



# City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

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## MINUTES – ORDINANCE COMMITTEE February 27, 2019

The Standing Committee on Ordinances and Rules was called to order at 6:02 p.m. by Councilor Sullivan with Councilors Sullivan, Cruise, Monahan, Farwell, and Derenoncourt present.

Meeting held at the Arnone School due to broken elevator.

Councilor Sullivan read the agenda into the record.

The Committee first considered the following:

1. Acceptance of the minutes of the December 18, 2018 Ordinance Committee Meeting.

Motion by Councilor Cruise to Accept the Minutes and Report of the December 18, 2018 Ordinance Committee Meeting, 2<sup>nd</sup> by Councilor Farwell, motion carried.

Next the Committee considered the following:

2. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: Chapter 11, "Licenses, Permits, and Business Regulations," is hereby amended by adding the following section: Section 1 (a), (relative to a Neighborhood Code Enforcement Program)

Comments by Councilor Farwell  
(re no notice to James Casieri, not able to attend)

Motion by Councilor Farwell to CONTINUE to the next Ordinance Meeting, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

3. Ordinance: Chapter 14 - Offenses—Miscellaneous. Sec 14-49 Panhandling

Comments by Councilor Rodrigues

(lots of complaints, mirror from Orlando Florida type ordinance, looking to see this be successful in deterring panhandling)

Comments by Councilor Cruise

(big problem, question re legal challenge, definition of panhandling definition, need police opportunity to stop)

Comments by Councilor Monahan

(conversation with Chief Gomes, concern re enforcement by police officer, can they stop the actor from panhandling)

Comments by Councilor Rodrigues

(entry in to public space, concerns re being scared when approached, deterrent)

Comments by Councilor Monahan

(Warren Ave and Spring, Warren Ave and Pleasant, but what are we able to enforce)

Comments by Councilor Rodrigues

(wants to do PR work, let people know there's a City Ordinance)

Comments by Councilor Farwell

(permission, should it be written permission, doesn't want the police left hanging)

Motion by Councilor Farwell to insert "written" before the word "permission" in subsection 2(f), 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Comments by Councilor Farwell

(re time of panhandling)

Motion by Councilor Farwell to strike the words "on any day after sunset or before sunrise" in subsection 5, 2<sup>nd</sup> by Councilor Cruise. Motion carried unanimously.

Comments by Councilor Derenoncourt

(police can distinguish, they can use their common knowledge to know what is panhandling as oppose to fundraising, concern re harm, problem in Brockton needs to be addressed, supports this, comment)

Comments by Councilor Rodrigues

(Home Depot panhandler, concern re persons thinking panhandling is a job/means of income, not residents of Brockton)

Comments by Councilor Sullivan

(thanks Councilor Rodrigues, concern re nuisance, re adding banking institutions, and re schools, comments re how do the fines go, striking language re court language)

Motion by Councilor Sullivan to strike the last sentence of subsection (6)(a), 2<sup>nd</sup> by Councilor Derenoncourt. Motion carried unanimously.

Comments by Councilor Rodrigues

(re Brockton police has the ability to enforce)

Comments by Councilor Farwell

(should they be first given a warning, concerned re not given enough power to police to enforce)

Comments by Councilor Cruise

(warning can be followed shortly by a fine, some cases there are people who really recently became homeless, gives discretion to the officers)

Comments by Councilor Farwell

(places great deal in faith of police to start with a verbal warning, concern re going to court for violation of city ordinance when there isn't a written notice already given, we don't do this for many of our ordinances, personal conduct)

Comments by Councilor Derenoncourt

(money may be too high, police can start a conversation, more feasible for people to pay fine)

Comments by Councilor Farwell

(police are trained to deal with these situations)

Comments by Councilor Derenoncourt

(same page, giving a written warning gives the person an opportunity to correct themselves, written offense and 2<sup>nd</sup> offense can be on the same day)

Comments by Councilor Farwell

(what does a written warning do to enforce)

Motion by Councilor Farwell to strike “written notice to cease and desist the solicitation” and insert in its place “a fine of \$100”, to strike the following language continuing through “subsequent violations” and inserting in its place “and a fine of \$200 for the second violation and any violations thereafter” in subsection 6(a), 2<sup>nd</sup> by Councilor Monahan. Motion carried 3-2 with Councilors Cruise and Derenoncourt voting in opposition.

Motion by Councilor Sullivan to insert the words “by the Brockton Police” in subsection (6)(a) after the words “of this order”, 2<sup>nd</sup> by Councilor Cruise. Motion carried unanimously.

