



GOVERNMENT OPERATIONS, RULES & CLAIMS COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, April 7, 2021

2:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Government Operations committee will meet to discuss the policy order seeking to make remote participation in City Council meetings permanent

Minutes Acceptance: Minutes of Apr 7, 2021 2:00 PM (Committee Reports)



CAMBRIDGE CITY COUNCIL
GOVERNMENT OPERATIONS,
RULES, & CLAIMS COMMITTEE
COUNCILLOR E. DENISE SIMMONS, CHAIR

COMMITTEE MEETING
TRANSCRIPT OF PROCEEDINGS

APRIL 7, 2021
2:00 PM, SULLIVAN CHAMBER

CITY CLERK ANTHONY WILSON: Councillor Simmons, the time of the meeting has arrived and I believe that you have a quorum.

COUNCILLOR E. DENISE SIMMONS: Thank you. The Government Operations Committee--let me start over. Good afternoon. The time of the meeting having arrived, I welcome everyone today to Government Operations, Rules, and Claims Hearing.

The members of the committee are Councillor McGovern, Councillor Sobrinho-Wheeler, Councillor Toomey, and Councillor Zondervan. We also have in attendance, I believe, uh, the Vice Mayor, Vice Mayor Mallon. Um, and I think that's the only non-member that is, uh, with us this eve--this afternoon, but I want to thank her for joining us.

To start our meeting, (clears throat) a few things I would like to--and the Mayor, Mayor Siddiqui is with us as well, and thank you for being here.

I would ask that Mr. Clerk call the roll of the members of the committee, after which we will have the meeting of the--the call of the meeting. I'm sorry. Mr. Clerk, please call the roll.

City Clerk Anthony Wilson called the roll:

Councillor Marc C. McGovern - Present

Councillor Jivan Sobrinho-Wheeler - Present

Councillor Timothy J. Toomey, Jr. - Present

Councillor Quinton Y. Zondervan - Present

Councillor E. Denise Simmons - Present

Present-5, Absent-0. Quorum established.

COUNCILLOR MARC C. MCGOVERN: Madam Chair, um, I just want--I have to step away for a minute. I just, I--you have a quorum, but, um, I'll be back.

COUNCILLOR E. DENISE SIMMONS: Duly noted. Thank you, Council McGovern. Mr. Clerk, do you have the, the Governor's reading as it pertains to remote participation? 'Cause I don't have that in front of me, and I don't know it verbatim.

CITY CLERK ANTHONY WILSON: Yes. Give me, give me one second, I'll put it up.

COUNCILLOR E. DENISE SIMMONS: If you wouldn't mind reading that. Excuse me. (coughs)

CITY CLERK ANTHONY WILSON: The Governor's Executive order issued on March 12th, 2020, has authorized the use of remote participation at meetings of the city's public

bodies in response to the threat posed to the public by the COVID-19 virus issued guidelines for city's use of remote participation.

In addition to having members of the council participate remotely, we have set up the Zoom teleconference for public comment. Please be aware that Zoom is primarily being used for public comment. In order to watch the meeting, please tune into Channel 22 or visit the Open Meeting Portal at the city's website. If you would like to provide public comment, please visit the City Council section of the city webpage, instructions for how to sign up for--to speak are posted there.

Once you've completed the signup procedure, you will receive a, a link to the Zoom meeting as well. Uh, we will not allow any additional public comment signup after 2:30 PM.

COUNCILLOR E. DENISE SIMMONS: Thank you, Mr. Clerk. I will read the call. The call of the meeting is as follows, the Government Operations Committee will discuss the Policy Order seeking to make remote participation in City Council meetings permanent.

The policy order in question was sponsored by Mayor

Siddiqui, Vice Mayor Mallon, myself, and Councillor Sobrinho-Wheeler on March 22nd, 2021.

We are now just over a year into the COVID-19 era. This pandemic has upended nearly every aspect of our lives. And the past 13 months have presented tremendous challenges, not just to individuals and to businesses, but to the municipal governments across the country, as we have sought to balance the need to keep people safe, the need to conduct city business, and the need to ensure that members of the public can view and participate in public meetings.

Fortunately, technology has allowed us to adapt to that moment and has provided us tools to allow people to participate in City Council meetings without having to potentially expose one another to the COVID virus.

Governor Baker issued an executive order in March of last year granting permission for municipalities to conduct public meetings virtually and allowing folks to remotely participate in public comment.

A silver lining of--as this has been, rather than having to rush after work to make it to City Hall, wait one's turn to speak at council meetings and people can now simply tune into the meeting via Zoom from the comfort of

their homes, their office, where they may be at the time.

The City Council has frequently, um, heard from members of public urging that remote participation be allowed to continue even after the danger of COVID-19 has, has been receded--rescinded, excuse me.

Mercifully, it appears that we're approaching that point at which the city can soon begin to contemplate holding meetings in person again. And while many people will wish to resume attending council meetings in person, we do want to explore whether it is feasible to continue align that option of participating remotely which leads us to, uh, to a list of questions that I believe are now before the committee and they're as follows.

Excuse me. Does the Government Operations Committee feel that continuing with remote public, public participation is an idea we want to support or--and make a recommendation, I would say to the City Council to vote on? What, what steps would the City Council need to take in order to formally allowable participation to continue even after the threat of the Pandemic, Pandemic has updated?

Is this something the City Council can unilaterally decide upon or must we go to the Commonwealth for

permission? What steps can and must the city do to ensure equal access to remote participation for all our residents, regardless of their technological access or their literacy? I want to draw an--or underlined that last question because our system for remote participation has not been uniformly smooth.

We have seen incidents where people either because of use error or a, um, outdated technology that did not, uh, support Zoom software or because they had poor internet access, uh, that has been very difficult in how we--how they've been able to participate in our meetings. And I want us to be cognizant of that as we think about extending this.

I believe that the council does not want to be party to creating a two-tiered system for community engagement, where the most, most affluent people among us have the luxury of calling in from their homes while the less affluent or the less tech savvy among us, or those with unreliable technology are--have to participate in person in order to be able to participate. This is something I want the city to be mindful of as we move forward on this matter.

So, with that said, I'd like to open the meeting, open the floor for questions and general thoughts about--from our--the members of the--for the members of the, uh, Government Ops Committee first, and then to our mayor and vice mayor. And we will follow that with public comment. So I'm going to yield the floor. We do have with us--excuse me.

Excuse me. We do have also with us, uh, City Solicitor, Ms. Glowa, uh, so that she is available for questions and if she's not able to answer those questions at this time, she can get back at a subsequent meeting. So that being said, I don't see any hands raised or is there anyone that wants to start us off on this discussion? Looking first to the community committee itself and then to other members. Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, um, chair, um, through you, I, I believe Councillor Sobrinho-Wheeler had his hand up first if he would like to go first.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Happy to defer to you.

COUNCILLOR QUINTON Y. ZONDERVAN: Okay. Um, thank you. So, um, thank you for holding this meeting. I, I certainly,

uh, fully support the idea of, uh, continuing remote participation. And in fact, I think we should extend it to all our public bodies. Um, not just the council, but the Planning Board, BZA and, and really, uh, all public meetings.

