

Ordinances & Administration Committee

Remote Meeting

Monday, May 17, 2021 – 6:00 p.m.

-Minutes-

Present: Chair, Councilor Sean Nolan; Vice Chair, Councilor Steven LeBlanc; Councilor Jamie O’Hara

Other Councilors Present: Councilor Val Gilman; Councilor Jen Holmgren; Councilor John McCarthy

Also Present: Mayor Sefatia Romeo Theken; City Clerk, Joanne Senos; Assistant to CAO, Chris Sicuranza; HR Director, Holly Dougwillo; Clerk of Committees, Sherry Karvelas

The meeting was called to order at 6:02 p.m. There was a quorum of the City Council.

*This meeting was conducted remotely through ZOOM
All votes conducted by ROLL CALL*

Chairman Nolan announced consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning certain gatherings such that an in person meeting of the Ordinances & Administration Standing Committees is not possible, this meeting will be conducted by remote participation. The public may not physically attend this meeting but every effort will be made to allow the public to view and listen to the meeting in real-time and participate when necessary. Additionally, all votes taken by the Committee during this and future remote meetings will be by roll call vote. If you are calling in on a phone you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options to be recognized to speak.

Matters were taken out of order.

1. Boards, Commission and Committees New Appointments

Board of Registrars

Daniel J. Epstein

TTE 2/14/24

Summary of Discussion: **Mr. Epstein** stated he came from a political science background, studying elections and political parties. He stated he was currently teaching at Endicott College, as well as teaching remotely for Texas Tech University. He stated he had been active in the Democratic Party here in Gloucester, as well as when he formerly resided in Lubbock, Texas. He stated he had worked on elections in the past, working both in Gloucester helping run a polling station in 2020 and also a temporary employee of the Election Commission when he resided in Lubbock, Texas. He explained he was committed to seeing elections carried out with the highest level of transparency and legitimacy while adhering to all the rules of a democracy.

Members of the Council thanked Mr. Epstein for his willingness to serve and stated their appreciation for his volunteering.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint Daniel J. Epstein to the Board of Registrars , TTE 2/14/24.

City-Owned Cemeteries Advisory Cmte Augustave M. Sabia, Jr (*fulfilling an unexpired term*) TTE 2/14/22

Summary of Discussion: Mr. Sabia stated he managed both locations of the Campbell Funeral Homes in Gloucester and Beverly. He stated he grew up in the funeral home business and had been licensed for 25 years in both Connecticut and Massachusetts. He stated with his expertise he felt he could assist with the upkeep of the current cemeteries, as well as the historic cemeteries. He stated he felt it was important to keep detailed records of everyone that is buried because it is a part of history.

Councilor O'Hara agreed with Mr. Sabia about the importance of keeping detailed records as it is a part of history and thanked him for his willingness to serve. Councilor LeBlanc relayed a positive personal experience he had with Campbell Funeral Home and stated he strongly supported this appointment. Councilor Nolan thanked Mr. Sabia for his interest in serving on the committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint Augustave M. Sabia, Jr. (*fulfilling an unexpired term*) to the City-Owned Cemeteries Advisory Committee, TTE 2/14/22.

Community Preservation Committee Bill Cuff (*fulfilling an unexpired term*) TTE 2/14/22

Summary of Discussion: Mr. Cuff stated he moved to Gloucester in 2012 after living in Natick for 34 years. He stated he retired last year and wanted to give back to the community and had since become involved in a few local organizations including Maritime Gloucester and Green Belt. He stated he believed in preserving open space and had an interest in history and stated he thought history should be preserved for future generations.

Members of the Committee thanked Mr. Cuff for his enthusiasm and his willingness to serve the community.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint Bill Cuff (*fulfilling an unexpired term*) to the Community Preservation Committee, TTE 2/14/22.

2. CC#2021-006 (Gilman/Cox/McCarthy/O'Hara/Memhard): City of Gloucester Code of Conduct Resolution (Cont. from 5/3/21)

Summary of Discussion: Councilor Gilman stated the initiative started back in January of 2020 at the MMA Conference during a workshop for elected officials and stated the scope of the resolution had been narrowed down on the advice of Legal to only include City Council. At Councilor Gilman's request, the Clerk of Committees shared the following on screen:

City of Gloucester City Council Code of Conduct Resolution

WHEREAS: On this xx day of xxxx in the year 2021

WHEREAS: The professional conduct and civility of City Councilors is of paramount importance to the City of Gloucester. The concerns of constituents are often diverse and divided, therefore, maintaining a public

forum and work environment where people can disagree through civil debate remains at the forefront of a healthy democratic process.

WHEREAS: City Councilors shall work with the chain of command, specifically through the Mayor and/or Chief Administrative Officer, to enlist the support and skills of city staff in addressing the needs of the community.

WHEREAS: The authority of the City Council, the “governing board” can only be exercised as a Board, regardless of our individual vote until the decision is rescinded, set aside, or amended.

WHEREAS: City Councilors will abide by the Open Meeting Law and regulations and see that those requirements are communicated and followed. Except for matters taken up in Executive Session, all decisions of City Councilors shall be made in public.

WHEREAS: The City of Gloucester strives to create and maintain a workplace in which people are treated with dignity, respect and tolerance. We have a long history of diversity, strong community ties, and civic engagement. For this reason, the City has zero tolerance for unlawful harassment and discrimination as described in the City of Gloucester Anti-Harassment and Discrimination Prevention Policy in the Employee Handbook.

This referenced Anti-Harassment and Discrimination Policy covers all full time, part time, and seasonal employees, contractors, volunteers, elected officials and members of boards and commissions. It includes the reporting mechanism, including the procedure for filing a complaint.