Motion by Councilor Cruise to strike the number “15” and insert in its place “twenty-five (25)” subsection 2(e), 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Motion by Councilor Sullivan to insert the following after (ATM) “machine, bank and/or financial institution(s)” in subsection 2(e), 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Motion by Councilor Sullivan to insert the following language as subsection 2(i) “In City-owned buildings or on property operated by the City of Brockton, including but not limited to public school(s).”, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Motion by Councilor Sullivan to insert the following language as subsection 2(j) “within twenty-five (25) feet of any houses of worship or churches within the City of Brockton.”, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Comments by Councilor Beauregard

(businesses will be grateful, school concern, door-to-door solicitation permit)

Comments by Councilor Sullivan

(civil not criminal ordinance)

Comments by Councilor NiCastro

(doesn't like when people knock on her car, but on the other hand concerned re difference between career panhandlers and the poor and mentally ill, another job

for the police, interested in this being for Code Enforcement, fines re right of appeal)

MOTION by Councilor Cruise to recommend FAVORABLE AS AMENDED, 2<sup>nd</sup> by Councilor Monahan, Motion carried unanimously.

Next the Committee considered the following:

4. An Ordinance Amending Section 2-127 of the Revised Ordinances of the City of Brockton. Be it ordained as follows: Section 2-127-Pay Plan, is hereby amended by deleting in its entirety from compensation Grade DH5 the title of Director of Personnel and its associated step salaries, and replacing it.

Comments by Councilor Monahan  
(paygrades for the HR personnel)

Comments by Councilor Rodrigues  
(submitted the ordinance)

Comments by Councilor Farwell  
(memory is that voted to place HR director at current top step, \$104,430; paygrades and what City can afford, it should fall within the City, this looks very bad, bring someone new in and now the person is looking to go to new series of steps, will be paid more than City Auditor, paid more than superintendent of buildings, library director, salary changes needs to be global/comprehensive way, can't support this now, wants to see what the FY 2020 budget looks like, long standing positions deserve value, people resentful that this has come up, recommends Councilor Rodrigues meets with Mayor to discuss global discussion for compensation adjustments)

Comments by Councilor Derenoncourt  
(good points made by Councilor Farwell, agrees with comprehensive plan, received calls with complaints, this got submitted too quickly, agrees with postpone and Councilor President meeting with Mayor, puts the City Council in bad position)

Comments by Councilor Rodrigues  
(agrees, signed it as professional courtesy for the conversation to take place)

Comments by Councilor Monahan  
(we don't have the right people to speak on this, Mayor)

Comments by Councilor Sullivan  
(who wrote this, invite new CFO)

Motion by Councilor Farwell to Continue until Next Ordinance Meeting conditioned upon obtaining more information relative to more City positions that may need adjustments and Councilor President to confirm invited guests, 2<sup>nd</sup> by Councilor Derenoncourt. Motion carried unanimously.

Next the Committee considered the following:

5. An Ordinance Amending Chapter II of the Revised Ordinances  
Be it hereby ordered that An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018, be amended by inserting "(g)" at the beginning of the text, whereby the entirety of said An Ordinance Amending Chapter II of the Revised Ordinances shall be a continuation of Article XIII, Section 11-211 and shall be inserted into said Section 11-211 as subsection "(g)" to continue after subsection "(f)".

Comments by Councilor NiCastro  
(re amendments are cleanup)

Motion by Councilor Derenoncourt to recommend Favorably, 2<sup>nd</sup> by Councilor Farwell. Motion carried with Councilor Cruise in voting in opposition.

Next the Committee considered the following:

6. An Ordinance Amending Chapter II of the revised Ordinances dated February 12, 2018. To revise second entitled 'Amendment', to delete the reference in the first line to "Section "11-211" and to insert in its place Section "11-214."

Comments by Councilor NiCastro  
(re scrivener's error, copies to see)

Motion by Councilor Farwell to recommend Favorably, 2<sup>nd</sup> by Councilor Monahan. Motion carried with Councilor Cruise in voting in opposition.

Next the Committee considered the following:

7. An Ordinance Amending Section 2-127-Pay Plan of the Revised Ordinances of the City of Brockton. Be it Ordained as follows:, Section 2-127-Pay Plan is hereby amended by adding to compensation Grade DA/P-2.

Comment by Councilor Cruise  
(this is different, this creates a position)

Comments by Councilor Farwell  
(still comprehensive, comparison to assistant city auditor)

Comments by Councilor Monahan  
(submitted as professional courtesy)

Comments by Councilor Cruise  
(re can't hire if the position isn't created)

Comments by Councilor Derenoncourt  
(complex jobs across the City, wants to look at Fiscal budget 2020, wants to have the position)

Comments by Councilor Farwell  
(not delaying, worried about not having assistants in other departments, what should our priorities be)

Motion by Councilor Monahan to Continue until Next Ordinance Meeting, 2<sup>nd</sup> by Councilor Derenoncourt. Motion carried unanimously.