Um, and I also really appreciate your, um, emphasis on, on equity and making sure that, that people have equal access to, to this opportunity. Um, I don't necessarily have a lot of, uh, solutions ready for that, but, but I think we can definitely, um, do more to make sure that people have access. Um, both in terms of the technology. You know, we, we settled on, on Zoom early on for, you know, expediency mostly, I think, um, but there are other technologies available that we can experiment with and, and explore that might, uh, get around some of the challenges.

And of course, municipal broadband is, is something that we all, um, advocate for, but that will take, uh, some time. So it's not a, a quick fix. And then, you know, there may be ways that we can provide and direct assistance to, to people who want to, uh, participate remotely. And, and then there are some simpler things that I think we can do and, and some things we figured out even along the way.

For example, when people call in with their phone numbers and, you know, initially there was some challenges around that, but I think we've mostly kind of sorted that out. But there are--there are ways, I think, particularly with the signup, um, where we can make it easier for people to, uh, participate. So, you know, again, fully supportive and, and looking forward to, uh, to moving this forward to the council.

COUNCILLOR E. DENISE SIMMONS: Thank you Councillor Zondervan. Councillor Zondervan yields the floor. One of the things I just also wanted to add as we put questions on the list of followers is how this affects the School Committee cause we are bilateral, uh, elected bodies. And if we do something, the community may look for the School Committee to do that and you might want to engage them in that conversation as well. Uh, Councillor Sobrinho-Wheeler, the floor's yours.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Thank you, Madam Chair. Thanks for co-chairing, uh--for chairing this meeting. Um, I think it's a really important subject. Glad we're talking about it, you know, ahead of time before the, the pandemic ends. Um, thank you to Vice Mayor Mallon for,

uh, introducing the policy order that led to this. Um, the--I also, uh, am in complete agreement we should, uh, continue, um, virtual public comment for City Council, um, and other meetings.

Um, uh, I think it allows people who, you know, can't make it to a City Council meeting at 5:30 PM on a--on a Monday night because they have childcare obligations, because they work in a, a job that works evenings, uh, to participate in public live in a way that I think is really important. Um, in terms of, you know, figuring out equity for the, uh, the virtual piece, I think--Um, you know, I am--I'm not an expert on the, the backend of setting these up.

I'm really grateful that the, the staff, uh, uh, have figured it out. I think, you know, one thing we could do in talking with, uh, the City Council liaison, Naomi Steven, and, and others, is figuring out how to, to advertise the phone dial in. I, I feel like I--You know, I don't have the data on it, but I feel like most people who are dialing in are using a smartphone or their computer. You can also dial in using a phone and I, I think maybe folks don't know that.

I've, I've done it, uh, for a couple other meetings as well. It's a little more challenging getting that starters to fix to unmute, knowing all of that. I think that having those instructions I think would be really helpful. Um, and we could, could figure out how to advertise that. Um, I think the other piece on the, the equity piece that, that's big and I would like to see us figure out is, uh, the council, even before the pandemic had talked about, uh, figuring out how to do, uh, translation for City Council meetings and other meetings.

Zoom actually makes it a lot easier to do that. Um, you know, before when we were just doing in-person meetings, you'd have to have a--have a translator somewhere. You'd have to figure out how to give people headset. on Zoom, there's an option to, to just click on the bottom and to switch over it and listen to the translation in Spanish, in Portuguese and in any language, basically.

Not city meetings, but I've listened to, to meetings for community events where they have translation that way. And it's so interesting and it's, it's so much easier than doing it in person. And if we're gonna continue to do Zoom,

it's a, a huge opportunity for us, I think, to, to get that set up. And, and people, if they're gonna give public comment and they want to listen to the meeting, and they could click, you know, I need Spanish translation, I need Creole translation, and we would know that ahead of time and it would be incredibly helpful.

Um, so I think that on the, the equity piece, we can think about as well. Um, and then I just have one question and sort of, you know, how we're figuring this out. And that's when we start having, uh, in-person meetings and we started having in-person public comment, uh, again and just figuring out how we're doing that in Zoom. Are we--are we doing the Zoom public comment first and then in-person or vice versa? Are we gonna go back and forth? Just figuring out the, the logistics of that, which I think we can definitely do. Um, but, uh, that's, uh, all I had for initial comments.

COUNCILLOR E. DENISE SIMMONS: Uh, thank you, Councillor Sobrinho-Wheeler. So Councillor Sobrinho-Wheeler yields the floor. I want to now go to Councillor McGovern and then to Councillor Toomey, and then I'll go to the non-members of our committee. Councillor McGovern, you have the

floor. Any comments?

COUNCILLOR MARC C. MCGOVERN: Uh, yeah. Thank, thank you Madam Chair. No, no, nothing, nothing more to add other than, you know, I, I completely agree that, um, that this has been very, uh--Having the remote participation, although, you know, it, it does change the dynamic when you can't see somebody, um, you know, when you're not in the same room, it has been overwhelmingly, I think, uh, positive in terms of getting and allowing more people to participate.

And so I, I fully support, um, you know, that we continue this and we move forward with it and I--Actually Councillor Sobrinho-Wheeler, I was gonna say the same thing. It's just, just the logistics of how do you--Some people will show up in person, some people will call in, how do you figure out who goes when and that kind of thing but we--

That's all--that's all stuff that will work out and we'll probably do something and we'll get it. It'll--We'll, we'll get it wrong and we'll adjust it and, and, and, and do it right. Cause this is one of those things we won't know until we're actually doing it, how well it works but,

um, fully supportive. And again, thank you councillor, or I'm sorry, Vice Mayor Mallon and others, um, you know, who have talked about this and, uh, I'm looking forward to it.

COUNCILLOR E. DENISE SIMMONS: Thank you Councillor McGovern. Councillor McGovern yields the floor. We now move to Councillor Toomey. Councillor Toomey, the floor is yours.

COUNCILLOR TIMOTHY J. TOOMEY: Thank you, uh, Madam Chair. I'm fully supportive of this, so I appreciate everyone's efforts and looking forward to implementation. Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you Councillor Toomey. Councillor Toomey yields. We move now to Mayor Siddiqui. Mayor Siddiqui, you have the floor.

MAYOR SUMBUL SIDDIQUI: Thanks. Yeah. Um, I think everything's been said. I was the lead sponsor on this and, um, Vice Mayor Mallon, um, also, uh, really--We've, you know, we've been talking about this for a long time, so I think it is about equity. I think the logistical piece around this will have to be figured out. Um, and on the School Committee front, we've had--we've had these earlier conversations about, um, making this change as well.

So as chair of the committee, I, I'd say that we're, we're--from what I've gleaned, we're on, on, on board, I think--We haven't had time for the discussion yet, uh, as we've--We had the budget and the superintendent search, um, at the forefront, but, um, I will be talking to the vice chair. We've, we've generally talked about it, and I think there is support, um, to be looking at this policy, this rule change as well. Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you Mayor Siddiqui. Mayor Siddiqui yields the floor. Uh, Vice Mayor Mallon, floor is yours.

VICE MAYOR ALANNA M. MALLON: Thank you, Madam Chair, and thank you for holding this meeting, um, so quickly after, um, the policy order went in. I know, I know it's timely. I think, um, the earlier we discuss this, the, the better place that we'll be in. Um, you know, I think we say this all the time, that participation is a function of privilege. And it has been, up until we--um, were actually able to, to do this remote participation for public comment.

