



CITY COUNCIL RULES SELECT COMMITTEE

Members

Councilor Rachel Maiore, Chair

Al Simon, Citizen, Vice-Chair

Ezekiel Baskin, Citizen

Councilor William H. Dwight

Councilor Marianne LaBarge

MEETING MINUTES

Date: June 28, 2021, Time: 5:30 p.m.

Virtual Meeting

1. **Meeting Called to Order/Roll Call:** At 5:33 p.m., Acting Chair Councilor William H. Dwight called the meeting to order. On a roll call, the following members were present: Councilor Dwight, Member Ezekiel Baskin, Councilor Karen Foster, Councilor Rachel Maiore and Member Al Simon. Also present were City Solicitor Alan Seewald and Administrative Assistant Laura Krutzler.

2. **Public Comment**

There being no members of the public present, there was no public comment.

3. **Election of Chair**

Councilor Dwight said he would entertain a motion to open nominations for chair.

Councilor Foster so moved. Member Simon seconded. The motion passed unanimously 5:0 by roll call vote.

Member Simon nominated Councilor Dwight.

Member Baskin nominated Councilor Maiore.

There being no further nominations, Member Simon moved to close nominations. Member Baskin seconded. The motion passed unanimously 5:0 by roll call vote.

In support of her candidacy, Councilor Maiore said she is very excited about the particular task of updating the rules and feels she has some energy for it. However, she feels like they have a great group, so she knows she'll leave happy no matter what.

Councilor Dwight said he'd ditto that. His impetus in calling for a special committee is that a number of problems have presented themselves since they began conducting meetings virtually. Also, in the process of their rule changes, they still have some vestigial tails of items that don't necessarily promote

transparency. [Councilor Dwight’s video momentarily froze.] That said, he certainly does not need to be the presiding officer. He will gladly accept and take on the role if elected, but, if not, he will not be hurt.

On a roll call vote, members cast votes as follows:

Member Baskin	Councilor Maiore
Councilor Dwight	Councilor Dwight
Councilor Foster	Councilor Maiore
Councilor Maiore	Councilor Maiore
Member Simon	Councilor Maiore

Councilor Dwight announced that Councilor Maiore was elected chair almost by acclamation. Councilor Maiore assumed the position of chair.

4. Election of Vice Chair

Councilor Foster moved to open nominations for vice chair. Councilor Dwight seconded. The motion passed unanimously 5:0 by roll call vote.

Councilor Foster nominated Member Simon for vice chair. Member Simon seconded.

There being no further nominations, Councilor Dwight moved to close nominations. Member Baskin seconded. The motion passed unanimously 5:0 by roll call vote.

On a roll call vote, members cast votes as follows:

Member Baskin	Member Simon
Councilor Dwight	Member Simon
Councilor Foster	Member Simon
Councilor Maiore	Member Simon
Member Simon	Member Simon

Member Simon was unanimously elected vice chair.

5. Overview of Public Records, Open Meeting and Conflict of Interest Law

Attorney Seewald gave a brief overview of the Open Meeting Law (OML), Public Records and Conflict of Interest (COI) Law. Councilor Maiore said she hoped he would return in the future to discuss parameters around open meetings, and Attorney Seewald said he would come back anytime upon request.

6. Discuss Meeting Schedule

Members began discussing a possible meeting schedule, but the discussion organically evolved into a discussion of priority topics instead after Member Simon said he would be interested in hearing the three sitting council members state what they feel the priority issues are.

7. Discuss Work Plan for Reviewing Rules/Identify Priority Ordinances

Members took turns listing some of the things they would be interested in discussing.

Councilor Dwight:

- ❖ **Second Readings** - One of the things that's been a problem since he's been a councilor is the practice of second readings, which he suggested is unique to Northampton. He stated his understanding that the origin of the practice was someone in the past mistakenly interpreting a 'reading' to mean a 'vote,' when it's not. While it allows councilors two more weeks to consider an issue, it has become problematic. By Robert's Rules of Order, they already have the means to postpone a vote, so they have another provision for allowing more time for reflection.
- ❖ **Public Comment** - Since the council started meeting remotely, it has allowed for greatly expanded public comment. The council has had meetings running until late into the night and it actually directly impacted their ability to function and make decisions.

When the council resumes meeting in person that's not as likely since people presumably won't be joining from out of town unless they have to meet an Attorney General (AG) requirement of public comment being allowed remotely.

In the state of Massachusetts, governmental bodies are not required to allow public comment, but if they do, there are definite requirements. He doesn't see anybody in Northampton saying 'no public comment.' The question is what would be fair and just and at the same time allow councilors the time to deliberate and give proper attention to things they need to discuss.

- ❖ **Committee assignments**
- ❖ **Youth Commission** – The Youth Commission is one of the most dynamic commissions. At present, it is actually called the Mayor's Youth Commission although it spends most of its time conferring with the council. They could consider changing it to be the Northampton Youth Commission and not having the Mayor be the appointing authority. He doesn't want to lose what he sees to be a dynamic and integral committee for this community. He would like to see the Youth Commission considered like all other committees so its members are treated with the same gravitas as other standing committees.