Next the Committee considered the following:

8. An Ordinance Amending Section 2-127-Pay Plan of the Revised Ordinances of the City of Brockton. Be it ordained that the Revised Ordinances of the City, Section 2-127-Pay Plan, be amended by adding Assistant Human Resources Director to DA/PI.

Motion by Councilor Cruise to Continue until Next Ordinance Meeting, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

9. Brockton United Ordinance: The purpose of this ordinance is to create unity among residents of Brockton, whether born here or abroad; to welcome newcomers; and to engage community members in building trust and solidarity between the different ethnic groups that make up the City of Brockton and the City's government.

Comments by Councilor Sullivan  
(thanks those who attended on this issue)

Comments by Councilor Rodrigues

(immigrant to the community, send message to the community re united front, fear factor, declare that the city is open for help for all citizens, other Cities have similar laws, this isn't to protect illegal immigrants but to work with them, oppose to Sanctuary cities, this ordinance is different, this allows them to work with law enforcement, not additional benefits, wants those with VISAs or Green Cards to feel comfortable contacting the police)

Comments by Councilor Derenoncourt

(fortunate to become US citizen, no longer fear of deportation, the purpose of the ordinance is to build trust, in favor of Sanctuary cities, but this is not for Sanctuary city status, this is building trust between residents and local law enforcement, if you see something, say something, can't apply to undocumented residents, these are Brockton's residents, not welcoming criminals into Brockton, helping descent people, doesn't want to use local funds and resources to help federal ICE and federal agenda, federal agents can do that, passionate about this ordinance)

Comments by Katy Napholsum

(legal services in Brockton, clients are survivors of crime or domestic violence)

Comments by Ines Figureoa

(Latino Women's Group, works with undocumented women who are in abusive relationships, afraid to call police or seek restraining orders, stories of violence and not being able to report)

Comments by Councilor Monahan

(re meeting with coalition, who is going to get the information out to the undocumented community)

Comments by Councilor Rodrigues

(organization behind this, Brockton United, many organizations together, the organizations will transmit the information, re underreporting on the Census)

Comments by Councilor Sullivan

(met with organization, people are being taken advantage of)

Comments by Councilor Farwell

(agrees with everything said, comments re chapter 3(C), but concerned re felonies, doesn't think the City should restrict information about people)



arrested/charged with a felony, equal protection of the law)

Motion by Councilor Farwell relative to insertion of language for felonies (withdrawn)

Comments by Councilor Cruise

(arrest v. conviction, worry about the amendment presuming guilt)

Comments by Councilor Derenoncourt

(re innocence)

Comments by Katy Napholsum

(re amendment, ICE already has everything they need, re municipalities following direction of ICE in conflict of constitution, criminal justice system to do its job, concern re breath, arbitrary distinction)

Comments by Councilor Farwell

(re oath to uphold constitution)

Comments by Councilor Sullivan

(re any conversations with Police Chief?)

Comments by Councilor Derenoncourt

(did have some conversations when he was elected)

Comments by Councilor Rodrigues

(re language in section 5 re not to be in conflict with federal law, comments re federal law enforcement agencies like FBI as opposed to federal civil laws, not a deterrent to federal agencies, but ICE)

Comments by Councilor Beauregard

(supports it, considers edits, human trafficking issues)

Comments by Councilor NiCastro

(supports, wrong to exploit people whether or not they are over staying their VISA)

Comments by Councilor Farwell

(how would Brockton Police know who are undocumented)

Comments by Katy Napholsum

(police do not need to provide any information to ICE)

Comments by Councilor Farwell  
(re length of incarceration)

Comments by Councilor Cruise  
(ICE only cares about immigration status, not punishment for crime, interested in language re conviction, not arrest, interested in speaking with Brockton Police, we send a lot of our detainees with the Plymouth County Sheriff, wants to see the Chief here and DA Cruz)

Comments by Councilor Derenoncourt  
(re reporting to ICE by Sheriff, why do we have to wait until someone else comes tells us what to do)

Comments by Councilor Sullivan  
(good to hear different viewpoints)

Comments by Councilor Rodrigues  
(Plymouth and Bristol County are co-signers with ICE to deport)

Motion by Councilor Cruise to Continue until Next Ordinance Meeting, 2<sup>nd</sup> by Councilor Monahan. Motion carried unanimously.

Motion by Councilor Monahan to adjourn, 2<sup>nd</sup> by Councilor Farwell. Motion carried.

The meeting was adjourned at 8:52 p.m.