And I think what we've seen over the past year is a lot more of our residents actually interacting with the

council and, and being able to, to participate in a real way, um, in their city's government. So I think I'm really excited about the, the idea that we could continue this in the future. I know that logistically, there are some things to figure out.

Um, just going back to something that Councillor McGovern said around not being able to see the person, Mayor Siddiqui may be able to tell us a little bit more, but on the School Committee side for public comment, um, you actually do see the person, um, there's video of them. And so it has always struck me as odd that, um, the City Council has not been able to, to make that shift over.

I think it's important actually for us to see who's speaking and talking. And I know that it comes with other challenges that, um, Ms. Stefan might be able to, um, speak to a little bit around, um, Zoom bombing and things like that. But I think for us to think about moving forward this--with this, having that video option like they do for the School Committee is something I think is really critical.

Um, I, I think all the, the questions that you've outlined are really good ones and will walk us through what

these pieces are. You know, it does sound like the, the will of the committee, and I'm not on the committee, so thank you for inviting me to speak, is that it--this is an idea to support. Um, I think I'm, I'm curious about what the steps are that we would have to take and whether or not we can actually do this without the legislature.

And I imagine that there are other councils, um, and boards across the state of Massachusetts who are grappling with the same thing right now and wondering if, um, there's a way to do this with a, a group of us, um, and to, to ask for that continued public participation, uh, remotely. I know so many people have childcare issues, different job issues, um, that coming on a Monday night at 5:30 and sitting for several hours to speak for two or three minutes is just not feasible.

So I'm really excited about, um, us moving forward on this. I did have a--This is sort of an aside question, and it's not the conversation that we're having right now, but we did have a conversation on Monday night about board remote participation, um, and how, you know, like the Planning Board and BZA, how hard it is to recruit into those really critical boards in our city that make really,

you know, big decisions around housing and planning and that it is hard to recruit for those positions.

And I wonder if it would be easier for us to recruit if we were able to have remote participation for board members. Um, so just something to think about. I know that that's not the conversation we're having right now, but I did want to bring it up as it was something that we talked about on Monday night, and it, it's sort of in the miasma, so I'll yield the floor at this time, but I thank you again for convening the conversation and I look forward to next steps.

COUNCILLOR E. DENISE SIMMONS: Thank you, Madam Vice Mayor. Vice Mayor yields the floor. Is there anyone that wants to speak again? Although--Otherwise I'll draw our attention back to the first question, which I think we've pretty much answered. Councillor Zondervan, would you like to speak again? And if so, you can have the floor.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair, and I did want to, um, see if we could get an opinion from this solicitor on the feasibility of, of continuing this, uh, past the, um, emergency orders.

COUNCILLOR E. DENISE SIMMONS: Very good, thank you,

Councillor Zondervan. Councillor Zondervan yields the floor. Does anyone--And any other questions for the city solicitor, I'll turn it over to her and just please raise your--put your hand up in the chat and I'll acknowledge you so you can ask questions at the City Solicitor knowing that she's coming to this meeting for the first time, so she may not have this answer, but we will have a, a follow up because there are some important questions that have come up, which is, can we--How can we do it?

You know, do we do it because we want to? Do we have--Do we do something extraneous to make it happen or is it under--in our domain to have happen? So I think that's something certainly the city solicitor can address of, not now, in a subsequent meeting. So I will yield the floor and, uh, call on Ms. Glowa to take the floor and answer Councillor Zondervan's question. Excuse me, how hard, you know--basically, how, how feasible is this process? Ms. Glowa, you have the floor.

CITY SOLICITOR NANCY GLOWA: Thank you, Madam Chair and through you, um, we, we haven't had time to complete all of the work that we wanted to do with respect to this council order, including talking to the division of open

government of the Attorney General's office. Right now, under the open meeting law, this would not be permissible, um, therefore, uh, I don't think that the governor has the authority to extend the emergency order beyond emergency circumstances.

And, um, short of that, the only other option would be to amend the law, either by general or special legislation. I do think that a number of communities in the Commonwealth are interested in pursuing this option. And there is a lot of discussion, at least on the Municipal lawyers website and I'm sure on other MMO and, uh, mass municipal, um, organization and other sites like that, groups like that, that are discussing these issues.

So I think that probably the, uh, most, uh, likely route to get the, um, change that the council is interested in would be to pursue, uh, legislative changes to the open meeting law to allow for this. Um, so, uh, and that's something we'd be--certainly be happy to pursue, either preparing a home rule petition or perhaps special legislation in conjunction with other communities.

Um, and just with respect to, uh, Vice Mayor Mallon's comment about other boards and commissions, right now, all

of them are able to meet remotely with the members also participating remotely, just in case that was a question in your mind.

COUNCILLOR E. DENISE SIMMONS: Thank you, Ms. Glowa. Are there other questions for Solicitor Glowa?

VICE MAYOR ALANNA M. MALLON: I had a quick follow up, Madam Chair, if I may.

COUNCILLOR E. DENISE SIMMONS: Madam Vice Mayor, you have the floor.

VICE MAYOR ALANNA M. MALLON: Thank you. I understand the boards and commissions are meeting remotely now, but that ends with the emergency order as well, correct?

CITY SOLICITOR NANCY GLOWA: Through you Madam, uh, Chair, yes.

COUNCILLOR E. DENISE SIMMONS: So thank you. I guess what I was saying was, um, if we are trying to recruit members to those boards, it might be easier for us to recruit them if that was, um, to continue in the future past, the emergency order, that there could be remote participation as well as in-person participation. So like I said, that's not a conversation for today and I don't expect you to be prepared for that, but just something that

I was thinking about.

COUNCILLOR E. DENISE SIMMONS: Thank you Madam Vice Mayor. We'll add these questions. I'm trying to keep a list of the questions that are being asked so that Solicitor Glowa can go out and look to see, um--try to answer some of these questions. I know I've reached out to a few people, the MMA, just to, to ask who else may be thinking about this as City Solicitor Glowa said.

And it may be easier or less of a uphill push if we're not trying to do this by ourselves. You know, when the-- when there's a groundswell of other communities that are interested in doing this, but I suspect, uh, some, particularly more, the more inner city neighborhoods--Uh, not neighborhoods, uh, cities and towns might be interested in. Um, Madam Vice Mayor, are you yielding the floor?

VICE MAYOR ALANNA M. MALLON: Yes. Thank you.

COUNCILLOR E. DENISE SIMMONS: Madam Vice Mayor yields the floor. Councillor Sobrinho-Wheeler, the floor is yours.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Madam Chair, through you, um, [inaudible 00:31:42], uh, apologize, I misstated before that the mayor was not the lead sponsor and thank you to, to her and the Vice Mayor for their work

on this. Um, I, uh, I had a question for the, the solicitor. Um, I was looking at the, the open meeting law, uh, briefly. Um, and it, uh, seems to imply that, you know, public bodies, the council and other bodies have to meet in person outside the context of the emergency.

Um, and that remote participation is only, you know, available in certain, uh, instances for, for public bodies. Everything that I was looking at seemed to apply just to members of those bodies, to the, the City Council itself, to the planning board. Um, and not to public comment, but I, I may have missed. If there's a piece about public comment specifically., I just wanted to, to see if you could, um, speak to that a bit. If there was a, a provision that says public comment has to be, uh, in person.

