



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, March 30, 2022

5:30 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will meet to conduct a public hearing on, Ordinance #2022-3, the Wage Theft Ordinance.

Attendee Name	Present	Absent	Late	Arrived
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Burhan Azeem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Minutes Acceptance: Minutes of Mar 30, 2022 5:30 PM (Committee Reports)



CAMBRIDGE CITY COUNCIL ORDINANCE COMMITTEE

COUNCILLOR QUINTON Y. ZONDERVAN, CHAIR

COMMITTEE MEETING

TRANSCRIPT OF PROCEEDINGS

MARCH 30, 2022

5:30 PM, SULLIVAN CHAMBER

COUNCILLOR QUINTON Y. ZONDERVAN: Good evening everyone, with a quorum being present, I am going to call today's Ordinance Committee meeting to order. The call of today's meeting is on Ordinance #2022-3, the Wage Theft Ordinance.

Pursuant to Chapter 20 of the Acts of 2022 adopted by the Massachusetts General Assembly and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge City Council and its Committees.

To watch the meeting, please tune into Channel 22 or visit the Open Meeting Portal on the City's website.

If you would like to provide public comment, please go to cambridgema.gov/publiccomment to sign up. We will not be allowing any additional public comment signup after 6:00 p.m. With that, all of today's votes will be by roll call.

Please take a roll call for members present.

City Clerk Anthony Wilson called the roll:

Councillor Burhan Azeem - Present

Councillor Dennis J. Carlone - Absent

Vice Mayor Alanna M. Mallon - Present and audible

Councillor Patricia M. Nolan - Present and audible

Mayor Sumbul Siddiqui - Absent

Councillor E. Denis Simmons - Present and audible

Councillor Paul F. Toner - Absent

Councillor Marc C. McGovern - Present and audible

Councillor Quinton Y. Zondervan - Present and audible

Present-6, Absent-3. Quorum established.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr.

Clerk. As you can see, several of our colleagues unfortunately are unable to make it and they have informed me of that.

In addition, there is a state bill making its way to the legislature on Wage Theft which has unexpectedly seen some recent action in the last couple of days with the hearing expected this Friday. So between that and Boston's hearing on Wage Theft, which is taking place tomorrow night, our coalition has been stretched thin. And key union members and other key community partners that we need at the table are unable to make the meeting tonight.

So what I would like to suggest is... I did confer with the City Solicitor and she does have some comments for us on the Wage Theft Ordinance. So what I would like to suggest to the Committee is that we hear from the Solicitor and then we adjourn the meeting. If there is anyone from

Public Comment, of course, we can hear from them. And then we schedule a meeting for another time to have a more full conversation including more of our colleagues, as well as more of our partners.

COUNCILLOR E. DENIS SIMMONS: Mr. Chair?

COUNCILLOR QUINTON Y. ZONDERVAN: Councillor Simmons.

COUNCILLOR E. DENIS SIMMONS: Thank you, Mr. Chair. I wonder if I could make a brief remark and then I also wanted to just acknowledge the fact that Darlene Lombos is here and I know she took time to be here. I know you're right, there's a lot of activity around this issue, but if I could just make a few remarks and then with your indulgence, allow her to be allowed as a panellist because she is here to say a few words. What's your pleasure? Before the City Solicitor makes her remarks.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Councillor Simmons. That's fine. So Mr. Clerk, if you could promote Darlene Lombos to a panellist.

COUNCILLOR E. DENIS SIMMONS: And if I may, with your indulgence, just like to say a few words, Mr. Chair.

COUNCILLOR QUINTON Y. ZONDERVAN: Councillor Simmons, you have the floor.

COUNCILLOR E. DENIS SIMMONS: Thank you, Mr. Chair. I want to thank my colleagues for introducing -- Councillor Zondervan for introducing the proposed -- you and others for proposing the Wage Theft Ordinance. As I had said before in one of our earlier meetings, this work really builds on some work that I had done as the Chair of Economic Development Committee back in 2015. I think many of my colleagues that are now serving, were not serving at the time. And when I worked closely... I did this with Lindsay McCluskey of Community Labor United and Darlene Lombos of the Greater Boston Labor Council, to create a wage theft ordinance for our City. And we had a number of meetings in close conjunction with the then City Manager, Mr. Richard Rossi, and determined that the wise path forward at that time to protect workers in our City was to have our City Manager sign an executive order establishing requirements for bidders bidding on city contracts which made significant gains in preventing wage theft in our City.

Mr. Rossi did sign that executive order in March 2016 and since that time, there have been over 15 cities that have passed ordinances as a way to build momentum in this

state-wide campaign to prevent wage theft. This conversation that we're having now is extremely important that this executive order be codified, be part of our ordinances so it really strengthens what has already been done. So it's very timely. I do want to acknowledge you for taking the lead on this.