WHEREAS: Conflicts of interests, violence, ethics violations, or discrimination on the basis of race, sex, sexual orientation, age, handicap, religion or national origin are unlawful and do not reflect the values of the Gloucester community.

WHEREAS: City Councilors are expected to maintain civility in all discussions and debates, and not tolerate speech or behavior that is belligerent, disrespectful, threatening, abusive or disparaging as this behavior impedes the democratic process, encourages hard feelings and divisiveness, contributes to voter and staff alienation. Dialogue should focus on issues and refrain from personal criticism.

WHEREAS: City Councilors who witness unprofessional decorum in public meetings, that is contrary to the spirit of this code of conduct should call a “POINT OF ORDER” using parliamentary procedure.

WHEREAS: City Councilors who are a bystander or witness of unprofessional behavior, hostile work environment or problem situations, can positively support the victim by first, letting them know they are not alone, second affirming that the behavior is not acceptable and third, can be of help by identifying resources for further follow-up. Bystander intervention is about empowering yourself to be part of the solution.

WHEREAS: A productive working environment where everyone is striving for a sense of mutual respect, trust, collegiality, and inclusion, is an environment where things are going to get done, and done well.

WHEREAS: Enforcement of the Code of Conduct could include a decision by the governing body to publicly reprimand or censure.

WHEREAS: The City Clerk shall have each elected official sign a statement that they have read this Code of Conduct Resolution. This signed acknowledgement will be kept on file and remain easily accessible to everyone, including municipal officials, employees and the public.

WHEREAS: I have read and understand the City of Gloucester's Code of Conduct and will comply with the requirements set forth in this document.

Steve Leblanc, Council President/Ward 3 City Councilor
Valerie Gilman, Council Vice President/Ward 4 City Councilor
R. Scott Memhard, Ward 1 City Councilor
Barry Pett, Ward 2 City Councilor
Sean Nolan, Ward 5 City Councilor
Melissa Cox, At Large City Councilor
Jen Holmgren, At Large City Councilor
John McCarthy, At Large City Councilor
Jamie O'Hara, At Large City Councilor

Credits to:

MMA Policy Committee on Personnel and Labor Relations Best Practice Recommendation: Conduct and Civility of Public Officials January 2020 Volume 5 Number 3

Harassment Issues: What Elected Officials Need to Know by Tami Tanoue, Executive Director
2018 CIRSA (Colorado Intergovernmental Risk Sharing Agency)

Code of Conduct Board of Selectmen/Selectwomen Policy Town of Auburn 2018

Code of Conduct Holden Selectboard 2014

Code of Conduct Policy Board of Selectmen Town of Southborough 2016

Councilor LeBlanc requested examples of what constituted a violation of the Code of Conduct. He stated what constituted a violation and the repercussions or disciplinary action of that violation needed to be clearly defined before he signed the document. **Councilor LeBlanc** questioned the purpose of the Code of Conduct if either of those pieces were not clearly outlined. **Councilor LeBlanc** wished to express that he agreed wholeheartedly with the premise of the Code of Conduct and that everyone moving forward needed to treat each other with respect and dignity, but would only offer his support when those pieces were defined.

Councilor Gilman stated at a webinar she attended last week there was much discussion regarding Councilor LeBlanc's concerns. She stated at the meeting it was discussed that it was the role of the Council President to enforce the policy and also for the whole City Council to self-police. She also stated there was discussion that the council president could encourage someone to get training if it was felt necessary, and stated the City's insurance company, MIIA, offered free training seminars on these topics. She wished to express that the civility agreement established by the Mayor that was first signed in 2017 was developed for a different purpose to ensure the safety and security of folks vulnerable in the community. **Councilor Gilman** stated ultimately the Code of Conduct was a list of how members of the City Council wanted to be as professional elected officials. She stated when a member of the council failed in keeping to this code it created mistrust in the public.

Councilor LeBlanc reiterated his concerns and **Councilor Gilman** stated she would be more than happy to expand on the document and come up with specific examples. **Councilor O'Hara** stated he agreed with both **Councilors LeBlanc** and **Gilman** and agreed with **Councilor Gilman** adding to the document to make it more specific.

Councilor Nolan stated he agreed with the premise of the Code of Conduct and agreed that **Councilor Gilman** should add to the document to make it clearer. **Councilor Nolan** thanked **Councilor Gilman** for her hard work on this matter and suggested continuing the matter to the next O&A meeting

Mayor Theken conveyed the Administration's support in working with **Councilor Gilman** on this matter. She asked that "hostile" words not be used in the document and gave the example of using "education" instead of "punishment" but first there should be an educational component to delineate what constituted a violation. The **Mayor** invited **Councilor Gilman** to work with the HR Director and Administration going forward on this matter.

This matter will be continued to the next O&A meeting.

3. CC#2021-009 (Holmgren): Request the O&A Committee review the Human Rights' Commission's proposed amendments to the 2020 City Council Civility Resolution (Cont. from 5/3/21)

This matter will be continued to the next O&A meeting.

4. Memorandum from HR Director re: requesting approval of Juneteenth Independence Day as a holiday for city employees

Summary of Discussion: **HR Director, Holly Dougwillo** explained that Juneteenth Independence Day was signed into law as an official holiday by Governor Charlie Baker in June of 2020. She stated the holiday recognized June 19th as the day Major General Gordon Granger and his Union troops landed in Galveston, Texas announcing that the Civil War had ended. The **HR Director** stated the personnel ordinance stated that all legal holidays declared by the Commonwealth of Massachusetts be recognized as

paid holidays by the City, but the patrolmen's, the superiors' and firefighters' contracts stated that legal holidays should be declared by the Commonwealth of Massachusetts as well as the City Council.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council approve Juneteenth Independence Day as a holiday for city employees.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 6:57 p.m.

Submitted by Sherry Karvelas, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>