COUNCILLOR E. DENISE SIMMONS: Ms. Glowa.

CITY SOLICITOR NANCY GLOWA: Uh, through you, Madam Chair, the, the open meeting law, uh, requires that members of the public be allowed to attend. And that has always been understood to mean attend in person, physically. Um, and the governor's executive order for the COVID emergency says explicitly that, that he is temporarily lifting the provision that requires in-person attendance physically by

members of the public.

So it's, it's not simply, um, related to the comment making, it's attendance. So, uh, I, I think that if we're required to make the meetings available to the public to attend physically, and we don't wish to do that anymore, that would require a change to the state's open meeting law.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Gotcha. Not, um--I guess not to put too fine a, a point on it, um, but when you say that, uh, attendance for public comment has always been understood to be in-person attendance, is there case law around that or that's just sort of been the general understanding by cities? Just trying to understand what that--what that means when you say it's always understood to be in-person.

CITY SOLICITOR NANCY GLOWA: Uh, through you--through you, Madam Chair, there is guidance that's given to the, um, Commonwealth by the division of Open Government of the Attorney General's office, um, which, which, which, uh, oversees the open meeting law and enforces it, uh, its provisions. So, um, that guidance has always stated that that's what's required.

Um, I don't know whether there's case law. I haven't looked into that specifically. I would say that--And also I just wanted to correct, it's not just about comment, it's about being able to attend. So I believe that the law does say that. I'm not sure if the exact words attend in person, physically are there the way the governor referred to them, but I wouldn't be surprised if in the many guidance documents those words are used.

And certainly, I believe it's always been the guidance given by the division of open government that this law requires municipalities to make public meetings governed by the open meeting law available to members of the public to attend in person.

COUNCILLOR E. DENISE SIMMONS: Uh, thank you, Solicitor Glowa. I, I, I might add, when these orders, laws and provisions were written, it was before technology was so robust, and I think this COVID Pandemic has, has us all looking at the use of technology in public access in a different way. So I--what I suspect, uh, Councillor Sobrinho-Wheeler, it's not so much it's been prohibitive, is that no one has ever really looked to amend the law to be up to what the times now implies, suggest, dictate.

So this--I think all what we're doing here, this conversation, it's, it's somewhat proactive, again, not knowing what other cities and towns are doing, but is a proactive discussion looking into something that should be the state of the art going forward because we are so much more technologically proficient in some ways than we were when a lot of these laws were, uh, written.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Thank you, Madam Chair. That's--Oh, I was just gonna say, if I still have the floor, can I--could I have one more--one more piece?

COUNCILLOR E. DENISE SIMMONS: Yes, absolutely.

COUNCILLOR JIVAN SOBRINHO-WHEELER: No, I, I absolutely agree. And I guess I was just trying to, to get at that piece of, of these laws were, were written beforehand, and if--You know, I think there's always that piece about explicit versus implied, and I'm just thinking about how a lot of our home rule petitions don't get acted on, on right away in that if it isn't explicitly prohibited on having, uh, a remote public comment, that might be something we could work with.

And if, you know the solicitor is saying there is guidance about that, that would be really helpful to have

in a legal opinion because if it's--if it's just implied that attendance is in-person, that it doesn't actually say that anywhere, well, maybe we should, should try to, to, to work with that a bit. And, you know, if it just says attendance is required, well, we're all attending this meeting right now. None of us are there in person, but we are all attending and members of the public could continue to attend remotely. Um, so, you know, not to, to get too much into the weeds, but, but thank you.

COUNCILLOR E. DENISE SIMMONS: Uh, thank you, uh, councillor, are you, you yielding the floor?

COUNCILLOR JIVAN SOBRINHO-WHEELER: I am, yes. Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you. Before we go to, uh, my other colleagues that have their hands up, I want to see if Councillor McGovern or Councillor Toomey want to speak again?

COUNCILLOR MARC C. MCGOVERN: I'm fine, Madam Mayor-- uh, Madam Chair.

COUNCILLOR E. DENISE SIMMONS: Thank you. Councillor Toomey? I guess not, uh, Madam Mayor, do you want to--

COUNCILLOR TIMOTHY J. TOOMEY: All set, Madam Mayor--

Madam Chair.

COUNCILLOR E. DENISE SIMMONS: Thank you. Mayor Siddiqui. Okay. Having, um--I don't--I'm sorry. I don't know who put their hand up first. So, uh, well, I'll yield to the Vice Mayor and then to you Councillor Zondervan. Sorry, I keep struggling.

VICE MAYOR ALANNA M. MALLON: Madam Chair, I think Councillor Zondervan had his hand up first.

COUNCILLOR E. DENISE SIMMONS: Very good. Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair and, uh, thank you to the Vice Mayor. And I just wanted to follow up on, uh, the questions that Councillor Sobrinho-Wheeler was asking, um, because what struck me about the answer from the solicitor is that it, it seems to be that the law requires that we make it possible for members of the public to attend the meeting in person.

And, and I certainly understand and accept that, but to me, that says that we, or, or at least a, um, quorum of the council may need to be physically located somewhere so that members of the public can attend that meeting in person. But it doesn't say to me that members of the public

therefore cannot attend remotely or, or virtually. So, so I, I guess what I--what I heard was that we have to make it possible for members of the public to attend in person, but that doesn't say that we cannot allow people to also attend remotely.

COUNCILLOR E. DENISE SIMMONS: Are you yielding Councillor Zondervan?

COUNCILLOR QUINTON Y. ZONDERVAN: I, I guess that's a question. Is, is that interpretation correct or, or what, what's the flaw in my logic there?

COUNCILLOR E. DENISE SIMMONS: I think you raised an interesting question. Just recently, and some of you may know this, the City of Everett, uh, had quite a contentious debate versus in-person and not being in person to the, I would say, to my [inaudible 00:39:19] how, uh, unkind it was. And, and I think it really does raise a question, what is the--what is the letter and what's the spirit?

And, you know, what do you have to adhere to and what do you have to at least try to adhere to? So you do ask a valid question. I don't know if the solicitor can answer that. I will put that to her, but I think that is something that's gonna be important to be very clear about so that we

don't expose ourselves to any challenges. Um, solicitor go over, can you, do you want to attempt that?

CITY SOLICITOR NANCY GLOWA: Uh, thank you, Madam Chair, through you. I, I, I wanted to, um, make clear, I'm, I'm speaking conservatively, but, uh, I believe that there is already written guidance from the attorney general's office that makes very clear that right now the open meeting law requires municipalities and other public bodies to allow members of the public to attend physically meetings governed by the open meeting law.

That has been lifted temporarily by the governor's order, uh, during the COVID Pandemic, but that is clearly the law. More recently during the pandemic, there has been more discussion and, uh, in the communities and, and including seeking guidance from the attorney general's office about hybrid meetings. So recently, uh, for example, the city of Brockton, um, I think this was last summer, requested, um, advice from the Attorney General's office about whether the in-person requirement pertained identically, two members of the public body and two members of the public.

And what the Attorney General said was that not all

members of the public body must be present, but some may be present. They were--The AG was less, uh, flexible when it came to members of the public. The Attorney General's office has expressed a concern that, uh, if some members of the public are present and other members are only participating remotely, that that might somehow give an edge or preference to the members of the public who were present before the body, um, which be--might be disadvantageous to the members of the public who are not able to be there physically.