I did speak to Ms. Lombos, as well to Councillor McGovern ahead of this meeting today. And Ms. Lombos actually advised me that after looking at what we had put forward, the current language before the Committee is probably not the strongest language that we could be considering. And her recommendation is that the Greater Labor Council work with the City Council Ordinance Committee, a subset of it of course, to modify and strengthen the proposed language encouraging -- ensuring that it is as strong as possible in making a model for the rest of the State.

So I do believe -- yes, I see that Ms. Lombos has now been made a panellist, and with your indulgence, Chair Zondervan, would you please call on her just to say a few words just to kind of share with us where she and the Greater Boston Labor Council are.

And then again with your indulgence, hear from the Solicitor.

So Mr. Chair, is that something you might entertain?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Councillor Simmons. I am happy to recognize Darlene. My office has reached out to her and I'm glad that she was able to join us tonight. And I certainly look forward to working with her and with yourself on strengthening this language.

COUNCILLOR E. DENIS SIMMONS: Thank you, Mr. Chair, I yield the floor.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Councillor Simmons. Welcome, Darlene.

DARLENE LOMBOS: Thank you. Thank you so much, both of you, Councillors Zondervan and Councillor Simmons. Both of you have taken such great leadership in making sure that Wage Theft Prevention is a top priority. It is for us in the Labor Movement. And in particular, I wanted to recognize also Councillor McGovern. We also worked with him back in the day. This was almost 10 years ago, you all. So I'm really excited that this is now going to be codified.

I did want to provide some context that all of this

part of the state-wide effort to prevent wage theft on the state-wide level. So doing the executive order back in 2016 was the strongest tool that we could have. It followed 2014 executive order by Mayor Walsh, which helped really build the momentum for the case at the state-wide level. So thank you for that.

Now that we're at the tail-end of, hopefully, fingers crossed, passing this on the state level this session, having the strongest city-wide ordinances in more than 20 - - almost 20 cities and towns here in Massachusetts, we just want to make sure that Cambridge is a model, becomes a model, for other states who will continue to pass these as part of the state-wide effort.

So again, I wanted to provide that context. Thank you all for your leadership. I'm so excited that we're going to be codifying this and I'm really ready and willing to put the time and effort into making sure that the language is what we all want to see, with our shared values moving forward. So thank you so much.

COUNCILLOR QUINTON Y. ZONDERVAN: Great. Thank you so much, Ms. Lombos. And I will be working with co-chair McGovern and Councillor Simmons to schedule time when we

can get together and discuss the changes that you would like to propose to the language.

So I'll now go to Ms. Glowa to get the Legal Department's input.

CITY SOLICITOR NANCY GLOWA: Thank you and through you, Mr. Chair, I just wanted to say that we -- we have a few comments that we wanted to make but we also assume that there would be an opportunity to make further comments at the next committee meeting.

Also, I'm not familiar with the current state legislation and so I don't know if that would affect what's here. And I appreciate very much hearing from Ms. Lombos. Not sure either what she feels would make it more effective, or what Councillor Simmons means about making it more effective. So I'll just offer these comments we have on things we think would make it clearer. And some concerns we have about whether it might be crossing any lines legally and then, of course, take it from there, depending upon what the Council wishes to do with the Committee.

So as it's framed now, this ordinance creates a Wage Theft Enforcement Committee that's responsible primarily for two things. For providing advice to the City Manager

and the City Council on the implementation and effectiveness of the Wage Theft Ordinance. That all seems great to us.

The second part is designating a secretary or designee who shall coordinate any response to wage theft complaints required by the ordinance. And that could be complaints received either from the Attorney General's Office or from citizens.

Then there is this question of what the Committee's rule is with respect to handling these complaints and what kind of enforcement might be taken. It does appear that, if the -- once the complaint is made, that municipal building permits for over \$1 million or residential projects with more than four units can be denied, or if already granted, shall be deemed to be temporarily suspended if certain requirements are not satisfied.

So if there is an already issued permit, it's going to be temporarily suspended, it provides that the City Manager or his/her designee shall issue a stop-work order with respect to all construction on the entire project until the violation is remedied.

One concern that we have is... And again, I don't know

what's happening at the state level so it could be that some of these issues might be handled or addressed by the State legislation that would clarify this. But the way we read this, the State building code, plumbing code, sanitary code, provides for enforcement by certain enforcement officials, which in Cambridge, rests with the inspectional services department. So it's not clear to me how the City Manager would have the authority to issue a stop-work order.

