

**MINUTES – ORDINANCE COMMITTEE**  
**June 2, 2021**

The Standing Committee on Ordinances and Rules was called to order at 6:38 p.m. by Councilor Eaniri with Councilors Eaniri, Monahan, Nicastro, Rodrigues, and Thompson present.

Agenda read into the record.

The Committee first considered the following:

3. Ordinance: An Ordinance Amending Article II, Section 1.004 of the Revised Ordinances of the City of Brockton Be It Ordained By The City Council Of The City Of Brockton As Follows: Section 1.004, Regulation of Marijuana Sales, is amended by adding the following sections where appropriate: (a) There shall be no more than two (2) licenses issued for the delivery of marijuana products pursuant to regulations promulgated by the Massachusetts Cannabis Control Commission. Priority shall be given to an applicant for a license to deliver marijuana products who currently holds a license for the conduct of marijuana businesses within the City of Brockton. (b) There shall be a moratorium on the issuance of any license to allow social consumption of marijuana for a period of two (2) years from the date of adoption of this ordinance. (POSTPONED from May 4, 2021 Ordinance Committee meeting)

Comments by Councilor Farwell

(ask to table, number of emails received, conversation with solicitor's office, intent to give preference to license holders in Brockton, ordinance proposal is moot, different classifications of delivery, 2 classes, zoning, hours of operation, control by Mayor, social consumption, involving industry, moratorium as an order)

Comments by Councilor Rodrigues

(not limiting the number of delivery licenses, moratorium on social consumption)

Comments by Attorney Resnick

(re striking second (a) of proposed ordinance)

Comments by Councilor Thompson

(social consumption timeline)

Comments by Solicitor Bridges

(smoking indoors not allowed, Brockton did not participate in the pilot program, pot cafes are not coming, opt in requirement, state legislation would need to be amended to allow onsite smoking)

Comments by Councilor Thompson  
(re more information about social consumption)

Comments by Councilor Nicastro  
(overt act to opt in)

Comments by Solicitor Bridges  
(state law change for states to opt in, equity consideration)

Comments by Councilor Nicastro  
(test for cannabis consumption and driving)

Comments by Councilor Rodrigues  
(who decides to join the pilot program, concerned about smoke shops/cigar clubs,  
looking for something in the books to fall back on in case  
councilor/administration changes)

Comments by Solicitor Bridges  
(legislative roll for opt in)

Comments by Councilor Farwell  
(issue raised is valid, board of health, more information, order, ordinance)

Comments by Councilor Rodrigues  
(re doing this as an ordinance)

Motion by Councilor Rodrigues to Amend section (a) in its entirety, 2<sup>nd</sup> by Councilor Monahan.

Comments by Councilor Nicastro  
(timeline)

Motion to Amend carried unanimously.

Motion to recommend FAVORABLE AS AMENDED by Councilor Rodrigues, 2<sup>nd</sup> by Councilor Monahan. Motion carried 4-1.

Next the Committee considered the following:

1. Ordinance: An Ordinance Amending Section 2-181 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows: Section 2-181 is repealed in its entirety and in its place the following is inserted: "The city solicitor shall be an active attorney at law in the Commonwealth of Massachusetts, properly licensed and in good standing with the Massachusetts Bar Association. He or she shall have a minimum of five (5) years of experience in the practice of law in Massachusetts with a thorough knowledge of Massachusetts General Laws including municipal law. He or she

shall have demonstrated trial experience including the research, preparation, and management of civil or criminal cases during the various stages of litigation. The provisions of Section 2-110 of the Revised Ordinances shall not apply to this position. However, where two or more candidates have equal qualifications and experience as determined by the mayor, preference shall be given to a resident of the city or a candidate willing to move into the city within one (1) year of appointment.” (POSTPONED from May 4, 2021 Ordinance Committee meeting)

Comments by Councilor Farwell

(City Solicitor position, chief legal officer, law firm, no term of office, selected by the mayor, qualifications limited in ordinance, only position subject to residency, recruitment, amendment re licensing body in Massachusetts, residency to be a preference instead of a requirement)

Comments by Solicitor Bridges

(fairly summarized the complicated format of the office, some cities do public contract for their attorney, state statute for plan B communities, chapter 43, section 60, solicitor not subject to confirmation, Mayor has authority, day-to-day activities, busy department)

Comments by Councilor Thompson

(qualification and residency issue, contract discussion, law firm consideration for political purposes, contract discussion)

Comments by Solicitor Bridges

(not just charter, state statute, solicitor is not confirmed or removed by the council, discretion, contract could not extend beyond the term of the mayor, state law discretion to executive in terms of employment)

Comments by Councilor Thompson

(re potential conflicts between representing city and representing the Mayor)

Comments by Solicitor Bridges

(no legislative role over hiring and firing, comments re job security, other city and towns use contracts that coincide with the term of the mayor, proposed ordinance is appropriately before the council)

Comments by Councilor Monahan

(re form of government)

Comments by Councilor Nicastro

(insulating solicitor position from political implications, but for the most part it works, trust)

Comments by Councilor Rodrigues

(question regarding internal suits)

Comments by Solicitor Bridges

(conflict discussions, interests can diverge, common goal, job to protect interest of the city as a whole)

Comments by Councilor Rodrigues

(includes city council, leaving discretion up to mayor to follow what is put in the city ordinance)

Comments by Solicitor Bridges

(state law issue, ordinance change sets expectation and policy, administration needs to be trusted to use best judgment to represent the city, it's more of a suggestion)

Motion to AMEND by Councilor Nicastro to strike "Bar Association" and insert in its place "Board of Bar Overseers", 2<sup>nd</sup> by Councilor Thompson. Motion carried unanimously.