Councilor Foster:

- ❖ **Second readings** - Similar to Councilor Dwight, she'd like to revisit 2nd readings.
- ❖ **Public comment** – She's actually been pretty inspired by how remote participation has opened the door for more public participation as well as public service and is interested in looking at that very carefully.
- ❖ **Meeting Times and Locations** – she would also like to look at meeting times and locations. Way back when, there was a discussion of how to make council meetings more accessible. If they are meeting in person again, considering *where* they meet may be an important piece of that
- ❖ **Scope of committee work and how many assignments councilors have**

Member Baskin:

- ❖ **Remote participation and public comment**
- ❖ **Other modes of integrating public participation** beyond comment and ways the public and the council can be in dialogue more effectively.
- ❖ **Roll calls** – They are interested in the structure and use of roll calls since they take a long time. They wonder how necessary it is to vote in that manner.
- ❖ **Decorum clause** – They are curious how decorum is defined; also civility and respect.

- ❖ **Suspending the rules** – they are curious about suspending the rules. If a rule is being suspended half the time, they questioned if it is actually a functional rule. (Councilor Dwight noted that, as far as he knows, the only rule ever suspended is the rule requiring that a second vote be taken at a subsequent meeting.)
- ❖ **End time of meetings** and making sure meetings end at a reasonable hour and that vital business is not being conducted at 1 a.m.

Councilor Dwight informed Member Baskin that, under the OML, all votes are required to be by roll call when some or all of the committee is participating remotely. Financial orders also require roll call votes.

Member Simon:

In addition to the two topics mentioned which he already had on his list,

- ❖ **Public Comment/Length of meeting** – To him as a former elected official, this is a real concern. “You just can’t be doing your business at 11, 12 o’clock at night,” he commented. They may think they’re making themselves accessible by allowing 50 or 100 people to talk, but what they’ve effectively done is make the actual business meeting inaccessible to virtually every person in town. There has to be some sort of balance that allows them to properly hear from the public but also get their business done in an efficient manner.

In addition, the rules seem excessively formal to him for what is not a very large community.

And, he is a little concerned about the size of the agenda and wondering whether there is a way to make the meetings a little more compressed and get their business done a little more quickly.

Councilor Maiore:

- ❖ **Accessibility/remote meetings**
- ❖ **Public comment**
- ❖ **Length of meetings**
- ❖ **Scope of committees** – She is also interested in looking at the scope of committees, especially with members of the public to see what they think is useful.

Attorney Seewald volunteered that one of his pet peeves is having the chair of the committee read every document into the record. “That has to end. There is no legal reason for that to happen, particularly when these documents are all available ahead of time.” These documents are on line and screen-shared during the meeting. There’s no reason to read documents, he stressed. It is a mind-numbing exercise and he doesn’t think the public is taking in a lot of information. It is appropriate to summarize them but not to read them line by line. He would put **eliminating reading documents into the record on the list**. Particularly when the chair reads red-lined documents, it’s ‘torture.’

Member Baskin said they agree with solicitor Seewald and are also curious about the concept of deferring to Robert’s Rules if something is not addressed by the rules. They would be interested in exploring that as a basis. They are also curious about addressing people by their role (Councilor this, Councilor that) and the remove that creates.

Attorney Seewald said he thinks it’s a vestige of a more formal time.

Members agreed to meet Tuesday, July 13th at 6 p.m.

In response to a question about the process for setting the agenda, Councilor Dwight said the procedure for setting the agenda is generally through the chair. Members can submit agenda items to the chair.

Councilor Dwight expressed his understanding that four major topics had been identified. He proposed the idea of dedicating one meeting to each issue so they can be prepared for the discussion. Once the meatier issues are out of the way, he suggested the possibility of apportioning the remaining items to individual members to analyze and make a recommendation to the committee at large.

The topics of Public Comment, Second Reading or Remote Participation are meaty enough to warrant an entire meeting at the least, he suggested.

Attorney Seewald noted there is also an opportunity to break into subcommittees but reminded them to be sensitive to the fact that subcommittees are also governmental bodies and subject to the OML. However, breaking into subcommittees can be a useful tool.

Member Simon and Member Baskin advocated for putting all four items on the agenda. "Let's get the discussion started," Member Simon urged. They may find that they spend the entire meeting on one topic and the other items get pushed off but he thinks it would be useful to get something listed and get going.

Member Baskin agreed, saying they think it makes sense to put all four items on the agenda so they're permitted to discuss them even if they decide to postpone some to another meeting. They'd also love to keep the 'Identify Topics' item since it's broad enough to allow them to identify other topics that come up. They don't want them to be constrained from discussing something because it's not on the agenda since that's always frustrating.

Councilor Maiore said she was hearing, on the one hand, a request to put all four topics on the agenda and, on the other, a sentiment from Councilor Dwight that it might be more effective to pare down.

Mrs. Krutzler asked if they were putting all four topics on the next agenda or just one, and Councilor Dwight said he would defer to the chair.

Councilor Dwight moved to adjourn. Councilor Foster seconded. The motion passed unanimously 5:0 by roll call vote.

The meeting was adjourned at 6:44 p.m.

Respectfully submitted,
Laura Krutzler, Administrative Assistant