The other thing is, practically speaking, if the permit is temporarily suspended, unless say it's a large project and it's underway, that could represent a huge amount of money at stake that might be lost for however many days the project is shut down. And it seemed to us that it would be helpful to have an intermediary step that would allow for there to be notice to the holder of the permit that there appears to be this violation. And to provide a limited opportunity to try to correct the violations before the temporary stay goes into place. Now that may be at odds with what some of the commenters or councillors may want so it is what we think will be helpful, but it may not be what the Councillor wants to do.

The other thing is that with respect to the Committee dealing with these complaints, we think that it should be - - we think the language is a little ambiguous and that it should be made more clear that while the Committee could provide comments to the City Manager if there are violations, that the City Manager does have the authority to address, that I think it should be made more clear in the Ordinance that the Committee itself does not have enforcement authority. That that enforcement authority rests with the City, whether it's with the City Manager or the Inspectional Services Department.

So those are our main points, and I'm happy to answer questions. Thank you.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Ms. Glowa. Are there any questions from the Committee for the Solicitor? Councillor Nolan.

COUNCILLOR PATRICIA M. NOLAN: Thank you, Councillor Zondervan and also, Councillor Simmons and if Ms. Lombos is still here.

I think my question has been asked in some form already, but it would be really good that whatever we do with this discussion to understand how the State Law would

interact with it or not interact with it, would it make sense for us to, depending on how the State Law moves forward to do this, or would it just be that this would become moot if the State Law passes. So those are the kinds of questions I know will be probably on all our of minds, and we would all like to see the State do this, but we also don't want to wait in case that ends up being very delayed, which we've seen in the past in a number of other areas.

So those were my main issues. And to understand -- I understand, Councillor Zondervan, that you are suggesting along with the City Solicitor, that some of these questions won't be answered today and so we will be continuing it.

So I look forward to--please let us know what else-- what--how we might convey any other questions and how it is that we should communicate those to ensure that whenever this does get discussed, that we're able to move forward kind of quickly because, given that what I've heard from Councillor McGovern and Councillor Simmons, about how long this has been around and Ms. Lombos, for ten years, let's make sure we can do this as soon as practicable. Thank you. I yield.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you,

Councillor. I don't see any hands so I'll ask a question, or a residual comment. Again, my thanks to the Solicitor for providing us with that feedback.

The intent of the Oversight Committee, as I understand it, is not to provide any endorsement activity but to provide oversight to make sure that these complaints are being enforced when appropriate. So again, I'm happy to work with you on language adjustments that - that you think would be helpful in making that more clear.

So I'll reach out to your office and we can sit down and do that. And it would be helpful if you are able to communicate your comments in writing as well. So that way we can have them again before us at the next committee meeting.

Councillor Simmons.

COUNCILLOR E. DENIS SIMMONS: Thank you.

So why I think that, you know, right at this point, you know, again, we did the Executive Order several - a little over a decade ago. At this point, there are many cities and towns that had this particular Wage Theft Ordinance. Some of them being one of the - Theirs is the strongest. And so one recommendation would be, going

forward, is we could get that document and start working with that. And then, [Tran Wynn] has expressed an interest of working with this. I think together, we can get together a little small group to work on this, tease it out and then bring it back to the Ordinance Committee in some written version, so that we can really look at it, see if it meets what our needs, wants and desires are. As well as improve on the language that's already there.

Again, some of it has the strongest ordinance on this right now, but we can still probably do -- go a little bit further and of course, we'll have the assistance of our Solicitor to make sure that we don't misstep from a legal perspective. But that's what I would recommend.

So it might just take a moment for us to step back, let's look at what some will have, see how we can strengthen that and make sure it work for our City but as well as strengthening what -- what is already out there so that we have something that's going to be durable, as well.

I yield.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Councillor Simmons. Just to be clear, the language that we propose is based on the same template that was used in

Somerville? Certainly happy to, you know, bring that Somerville language before the Committee again. And certainly, you know, anyone can look at that and make suggestions or propose amendments.

We've also looked at the Boston language and again, happy to make any adjustments that people want to propose and -- but as I said earlier, I'll be reaching out to you, Councillor Simmons, and Co-chair McGovern, as well as Solicitor Glowa, so that we can look at that language and make adjustments as needed.

Vice Mayor Mallon.

VICE MAYOR ALANNA M. MALLON: Thank you, Mr. Chair. I just -- you mentioned at the outset of the meeting that there was some state legislation that has gotten some traction in the past couple of days. Could you just speak to that? I hadn't -- I don't know much about that. So if you don't mind, just clueing us in.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Vice Mayor. I would love to but it's moving so fast that even I haven't caught up to it. So I'm not prepared to speak in detail on that language just yet. But as soon as we are able to schedule another meeting, we'll be sure to bring

that information forward as well, and hopefully, we'll have the guidance from the Solicitor at that time, as well, in terms of how the proposed state legislation might impact our local "[efforts]".