So at this time, the Attorney General is saying that there may be, uh--it may be appropriate to allow, uh, technicians to be present or, um, possibly an uninvited guest or something who's doing a presentation, but not necessarily--But, but not just sort of certain members of the public and not other members of the public. I think a good example would be, let's say, a, uh, zoning petition where if the proponent is, uh, a large, well-funded entity and has all sorts of screen shots that they want to show in a presentation.

So an argument could be made that they should be there physically. But then members of the community who may wish

to speak on that matter, um, who don't have an actual presentation, if they weren't permitted to speak in person, that, that might, you know, be--seem to be giving, um, an advantage to the person making the public presentation.

So in any event, regardless of, uh, the various permutations that are possible, at this time, the Attorney General has said that's not permissible and is definitely taking a conservative look at those things and that's even under the executive order. So I think that--As I said before, I think that there would be a lot of support statewide to seek changes such as this to the open meeting law, but it would require legislative changes.

COUNCILLOR E. DENISE SIMMONS: Thank you, Solicitor Glowa. Councillor Zondervan, are you yielding the floor?

COUNCILLOR QUINTON Y. ZONDERVAN: Uh, thank you, Madam Chair. I, I think that was--that was very helpful, um, as an explanation. Um, I, I guess the, the other question that comes to my mind is, it sounds like when the emergency orders are lifted, we would have to immediately suspend or, or terminate, um, remote participation.

And so I guess the question is, do, do we have time and opportunity to address this issue before that happens?

Because that would be, I, I think very disruptive, um, to, to the public being able to participate given that for the last year or so, they've been able to do it remotely.

COUNCILLOR E. DENISE SIMMONS: Councillor Zondervan, are you posing that as a question or is that just a comment?

COUNCILLOR QUINTON Y. ZONDERVAN: Yes, Madam Chair, that, that is a question as to whether we, we can initiate this process of legislative change, uh, immediately.

COUNCILLOR E. DENISE SIMMONS: Solicitor Glowa, do you have a comment? Do you have an answer?

CITY SOLICITOR NANCY GLOWA: Yes. Thank you, Madam Chair, through you. Yes, and in fact, I believe that, um, somebody in the state administration, uh, seems to be suggesting that communities might want to consider, um, making legislative changes that--of things that may have been temporarily lifted during the pandemic, such as zoning changes and encouraging communities to think about which changes might be made to local ordinances or bylaws.

Um, and again, here, for example, anything in the zoning ordinance that we've temporarily suspended during the pandemic, and encouraging communities to start thinking

about those things now, to get those things underway so that the changes could be made before the executive order is lifted. And similarly, I think that there, there's nothing prohibiting the council from pursuing, um, possible legislation to amend the requirements pertaining to the open meeting law.

And therefore, uh, if you wish to pursue that, we'd be happy to help, um, move that along by proactively submitting something now so that, uh, there would be an opportunity for it, for example, to be changed before the executive order, um, terminates.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you. I, I--

COUNCILLOR E. DENISE SIMMONS: Just a follow up, Madam Solicitor, do we have any idea? I just want to follow up from you, councillor. Do we have any idea when the governor might be lifting some of the, um--that particular executive order so that we could be--I mean, I know we're saying as soon as possible, but if he lifted it tomorrow, where would that put us? I'm just curious.

CITY SOLICITOR NANCY GLOWA: Madam Chair. I have no idea. I, I don't think anyone in the city has any particular guidance from the governor's office about that

as far as I know.

COUNCILLOR QUINTON Y. ZONDERVAN: Um, Madam Chair, if I, if I may, I, I think one, um, order by the governor on, on the eviction moratorium, I think that's expiring in June. And given the, uh, widespread availability of vaccines by, you know, the end of, of may, we may expect that a lot of these orders would start to be lifted over the summer. Oh, you're on mute, Madam Chair.

COUNCILLOR E. DENISE SIMMONS: Thank you. I didn't hear most of what you said. I was frozen, so I, I won't ask you to repeat it, but I just apologize if I wasn't responding cause I didn't hear anything that you said except for that last sentence. Are you yielding the floor?

COUNCILLOR QUINTON Y. ZONDERVAN: Yes. Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you, Councillor Zondervan. Vice Mayor Mallon.

VICE MAYOR ALANNA M. MALLON: Thank you. I think my colleagues have covered, um, most of what I was gonna say, but I do want to respond to something that the solicitor said around, um, the Attorney General's office saying that there was a concern that, um, the folks who were participating remotely would be at a disadvantage to those

who were participating in person, um, under a high--you know, a potential hybrid or proposed hybrid meeting format.

I guess the reality is those folks wouldn't be able to participate at all if there wasn't a remote participation. So I think the disadvantage then goes to those who couldn't actually be physically at the meeting. And I think that one could argue that that is a more of a disadvantage, um, than, than what the Attorney General is currently proposing or, or arguing at this point.

So I think the sooner we could put something forward, um, and get this moving, I think what you missed, Madam Chair, was that Councillor Zondervan was using the eviction moratorium as sort of a, a window into the future. And that, that is going to be lifted in June. And so with the widespread vaccines, everyone being eligible on April 19th, and hopefully most people being fully vaccinated by June, that we could see some of these really lifting.

And so getting a, a jumpstart on this would be preferable. Um, so I guess we would be looking to the solicitor on putting together something for us to send very quickly, um, while at the same time trying to figure out if there is a, a consortium of local municipalities who would

be willing to kind of join us in this effort and be loud and say, we really want to keep this. It has changed the face of who participates in local government and decisions. Thank you, Madam Mayor--Uh, Madam Chair. I yield the floor.

COUNCILLOR E. DENISE SIMMONS: Thank you, Madam Vice Mayor. Uh, are there any other questions or comments? Hearing none. So in order to move some of this forward, if we make a motion and, and Mr. Clerk, please correct me if I'm wrong, and this goes as a part of the committee report, we will not be able to sort of legitimately take action until that motion--the report comes to the council and the motion is adopted.

Or we can do it, we have done in one other instance, which is, um, make the motion, but have the motion go directly to the floor, uh, because this is Wednesday, and so we'd have time to do this. Am I frozen again? Um, we can make motions that we make two--that we would put directly on the floor for Thursday so that the council could adopt it. One motion might be it.

The question I put was, does the government operations committee feel that continuing with remote public participation is an idea we want to support? I would

entertain a motion to see if, if that is indeed what we want to do and if--and we would ask the City Council to adopt that, the idea to go forward in pursuing remote public participation.

The second question, I think that's before us by way of motion, would be, um, to direct the city solicitor, and I hope I took this down correctly, to look into developing language for remote participation. Uh, the, the third one, third one was to see if--

And I, again, I was somewhere out there in hyperspace, so I don't know what exactly was said, uh, sounded like, um, one of the ideas or a motion that could be offered was to see if we could do what we did similar to the eviction moratorium, and extend that. Is that within our purview? I know that that's a question or a motion. And, um, so that'd be the first thing. So to the members of the, uh, committee on Government Ops, do--have I ascertained correctly what the motions would be? I don't hear--Uh, Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair. I think so. Um, I, I didn't, um, mean to imply that we would extend, uh, our, our own emergency orders. I mean,

it's certainly an interesting thought, but I would imagine that we would have trouble doing that if, if the governor lift the statewide emergency orders. Um, but it's certainly a question we could post the solicitor if, if there was any possibility for us to extend our own emergency orders. Um--

COUNCILLOR E. DENISE SIMMONS: Do you want to offer that as a question as opposed to putting it in the form of a policy order? I just want to be clear what the--what's the, uh, favor of that?

