

**COMMITTEE OF THE WHOLE
MEETING REPORT
WEDNESDAY, OCTOBER 21, 2020 @ 5:30 P.M.**

At 6:47 p.m., President Falco turned discussion the Gender Equity Ordinance. He said the Council has had at least three Committees of the Whole on this ordinance. He said it might be good to take the current version of the ordinance, move forward, and see if there are questions that the City Solicitor can answer. He said he wants to make sure that the Council does this the right way.

President Falco read some of the language of the ordinance and its intent.

Councillor Bears moved to strike “women, gender and sexual minorities,” and replace it with “women and people with marginalized gender identities or sexual orientations,” throughout the document (Councillor Morell second)—passed on a roll call vote of five in favor, Councillor Morell opposed, and Councillor Knight absent.

Councillor Morell said that her perspective is that the new language is from a deficit point of view. Councillor Bears said that he thought the old language was from a deficit point of view.

Divya Anand, 122 Foss Street, said that this was the language that she had followed previously and wanted consistent language. She said she recognized using the word disenfranchised rather than marginalized or minority.

Councillor Bears moved to reconsider the prior vote (Councillor Morell second)—passed on a roll call vote of six in favor and Councillor Knight absent.

Councillor Marks asked a procedural question about the document itself and whether the Council would be going through the document line by line.

President Falco recommended taking the path taken at last night’s Committee meeting.

Councillor Bears moved to strike “women, gender and sexual minorities,” and replace it with “women and people with disenfranchised gender identities or sexual orientations,”

President Falco read additional language of the ordinance. Councillor Morell said that she wanted to be sure that these duties under this ordinance past tight legal scrutiny. Solicitor Scanlon said that in her opinion, the ordinance is fine in terms of language but that it could perhaps be tightened up further.

President Falco read language about the composition of the Commission. The Commission shall be composed of eleven members appointed by the Mayor and confirmed by a majority the City Council, with staggered terms. There are memberships reserved for people of color. After expiration of the staggered terms, all terms would be three years. There would be reserved places for people of color and different gender identities. Councillor Morell said that she wanted Solicitor Scanlon to look into this.

Solicitor Scanlon said she needed to research this further. She said that Councillor Morell’s question about technical assistance would require further clarification.

President Falco read language that a liaison shall be appointed from among the employees of the City. The liaison would not have a vote.

Councillor Morell asked to include language that the City employee be a woman or person of disenfranchised sexual minority. Solicitor Scanlon asked for clarification on appointment of the liaison, and who appoints the liaison.

Vice President Caraviello asked why we need a liaison if we have a commission. The commission would be the liaison. Attorney Scanlon said that there is probably not a need for a liaison.

Councillor Morell said that the intent is probably that an ex officio member would have a connection to City employees.

Ms. Anand said that the liaison was not her idea, but it was part of previous discussions a year ago. She said she would prefer that the commission not have a liaison.

Councillor Bears moved to strike subsection B.

C. Cochairs shall be chosen from among the members by majority vote. President Falco read this language and asked if this would be the only commission with co-chairs.

Councillor Morell said that this was by ordinance and the ad hoc committee she is aware of with co-chairs is not by ordinance.

President Falco read provisions for removal based on three unexcused absences, and recommendations from the Chairs to the Mayor on removal.

President Falco read language on filling vacancies on the commission (vacancies to be filled within 30 days for the remainder of the member's term).

President Falco read language that the commission shall be representative of all (section F).

President Falco read a list of qualifications in the draft ordinance. Councillor Morell said that it read like a litmus test.

Councillor Morell moved to add language saying that all prospective commissioners shall support the mission of the commission.

Councillor Bears suggested an amendment saying that the commissioners shall support the purpose and intent of the commission, rather than its mission.

Councillor Marks asked how one would go about accomplishing that role. He said that he doesn't think that's a requirement of other commissions.

Ms. Anand said that consistency might imply using the same solutions to problems, and that this needs to focus on equity. She said that she hoped that people wanting to serve on the commission would be tied to the mission in more ways than one. She wants a board that is built from the ground up.

Councillor Marks asked who makes this decision on whether someone is acceptable to sit on this commission and how people who might not be of like mind would be evaluated for this commission. He said it is important to be consistent across the board.

Ms. Anand asked how many boards and commissions are representative of the demographics of the City. Councillor Marks said that this is up to the Mayor as the appointing authority.

Ms. Anand said that she would want appointees to be a little more democratic in how they are appointed. Perhaps there could be a different process in appointing commissioners that is more democratic. Councillor Marks said that he would support that.

President Falco said that he remembers a great deal of discussion on ward representation on the commission. He said that this is something the Council could definitely revisit.

Councillor Marks said that the process needs to be open and well known if candidates are to be scrutinized. He doesn't want people to feel excluded or as if they are not welcome.