VICE MAYOR ALANNA M. MALLON: Okay, thank you.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you.

Councillor McGovern.

COUNCILLOR MARC C. MCGOVERN: Thank you, Mr. Chair.

Just - I'll be brief. I just want to again thank Councillor Simmons for her work on this. I think I was a co-sponsor on that, back in the day. And to the, you know, the unions for continuing to push this. And thank you to Councillor Zondervan for bringing it back to life.

And I just -- I do agree, just given my being a co-sponsor on this current one, as well. I just wanted to -- just throw my two cents in and agree with moving forward in this way. That, you know, to sit down, and I know that there are many different unions that were involved in sort of making this, you know, making this stew, for lack of a better term. And there are some different opinions as to make this stronger. So I want to make sure that when we do this, we do this right and we make it as strong as

possible.

So I agree with the course of action that we're taking. And I just want to state that for the record.

COUNCILLOR QUINTON Y. ZONDERVAN: Great. Thank you, Co-chair McGovern.

Mr. Clerk, do we have anyone in public comments?

CITY CLERK ANTHONY WILSON: We have -- Yes, we have two people signed up for public comment. Would you like to go to the Public Comments?

COUNCILLOR QUINTON Y. ZONDERVAN: Yes. Thank you.

CITY CLERK ANTHONY WILSON: The first person in Public Comment is Lee Ferris. [pause] I don't see Lee Ferris in the Zoom.

The next person is Ian Hynes. He is also not in the Zoom.

So, none of the individuals who signed up are currently present.

COUNCILLOR QUINTON Y. ZONDERVAN: Okay, thank you, Mr. Clerk. Though at this point, I think we have a way forward. I want to thank all my colleagues for participating and for working together in helping make this an even stronger ordinance. So I look forward to doing that work. I think at

this point, it's best to adjourn the meeting and then, we'll schedule another meeting when we'll have more information and hopefully, more participation.

Councillor Nolan.

COUNCILLOR PATRICIA M. NOLAN: Thank you. I just want to be clear. Is there anything for us to do before that next meeting? Is there something that needs to be reviewed? I know you're working with the State. You will reach out to Councillor Simmons and perhaps, Councillor McGovern, and Ms. Lombos and the unions and the City Solicitor. I'm just curious as to whether those of us on the Committee, if there is something we're supposed to review in anticipation of that and give feedback on? Or if we're all set?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Councillor Nolan. Not at this time other than the language that is still before the Committee. But as soon as we have new language or amendments that are being proposed, I will share those with the Committee so you can review.

Anyone else wanted to speak before we adjourn?

Hearing none. Mr. Clerk, on adjournment.

CITY CLERK ANTHONY WILSON: On adjournment.

Councillor Azeem.

COUNCILLOR BURHAN AZEEM: Yes.

CITY CLERK ANTHONY WILSON: Yes. Councillor Carlone.
Absent. Vice Mayor Mallon.

VICE MAYOR ALANNA M. MALLON: Yes.

CITY CLERK ANTHONY WILSON: Yes. Councillor Nolan.

COUNCILLOR PATRICIA M. NOLAN: Yes.

CITY CLERK ANTHONY WILSON: Yes. Councillor--Mayor
Siddiqui. Absent. Councillor Simmons.

COUNCILLOR E. DENIS SIMMONS: Yes.

CITY CLERK ANTHONY WILSON: Yes. Councillor Toner.
Absent. Councillor McGovern.

COUNCILLOR MARC C. MCGOVERN: Yes.

CITY CLERK ANTHONY WILSON: Yes. Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Yes.

CITY CLERK ANTHONY WILSON: Motion passed. Six in
favour, three absent.

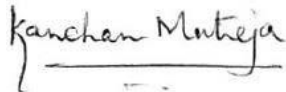
COUNCILLOR QUINTON Y. ZONDERVAN: Goodnight, all.

**The Cambridge City Council Ordinance Committee
adjourned at approximately XXXX.**

C E R T I F I C A T E

I, **Kanchan Mutreja**, a transcriber for Datagain, do hereby certify: That said proceedings were listened to and transcribed by me and were prepared using standard electronic transcription equipment under my direction and supervision; and I hereby certify that the foregoing transcript of the proceedings is a full, true, and accurate transcript to the best of my ability.

In witness whereof, I have hereunto subscribed my name this 27th day of December 2022.



Signature of Transcriber

Wage Theft Ordinance (Ordinance #2022-3).

A communication was received from Councillor Zondervan transmitting affidavits received from the North Atlantic States Regional Council of Carpenters regarding recent incidents of wage theft in Cambridge.