COUNCILLOR QUINTON Y. ZONDERVAN: Um, I, I, I think we should put it in a policy order, but, but I think as you pointed out, if we, if we do it through the committee, then it'll take longer than if we just do a--

COUNCILLOR E. DENISE SIMMONS: What I--

COUNCILLOR QUINTON Y. ZONDERVAN: --a policy order and submit it tomorrow.

COUNCILLOR E. DENISE SIMMONS: Uh, exactly. So what I would offer is to put together with the, um, support of the Government Ops Committee, these three orders. One that we-- that we're recommending that we continue remote participation. The second would be, and I didn't write it down while I was saying that, we would ask that the city

solicitor put together language that would allow us to do that.

And then the third thing was do what--to have the city solicitor look into, could be, if the governor rescinds the executive order, can we extend our own process of remote participation? Would the--does that sound--is that a good, uh, rendition of, of what those orders would look like?

CITY SOLICITOR NANCY GLOWA: Madam Chair, if I may, I, I can answer the, the question now.

COUNCILLOR E. DENISE SIMMONS: Okay. Absolutely.

CITY SOLICITOR NANCY GLOWA: The answer is that we do not have the authority to extend that. This is governed by state law.

COUNCILLOR E. DENISE SIMMONS: Okay. So we'll take that one off the table. So then the first two, can those stand? Which is that the Committee of Government Operation recommends that we can--we look into continuing remote public participation. And the second motion would be that the city solicitor would be asked to, uh, develop some language that would be appropriate for us to be able to do that. That's Barbara wording, but are those two policy orders in the--in our purview to put forward?

CITY CLERK ANTHONY WILSON: Chair Simmons?

COUNCILLOR E. DENISE SIMMONS: Yes.

CITY CLERK ANTHONY WILSON: If, if I may. So, so I--
You are correct. I just want to clarify for the, uh,
members of the committee that, um, the committee could vote
to send a policy order to the City Council for adoption.
Um, and it would come back in the minutes. If the
committee's not gonna do that.

But if you're having a discussion about one of the
councillors, one of the members of the committee putting in
their own policy order, it wouldn't be coming from the
committee so there wouldn't be--You could have that
discussion, but you wouldn't be voting on it. You'd just be
having a discussion for someone, a member of the council
that put forward when we're putting together the agenda.
Just, just for clarity for the body.

COUNCILLOR E. DENISE SIMMONS: Okay. So to you, Mr.
uh, Mr. Clerk, uh, assuming that the committee wants to
move this forward expeditiously, what would you--are you
recommending that just a member, whoever that might be,
could be the vice mayor, uh, put forward an order asking
that we adopt what--the idea, and then have the council as

a body vote on that and don't make it a recommendation, which will be held up until the minutes were, um, released? Is that what you're saying? It would have to be a member doing it and not the Government Ops Committee?

CITY CLERK ANTHONY WILSON: Correct. If the Government Ops Committee were to put forward a policy order, it would have to wait for the minutes of this meeting to go before the council.

COUNCILLOR E. DENISE SIMMONS: Right. That I--Okay.

CITY CLERK ANTHONY WILSON: All councillors have the ability to put forward policy order. So if there's some discussion around, you know, here's what we want, and then a councillor moves that forward, however the--whoever--whomever chooses that, then the councillor does have the right to, to bring a policy order forward for the next meeting.

COUNCILLOR E. DENISE SIMMONS: Thank you, councillor. Not councillor. Thank you, Clerk Wilson. So if, if the Government Ops Committee would feel, um, so obliged, I could offer with however--Well the appropriate number of co-sponsors, um, those two orders. One to ask that we move forward on looking into extending remote participation, and

the second order would be that we direct--that the, the city solicitor be directed to look into the proper language to, to allow us to do--to have remote participation.

And what that would do, uh, and I'm gonna come back to my, my committee members, what that would do is that would just move this forward a little faster. If we are fine with letting it stay, I would, I would say that, uh, let's bring it to the floor so they can be before us on Monday so that we could start it moving as opposed to waiting, um, to the minutes, get to the committee, what the minutes can say that it was agreed at or voted by the Government Ops Committee that the chair would offer the two orders so that this item--these items could move forward expeditiously. And if there's--I would like some feedback on that. Uh, if there's no objection, then that's what I would suggest.

COUNCILLOR MARC C. MCGOVERN: Madam Chair?

COUNCILLOR E. DENISE SIMMONS: Council McGovern.

COUNCILLOR MARC C. MCGOVERN: Um, I would support that, you know, to get it moving more quickly, um, when you--when you mentioned, uh, in the order to continue remote participation, are we--are we going to--do we need to specify, um, I think, 'cause we also talked about remote

participation for the Planning Board and BZA and some of the other committees. So do we have to specify that for the City Council and City Boards and Commissions or do--or is that understood?

COUNCILLOR E. DENISE SIMMONS: I would have to ask the solicitor. I don't think one assumes the other. Um, Madam Solicitor?

CITY SOLICITOR NANCY GLOWA: Um, through you, Madam Chair, I don't think one would assume the other, but I had assumed that the council would be wishing to have that applied to all boards, commissions, and bodies in the city, including the School Committee because, um, I think there would be interest on the part of other boards and commissions and, um, as, uh, uh, somebody mentioned, uh, at the School Committee as well, so.

COUNCILLOR E. DENISE SIMMONS: Right.

COUNCILLOR MARC C. MCGOVERN: Yeah. As long as--as long--as long as that's--as long as that's clear. I didn't want to get something back that just talked about the City Council cause we didn't--we, we weren't--we didn't clarify, so that's fine.

COUNCILLOR E. DENISE SIMMONS: Certainly. So what I

could do is, uh, and I can--whatever--so not to breach the open meeting law, I could certainly, whatever language I put together, I can put in front of say, uh, you Councillor McGovern, the vice mayor who the catalysts for this, and maybe Councillor Zondervan who has a couple of ideas.

So that was sort of in lockstep so when it goes to the floor that it would get the approval of, of the committee, I could do something like that as long as I'm not broaching. I don't want to have a serial meeting. So whatever the, uh, solicitor suggests. Councillor McGovern, are you yielding the floor?

COUNCILLOR MARC C. MCGOVERN: Sorry. Yes, I am, Madam Chair.

COUNCILLOR E. DENISE SIMMONS: Thank you, Councillor Sobrinho-Wheeler. And then I want to ask other members before we come back to you, Councillor Zondervan. So, Councillor Sobrinho-Wheeler.

COUNCILLOR JIVAN SOBRINHO-WHEELER: Uh, Madam Chair, that, uh--this sounds like a good progression to me, uh, including another board and commissions in this now. And the one piece I, uh, wanted to add, and I'm not sure if it's a separate motion or not, but, uh, in drafting this

up, this, uh, whatever it ends up being, a policy change or a, a home rule petition, I imagine there will be, um, some legal analysis done as part of it.

