

REPORT – ORDINANCE COMMITTEE
April 26, 2023

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

#1 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Farwell, 2nd by Councilor Lally.

#2 on agenda

having considered the same, report POSTPONE by Motion of Councilor Lally, 2nd by Councilor Rodrigues.

#3 on agenda

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Rodrigues, 2nd by Councilor Farwell.

#4 on agenda

having considered the same, report FAVORABLE by Motion of Councilor Farwell, 2nd by Councilor Lally.

MINUTES – ORDINANCE COMMITTEE
April 26, 2023

The Standing Committee on Ordinances and Rules was called to order at 6:38 p.m. by Councilor Asack, Farwell, Lally, and Rodrigues present.

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Comments by Councilor Asack
(Councilor President Nicaastro unable to attend)

Comments by City Clerk Timothy Cruise
(had been taking about this for a few years, clerk to the council, the clerk's office sets up the meetings, finance committee is basically a committee than the hour, when created it was more of a finance meeting, clerk's staff is prepared and set up to handle this, open meeting law, advertisement, Auditor's staff is not designed to do that, efficient, councilors looked to the Clerk to do this, too many hands in the pie, smart thing to do, City Auditor would be clerk to accounts and help as needed)

Comments by City Auditor Karen Preval
(agrees, more efficient way to run the meeting, already a lot of interaction with the clerk's office, accounts payable member takes time out of schedule to work on council finance matters)

Comments by Councilor Farwell
(this has been talked about a few years, budget handled by City Auditor, makes sense to let Auditor focus on auditing function, better for this to go through the Clerk's office, not a criticism but being proactive)

Comments by Councilor Rodrigues
(who runs the meeting?)

Comments by City Clerk Timothy Cruise
(City Auditor is still the secretary, when this was established the City did not have a CFO at the time, nuts and bolts of the meeting are parliamentary, Clerk's office does this, taking minutes and running a meeting, mostly already put together by the Clerk's office, minutes, still clerk to Accounts)

Comments by Councilor Asack
(served as Councilor President and sees this as ideal, thanks the Auditor and the Auditor's office for all their hard work)

Statement by Councilor Nicastro read – she’s in support of this change as efficient

Comments by City Auditor, Karen Preval
(it’s been a pleasure, always here for help)

Motion to recommend FAVORABLE by Councilor Farwell, 2nd by Councilor Lally. Motion carried unanimously.

Next the Committee considered the following:

#2 on agenda

Comments by Councilor Asack
(conflicts for invited guests)

Motion to recommend POSTPONED by Councilor Lally, 2nd by Councilor Rodrigues. Motion carried unanimously.

Next the Committee considered the following:

#3 on agenda

Comments by Councilor Farwell
(this first came up when Councilor Rodrigues served as mayor, to expand the health department, made sense to modernize our approach, already set up an inspectional service department, health department is more than what we are doing now, time is right to embrace this with a medical director, doctor, home rule petition, salaries taken from the steps for the CFO, section 6 of the proposed ordinance, Dr. Mondesir has done great, obstructionists in the Board of Health and that needs to change, need to be prepared)

Comments by City Solicitor Megan Bridges
(this conversation commenced in 2019, legislation voted in, in 2021 conversation again, Home Rule petition on deviation, local acceptance of the way the board of health functions, who is going to run that, and the ordinance on how that department is going to run, this ordinance captures the design and outline, does not need to be more specific because of statutory function, 9 member advisory board, Commissioner confirmed by the Councilor, ordinance employee, cities that adopted this organization, ordinance provides opportunity for real community health and human services)

Comments by Councilor Rodrigues
(as mayor, felt that cities have health and human services department, other areas need to be part of this, going to grants, umbrella, governance of the department)

does not need to change, just one more step before it gets to the mayor, more support)

Comments by Councilor Lally

(re Executive Health Officer being under the Commissioner, what happens next?)

Comments by City Solicitor Bridges

(labor and employment to be handle whenever organizational changes occur, there would need to be people under whoever runs the department)

Comments by Councilor Lally

(some policy work by the Board of Health already, re age to purchase tobacco, licenses, would this power continue?)

Comments by City Solicitor Bridges

(yes, state law sets authority regardless of what you call the department, the difference being employee with authority as oppose to a board that meets monthly)

Comments by Councilor Lally

(councilor of aging, veterans services, have the department heads been consulted?)

Comments by Councilor Asack

(if we go forward, 9 member advisory board similar?)

Comments by City Solicitor Bridges

(state law, key word being advisory)

Comments by Councilor Farwell

(flesh out improvements, does not disagree about combining other agencies for funding, nothing would change, what this would do is narrow the span of control for the mayor, commissioner to interact and report to the mayor on funding/help/staffing, help from the law department, Commissioner and an "XO", second level person)

Comments by Councilor Rodrigues

(blocks, efficient, decisions by boards not elected by the residents, confirmation by council)

Comments by Councilor Farwell

(recess to make change on the organization chart language)

Brief Recess.

Comments by Councilor Farwell

(does this match the 2019 objective?)

Comments by City Solicitor Bridges
(it does, more organizational in nature than anything else in the hope it provides good policy and access for the public)

Comments by Councilor Farwell
(re department head union?)

Comments by City Solicitor Bridges
(July 1, 2023 for ISD ordinance to give time, labor matters to be handled with, effective as of July 1, 2023)

Motion to Amend by Councilor Farwell to amend to include departments and commissions in Section 6 (Human Rights Division, Public Health Division, Veterans' Services Division, Youth Council, Advisory Council on Health, Veterans' Council, Homelessness Commission, Council on Aging,) and to add effective date of July 1, 2023, 2nd by Councilor Lally. Motion carried.

Comments by Councilor Asack
(asks Dr. Mondesir to speak)

Comments by Councilor Dr. Eno Mondesir, Executive Health Officer
(city ordinances and the state statutes, example \$100 city fee and state is \$1,000 for selling under age cigarettes, suggests changes to reconcile these inconsistencies)

Comments by Councilor Rodrigues
(state fines?)

Comments by Councilor Dr. Eno Mondesir, Executive Health Officer
(before Covid, there was a MOU with state and city, state covers inspections for many cities which includes Brockton, state inspector warrants the violation it is state fine, comes to city board of health and the city collects the fee, city inspector would be \$100)

Motion to recommend FAVORABLE AS AMENDED by Councilor Rodrigues, 2nd by Councilor Farwell. Motion carried unanimously.

Next the Committee considered the following:

#4 on agenda

Comments by Councilor Asack
(Mr. Plouffe unable to attend)

Comments by Councilor Rodrigues

(recent ordinance change on ISD, Commissioner of Buildings is more in line with cities, name change throughout the ordinance to bring us up to 2023)

Motion to report FAVORABLE by Councilor Farwell, 2nd by Councilor Lally. Motion carried unanimously

Comments by Councilor Farwell

(thanks Councilor Asack for cleaning area, garden club members)

Motion to adjourn by Councilor Farwell, 2nd by Councilor Lally. Motion carried unanimously.

The meeting was adjourned at 7:42 p.m.