekly meetings would be better for him. Gwen Nabad wouldn't recommend any less than bi-weekly, but would like to ask the committee to remain flexible if the work of the committee requires more time to analyze data or to meet deadlines. Cynthia Suopis noted that Thursday might be difficult; it is the Council's meeting day, as well as the meeting day for the Board of Health. Janna White commented that the Planning Board also meets on Thursdays; she would like to see the committee establish a regular meeting day, but not on Thursdays.

The committee discussed several meeting day options for the next meeting; however, they could not reach consensus. The chair and vice-chair will send a doodle poll to determine the next meeting.

A question was raised about whether the committee will continue to meet via zoom or in person. Councilor Foster indicated that state law allows for zoom meetings until July 15. After that, it will depend on what the state legislators determine is appropriate for public meetings. Javier Luengo-Garrido is an advocate to make all meetings, whether teleconference, or in person, accessible to everybody. Councilor Foster noted that there is a set-up in Council Chambers for hybrid meetings. Councilor Nash stated that Northampton Open Media is setting it up so that meetings can be held in person for members, but the public can participate remotely. Cynthia Suopis reminded the committee that the pandemic is still a concern. People will need to make choices about how they participate in meetings and there is a lot of stigma for people who make individual choices. She notes that Zoom works well to keep people safe.

## **7. REVIEW CHARGE/RESOLUTION TO FORM SELECT COMMITTEE:**

Councilor Gore read the resolution into the record. Javier Luengo-Garrido notes that the charge of the committee is explicit. When he served on the police review commission, the committee started with a diverse contingent, including several women of color. Over time the commission lost 80% of them. He notes that one of the discussion points of this committee needs to be about childcare. Cynthia Suopis notes that the process itself needs to be examined as a barrier. The process is unfriendly and the way applicants are treated is poor. They are not acknowledged or responded to and go into a black hole. She notes that the charge of the committee is to look at

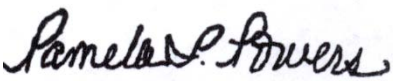
barriers for certain populations, but there are also procedural structures in place that stop others from applying or that give people a bad taste when they do apply. Janna White feels it is important to look at the whole lifecycle of participation, including how the city is promoting openings, and what information is out there about the roles of the different boards and commissions. Once people join a committee, she wonders what is being done to support members and to try to retain them. She notes that each step of the process likely has ample room for improvement. Councilor Gore notes that not a lot of people are aware of what opportunities there are to be a board member and she supports looking at the entire process. Gwen Nabad reflected about her experience in the town where she grew up. No one knew when things were happening and it was always the same people getting re-elected time after time. Since the pandemic, people can join meetings remotely; they don't have to pay for parking, worry about getting their car towed, and didn't have to worry about childcare. Remote participation has made it so incredibly accessible for people. She notes that when someone submits an application, they become vulnerable by putting so much information about themselves out there. Javier Luengo-Garrido asks the rhetorical question about how many clicks away a person is to get information from the city's website. When talking about commissions, this is usually buried into the website. Being able to serve on a commission or council is a privilege of time and this committee is being called upon to analyze what the city can do to address the inequalities where mostly white people are serving on city committees. This speaks to the ability to have time to spare to serve. It takes time to gather information about the committee and then to gather information to submit an application. Is the time commitment sustainable for a mother or father to serve on city committees? Gwen Nabad agrees that it is a privilege to have enough time to serve and she likes the idea that the language includes mentorship, because it is a privilege to know how to do that. When serving as a student senate member, she learned about Robert's Rules parliamentary procedures and other things like this. Councilor Foster envisions that the committee has the freedom to take the spirit of the resolution in the direction that they feel it needs to be taken. She would like to offer assistance if the committee needs it. Councilor Nash agrees that the committee is going in the right direction.

Janna White would like to have as an agenda item for a future meeting to learn more about the process of becoming a city committee member. Councilor Foster notes that Court Cline in the Mayor's Office would be able to help with that question. Javier Luengo-Garrido said that in correlation with this, there will be a better understanding about the kind of data the committee can collect for better understanding. Cynthia Suopis cautions that even if data is given, the committee might find that the system doesn't work when you consider anecdotal evidence or other experiences. The committee has got to be diligent in its approach and ask questions for better understanding. What is said is being done might not actually be what is being done. The committee has the right and the charge to push back and have an honest conversation about what is occurring. She agrees that the website is difficult to navigate.

Clerk Powers suggested that any request to have department representatives

participate in the committee's discussion might need to go directly through the Mayor, as it had in the previous administration. Javier Luengo-Garrido said that this was how it was done for the police commission review board. He asked for clarification about whether this was a joint city council/mayor committee as the resolution had stated. Councilor Nash stated that the wrong version of the resolution was posted to the agenda. The mayor is supportive of the process, but since a select committee is appointed by Council, the mayor thought best to have the committee established under only the council.

8. ADJOURN: At 6:23pm Councilor Perry motioned to adjourn the meeting; Gwen Nabad seconded the motion. The motion was approved on a roll call vote of 7 Yes (Perry, Suopis, White, Luengo-Garrido, Gore, MacDonald-Bolanos, Nabad), 0 No.

Attest:   
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Pamela L. Power, City Clerk