If we could just have that legal analysis shared with the council, I think that would be helpful, um, for me as a--as a policymaker and I think others, uh, especially if it's a home rule petition or, or even without just trying to understand what the, the law says or what the Attorney General's guidance says about having remote participation, I think would just be, be helpful to, to understand what that, that wording has been.

COUNCILLOR E. DENISE SIMMONS: So, uh, uh, to you Councillor Sobrinho-Wheeler, when you say a legal analysis of what? Could you be more specific?

COUNCILLOR JIVAN SOBRINHO-WHEELER: Sure, yeah, I was just saying if there's--if as a result of this, um, the council is presented with a home rule petition to, uh, continue remote participation, uh, that we would get, you know, a brief, doesn't have to be long, but a brief legal analysis saying, this is why you need a home rule petition, or this is why you don't need a home rule petition. I think that would be helpful.

COUNCILLOR E. DENISE SIMMONS: I think that--All right. Very good. Thank you, Councillor Sobrinho-Wheeler, do you yield the floor?

COUNCILLOR JIVAN SOBRINHO-WHEELER: I do. Thank you.

COUNCILLOR E. DENISE SIMMONS: Is there any other member that have--of the committee has not been heard on this that'd like to be heard? Then hearing no one from the committee, I will then go to Councillor Zondervan and then to the vice mayor. I still think she has--I don't know if--I can't see the mayor on my screen. Um, I didn't ask Councillor Toomey. Councillor Toomey, did you want to speak on this? Do you want to offer any comment? Hearing none, I will then go to the Vice Mayor and then after which we will hear from Councillor Zondervan. Madam Vice Mayor.

VICE MAYOR ALANNA M. MALLON: Thank you, Madam Chair. I just wanted to, um, call out that the mayor was actually the lead sponsor of this policy order so, um, if you're looking for co-sponsors for that.

COUNCILLOR E. DENISE SIMMONS: Very good. I will look to her.

VICE MAYOR ALANNA M. MALLON: Thank you.

COUNCILLOR E. DENISE SIMMONS: Very good. Councillor

Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair. And, um, also I would like to note that I think we do have a few people in public comments, so--

COUNCILLOR E. DENISE SIMMONS: Very good.

COUNCILLOR QUINTON Y. ZONDERVAN: --um, probably want to go to that soon. Um, but another thought that occurred to me was, um, I know that, that I've participated in council meetings remotely before and that that was allowed. So I, I think if we can get clarity on that as well, in terms of--I, I guess my understanding is that if long as there's physically a quorum, then we could have one or two other members participating remotely.

But, you know, I, I think that's another question that we want to ask, um, legislatively is, do we want to reconsider that? So do we want to allow the majority of, uh, participants--of, of council members or, or committee members or board members to participate remotely or not? Um, and, and then, you know, if not, are there other restrictions there?

I'm not clear on, you know, if, if five people on the City Council are present in City Hall, does that mean that

four other councillors could call in remotely or is it just one or two? So I, I don't know if, if the solicitor has any thoughts on that now and then if we want to consider any of that as part of our legislation now?

COUNCILLOR E. DENISE SIMMONS: Madam Solicitor.

CITY SOLICITOR NANCY GLOWA: Through you, Madam Chair, uh, right now, in order for a member to participate remotely, the member needs the permission of the chair of the body, um, so--and you're correct that right now, under the open meeting law, a quorum of the body needs to be physically present. So again, those are issues that could be explored as part of what, uh, the council would like to see in any legislation.

I would note that, um, doing a lot of legal research on various permutations of what's possible now and what guidance has been given could take time and therefore take some time away from getting the legislation in front of you. So it might slow us down somewhat to be doing a really comprehensive analysis of everything that's all the guidance that's been given on these issues.

Um, and I also wanted to ask the council whether--the committee whether, uh, the committee is interested in

having us be pursuing this as, uh, special legislation for Cambridge, or would seek to, uh, collaborate with other municipalities in seeking general legislative changes, because that might affect how we worded the draft legislation that we would prepare for your consideration.

COUNCILLOR E. DENISE SIMMONS: Thank you, Ms. Glowa. I'd almost say both and, but, uh, Councillor Zondervan, did you have a follow up?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair. Through you, yes, I, I, I would agree that, um, we should pursue both, but, but my preference certainly would be to, uh, work together with other municipalities and, and change the law rather than, than seeking special permission for Cambridge. Um, and, and I also--I, I recognize the, the, uh, the workload issue.

But, you know, I do think it is worth exploring, uh, this, this question of having a majority of the--of the council or the committee or board, um, physically present because, you know, as the vice mayor mentioned, that it may make it easier for us to recruit members to, to some of these other boards, um, if they can participate remotely. Um, and, you know, maybe it can be as it is now with, with

permission from the chair.

And so it doesn't have to be necessarily automatic, but it, it would be, uh, helpful, I think, to explore that, um, question as well. And I, I would also think that another advantage of, of teaming up with other municipalities is that, you know, Cambridge wouldn't necessarily have to, uh, do all of that work, right? If, if we're, um, going into this together, maybe it's possible for different, uh, cities to, to also divide up some of the, the legal work that's required.

COUNCILLOR E. DENISE SIMMONS: Thank you, Councillor Zondervan, do you yield the floor?

COUNCILLOR QUINTON Y. ZONDERVAN: Yes. Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you. If there's-- Uh, I, I see the clerk's hand up. Clerk Wilson?

CITY CLERK ANTHONY WILSON: Uh, through you, uh, Chair, uh, Chair Simmons, I just wanted to, um, just clarify couple things for the committee is, uh, number one, um, while councillors do have the ability to put in policy orders, you know, regardless of the discussion at the committee meeting, sometimes it is helpful for staff to have the minutes of the meeting as they draft things.

So it's--it can be preferable, uh, to keep the policy orders or the recommended policy orders with the committee meeting. So that's just one thing. Then the other, uh, just a clarification for the committee, um, the, the policy order that, uh, started this committee meeting, um, is attached to the agenda. And, um, one of the order paragraphs in that policy order, it was amended on the night of the City Council meeting.

And the--that paragraph orders that the city manager being here by is requested to explore options for including permanent remote participation options at all public meetings in the city, including, but not limited to the Planning Board and the BZA. Uh, I only raise that, is that just so that the committee knows that there may be a response or there, there definitely is probably a response in the future or near future from the city manager about some of the issues that may have been discussed.

COUNCILLOR E. DENISE SIMMONS: So, Mr. Clerk, are you saying that it's actually already before us of the question that we were gonna be proposing that we explore remote access not only for the council, but for the, uh, specific boards or commissions? That we would not need to do that

because it's already been voted by the council and maybe--a response may be on its way? So with this--to put in an order would be redundant?

CITY CLERK ANTHONY WILSON: I guess to speak carefully the, the, the conversation was far arranging, but there-- the policy order that was adopted by the City Council is about, um, public participation from other, uh, city boards and committees is already in front of the, uh, city manager and the council's awaiting response to that.

COUNCILLOR E. DENISE SIMMONS: Okay. So then I--Given this information, and thank you for bringing that to, um, our attention, I don't have a policy order in front of me, it may not be necessary other than to maybe nudge our city manager saying that the Government Ops has met. There was a keen interest not only to do this, but to have a response. And if that is indeed the case, which the clerk says that is before the city manager, again, just nudge him, uh, to respond.