Councillor Bears said he is open to different appointing authorities. He said that there would be some responsibility from the appointing authority and confirming authority. He said it makes sense to have commissioners support the purpose and intent of the commission. He said he was open to having someone other than the Mayor make all the appointments.

The resident at 32 Pearl Street (identified on Zoom as BACE NMC) asked a question about the purpose and intent. She asked if it is okay to have commissioners who are not actively searching for opportunities for equity for women of color or people with different sexual identities.

Councillor Marks said that the reverse would also be the same. People join boards and commissions to advance something that they care about, so why should there be a litmus test. He said he doesn't want to create anything that might exclude someone, or determine a person's intent for sitting on a board or commission. He said that there was never a litmus test for the Liquor Commission.

Councillor Morell said she had a question for Solicitor Scanlon on the legal language for this ordinance. He said that a gender equity commission is different from a liquor commission. She said that as the only woman on the Council, there are certain challenges. She said she doesn't see the sense of including people on the commission who support the advancement of women and people who don't.

Solicitor Scanlon said that her hope is that people who want to join a commission would support it. She said the word "prospective" jumped out at her. Councillor Morell said "prospective" would imply qualifications to be considered. Solicitor Scanlon said she would look into this.

Ms. Anand asked who we are scared of excluding. She said that when we are talking about disenfranchised communities, it is essential to provide safe spaces for people who adhere to these communities. She said without these safe spaces, the intent for the commission is moot.

Councillor Morell said that the Council needs to address this after Solicitor Scanlon shares her thoughts on this.

Matthew Page Lieberman said he had a general concern about what should be included in the ordinance. He said he was thankful that the Council is taking this up again. He said that there is a record of a certain kind of people who participate in these types of commissions, and that there are immigrants, poor people and working class people who don't feel welcome as part of these commissions. He asked how we make sure women who are immigrants or poor and working class people can feel represented on this commission.

Ms. Anand recommended addition of class and immigration status and wording using the term intersectionality. She said that the reality does not always represent the oppression people face, and that this is especially true for Black women. She said she would draft language around that.

President Falco read language that commissioners must be domiciled in Medford at appointment and throughout the term. No member of the Mayor's Office or City Council can serve on the commission. He read further language about co-chairs and adoption of regulations.

He read language about the powers and duties of the commission. Councillor Bears suggested technical correction of a typo.

Vice President Caraviello asked for an explanation of the authority recommendations to the Mayor and City Council. Councillor Morell said she thought the intent was to have the body make recommendations to the Mayor and Council. Ms. Anand said that this was about recommending needs to the Council and Mayor.

Vice President Caraviello said that it appears that the commission can dictate to departments what goes on in those departments. He asked if the commission recommendations are recommendations on policy or if there is further authority.

He asked for a legal opinion on what power this commission would actually have.

Solicitor Scanlon said that she understood the vagueness in recommending policy. She said that the Mayor would recommend policy. She said that other recommendations would be involving gender equity and other areas under the purview of the commission.

Ms. Anand said that if, for example, Medford celebrated Women's History Month, the equity commission could help to coordinate efforts on celebrating that throughout the City.

President Falco read additional portions of the proposed ordinance.

Councillor Marks said that future meetings should have Administration representation at the meetings.

Councillor Marks said that boards and commissions have their own policies and procedures. He asked if there is a need to have this in the ordinance. He said that much of this might not have to be dictated through ordinance.

Councillor Morell said she thought this was an explicit addition from Solicitor Rumley.

Councillor Marks said he would rather streamline and leave certain things up to the commission once it is established. He recommended that policy and procedure be

dictated by the membership, not by ordinance. He doesn't think it should be up to the legislative branch to dictate membership in a national organization or other entity.

Councillor Marks asked the City Solicitor to research boards and commissions and to research the authority for them, how they are created, by ordinance, statute or administrative role, and for a breakdown of this. He said he can appreciate establishing commissions by ordinance because administrations change. Solicitor Scanlon said that changing an ordinance is a much more involved process than changing a policy.

Ms. Anand suggested that the City Solicitor look at policies or commissions created for equity.

Vice President Caraviello asked if the commission will be acting in a legal capacity if there was some sort of incident. Solicitor Scanlon said that it appears that this is the intent behind the wording. He said he assumed that if there was an issue of discrimination, it would go to the Solicitor. Solicitor Scanlon said she might not hear about the issue before it goes to MCAD.

President Falco said it would make sense to have Solicitor Scanlon provide an updated version of the ordinance with the recommendations and changes, and to have another meeting to discuss the changes.

Vice President Caraviello so moved (Councillor Bears second)—passed on a roll call vote of six in favor and Councillor Knight absent.

Vice President Caraviello moved to adjourn at 8:00 p.m. (Councillor Bears second)—passed on a roll call vote of six in favor and Councillor Knight absent.

President Falco adjourned the meeting at 8:00 p.m.

[End of Committee of the Whole Report.]