Motion to recommend FAVORABLE AS AMENDED by Councilor Nicastro, 2<sup>nd</sup> by Councilor Thompson. Motion carried unanimously.

Next the Committee considered the following:

2. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:

That the City Council adopt the following Amendment to the Ordinance Establishing Licensing and Regulation for Adult Use Marijuana Establishments: Section 1.007(2)(a) is amended by striking the entire sentence and inserting the following in its place: "Priority application review will be granted to existing Social Equity Participant or Economic Empowerment Participant applicants for retail licenses. Social Equity Program Participant means an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Cannabis Control Commission. Economic Empowerment Participants means an individual who qualified to participate in the Economic Empowerment Program and is designated as a program participant by the Cannabis Control Commission. For a period of three (3) years, measured by the date at which a retail license becomes available in the City of Brockton, the City Council shall only review applications for a retail license for Social Equity Participant or Economic Empowerment Participant applicants." (POSTPONED from May 4, 2021 Ordinance Committee meeting)

Comments by Councilor Cardoso

(defers to Attorney Resnick, couple members of community that wanted to speak as subject matter experts who have participated in the social equity program,

information sharing, not a public hearing, restriction, postponement for presentation)

Comments by Councilor Thompson

(HCA licenses available, leveled by number of license increase, HCA concerns, council review)

Comments by Councilor Cardoso

(level playing field, offer protections in case a license becomes available so that we prioritize social equity and economic empowerment applicant, wants experts in the industry to provide information, can change in the future)

Comments by Councilor Monahan

(concern about 3 years without an HCA or application to act on)

Comments by Councilor Thompson

(no ability to give out an HCA, what if we prioritized for current social equity license holder in Brockton that came available)

Comments by Councilor Rodrigues

(committee meeting, resolve, adjusts something that was taken care of by increasing license number, delivery, is this moot, Table, resolve)

Comments by Councilor Cardoso

(ordinances to reflect equitable process, resolve)

Motion to TABLE by Motion of Councilor Thompson, 2<sup>nd</sup> by Councilor Rodrigues. Motion carried unanimously.

Next the Committee considered the following:

4. Ordinance: An Ordinance Amending Revised Ordinance Of The City Of Brockton, Chapter 6, Article 1, Section 6-2 Composition Be it ordained by the City Council of the City of Brockton, that Chapter 6, Article 1, Section 6-2 of the Revised Ordinances of the City of Brockton be amended to strike the following provision: *“The increase in the number of Captains in the Fire Department shall be for a limited time only. The additional position of an Eighteenth (18<sup>th</sup>) Captain, as set forth in this Amendment, shall be eliminated and the number of captains allowed in the Fire Department shall revert back to seventeen (17) immediately upon a vacancy occurring in said title for any reason, including but not limited to the termination, resignation, retirement, promotion, or any other separation from employment by any one (1) of the eighteen (18) captains of the Fire Department.”* The Proposed Amendment, if adopted, shall result in the ordinance reading as follows: The fire department shall consist of a fire chief and the following assistants: (b) Eighteen (18) captains.

Comments by Deputy Chief

(January 2019 increased captain to 18, process that continued, in light of pandemic, we can do better, work and coordinate with other departments, programs like FEMA, BEMA, DPW, captain able to play other roles than shift commander, role has evolved, looking to keep the 18)

Comments by Councilor Nicastro

(temporary?)

Comments by Deputy Chief

(dead heat captain position, liability, potential for the position that has evolved, filling the position if someone retires, a firefighter position would open up)

Comments by Councilor Thompson

(retirement has not yet occurred)

Comments by Deputy Chief

(hasn't happened yet, ducks in a row)

Comments by Councilor Monahan

(makes everything easier for everyone else to do their job, needed a body to do these jobs)

Comments by Deputy Chief

(multiple rolls)

Comments by Councilor Rodrigues

(function of a captain, making 18 official)

Comments by Deputy Chief

(crew, multitude of tasks, administrative, logistics, funded and in the budget)

Motion to recommend FAVORABLE by Motion of Councilor Monahan, 2<sup>nd</sup> by Councilor Rodrigues. Motion carried unanimously.

Motion to adjourn by Councilor Rodrigues, 2<sup>nd</sup> by Councilor Monahan at 8:20 p.m. Motion carried unanimously.

The meeting was adjourned at 8:20 p.m.