CITY SOLICITOR NANCY GLOWA: Madam Chair?

COUNCILLOR E. DENISE SIMMONS: Remote participation questions. There are a few other, um, policy order items that may not come--be absorbed into what we voted that's

bringing us here today. Ms.--Madam Solicitor.

CITY SOLICITOR NANCY GLOWA: Thank you, Madam Chair, through you. Um, I, I, respectfully, uh, believe that the current council order that's, that's, uh, been passed by the council does not request, um, draft legislation. So I think that if that is something the council wishes to pursue, then that would be the matter of a separate council order.

COUNCILLOR E. DENISE SIMMONS: Yes. And I, I may-- Sorry for not making that clear. So what I was intimating is that the base order, which was yes, we want to do remote participation with the city manager, look into it. That's already before the, the--that's been before the council, passed and now is in the hands of the city manager, with the exception of some of these other pieces that we just asked for, which was developing, uh, legislative language, seeking to see if there are other cities and towns.

Those would still be some other policy orders that we could be--put before the council to get back to move as well, because what city manager has already gotten is marching order. So this is more specificity as I see it, if I'm not misspeaking. Yes, Ms. Glowa, agree or no, you do

not agree?

CITY SOLICITOR NANCY GLOWA: I'm sorry.

COUNCILLOR E. DENISE SIMMONS: I, I'm pretty much--I'm saying I agree with you. So there, there'll be some other policy orders, just the four to five, the initial ask, which has already been adopted by the City Council. At this time, why don't we pause the discussion to go to public comment. Um, Mr. Clerk, do you have the--are there members signed up for public comment?

CITY CLERK ANTHONY WILSON: There are two members of the public signed up for public comment. Uh, give me one second. The first speaker is John Hawkinson.

COUNCILLOR E. DENISE SIMMONS: Mr. Hawkinson, uh, the floor is yours, you have three minutes to give your comments or perspectives.

PUBLIC COMMENT

John Hawkinson, address not provided, spoke about his concerns about the city implementation of remote participation. Expressed his concerns regarding the implementation of remote participation by the city. While Zoom has brought certain advantages, it has also presented disadvantages that can be addressed if the city takes the

necessary steps. He emphasized the need for rules to ensure fairness, transparency, and access in remote meetings, as the administration is unlikely to take action voluntarily.

He highlighted five issues; the inability of public commenters to activate their video, a burdensome advanced signup process that excludes some members of the public, limitations on the chair's discretion to respond to raised hands, the enforcement of arbitrary cutoffs for public comment signup, and the resulting advantage given to repeat participants over inexperienced members of the public. Finally, urged the council to consider these concerns while formulating rules and encouraged substantive measures to resolve the problems while motivating the city administration to do the same. Additionally, he disagreed with Ms. Glowa's confusing response on public comment at hybrid meetings, emphasizing that there is no legislative requirement to allow remote public comment and suggesting a written memo from her to support her position.

Robert Winters, address not provided. He expressed agreement with the previous speaker's remarks, emphasizing the need to broaden the concept of remote participation. They proposed the establishment of dedicated webpages for

all City Council subcommittees, which would contain relevant documentation, event calendars, and ongoing matters for public awareness.

The goal was to provide comprehensive information about committee activities and enable public feedback and dialogue. They stressed that limiting public participation to brief statements during meetings was not the most valuable outcome and called for a centralized source of information accessible to all, promoting transparency and engagement.

Additionally, they suggested implementing a public question submission system to facilitate better preparation and responses from City Councillors and the city clerk. In conclusion, the speaker requested increased attention from the City Council and the city clerk's office in creating a more inclusive and informative platform for public engagement.

COUNCILLOR E. DENISE SIMMONS: Thank you so much for your testimony. Clerk Wilson, are there other people signed up?

CITY CLERK ANTHONY WILSON: Uh, there are no additional, uh, speakers signed up for public comment.

COUNCILLOR E. DENISE SIMMONS: Thank you, Clerk Wilson. There not being any additional people signed up for public comment, the Chair will entertain a motion to close public comment.

COUNCILLOR JIVAN SOBRINHO-WHEELER: So moved.

COUNCILLOR E. DENISE SIMMONS: Thank you. On a motion by Councillor Sobrinho-Wheeler to close public comment, Mr. Clerk, would you please call the roll?

City Clerk Anthony Wilson called the roll:

Councillor Marc C. McGovern - Yes

Councillor Jivan Sobrinho-Wheeler - Yes

Councillor Timothy J. Toomey, Jr. - Yes

Councillor Quinton Y. Zondervan - Yes

Councillor E. Denise Simmons - Yes

Yes-5, No-0, Absent-0. Motion Passes.

COUNCILLOR E. DENISE SIMMONS: Thank you, Mr. Clerk. So we have disposed of what I would call question number one, which is--and there's a motion that speaks to it, which is that the city, city--The Government Ops does recommend and supports the policy order that's already been, been put before the City Council and is now before the city manager that we continue remote participation.

And then there's also a couple of questions that will be developed into policy orders that will be brought individually, uh, by closing time for submission of policy orders for the City Council. The other two things I just want to, um, bring forward, uh, for, for your consideration, it talked about what steps would the city need to take in order to formally allow.

If you've answered that or, or about to answer that through the, uh, policy order that's going to go before the city solicitor for development in inquiry. um, is--it's--is this something the City Council can unilaterally decide upon? We've got that answer from the city solicitor. Does anyone have any follow-ups on that question?

COUNCILLOR QUINTON Y. ZONDERVAN: Um, Madam Chair?

COUNCILLOR E. DENISE SIMMONS: Mr--Councillor Zondervan?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair. I don't have a follow up to that, but, um, I would like to ask if the solicitor could be on mute when she's not speaking, because I'm hearing some very loud pings, um, occasionally.

COUNCILLOR E. DENISE SIMMONS: Those pings are coming

from me, councillor.

COUNCILLOR QUINTON Y. ZONDERVAN: Oh, they're from you, okay.

COUNCILLOR E. DENISE SIMMONS: I will stand by my phones. Uh, um, so there's no follow up on that particular question. The last thing I think was--is most important is that as we go forward developing any policy practice or procedure around remote participation or participation in general, I think we can be better at making sure that people are not barred from access to the City Council or the council committees because of either issues of literacy or technology.

And so how we do that, I think we need to be very intentional about that. Uh, perhaps drilling down to look at our procedures across the board, 'cause we all know that when we do have these meetings, we almost can--we already--sometimes we can almost know who's going to testify. Every once in a while, there may be, uh, several others, but people are not--I don't think people are participating in the way that we would really like them too.

And I certainly will work with a small group of people from this, uh, inside or outside of this committee to look

at, once we get through, as we develop this, develop it with the notion of how do we make it. How does this hold up toward making accessible--accessibility better? So if we're going to have remote access, how do we do that to make sure we have accessibility better?

If committees are going to have remote access, how are we going to make sure that people are going to be able to access it better? Uh, so I just want to put that out there. I don't know if there's any more comments that want to be raised relative to that. I don't have gallery view. I see, uh, Councillor Zondervan's hand, and I don't know if I--if any others are up so Councillor Zondervan, I'm going to yield to you.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Madam Chair. And, uh, thanks again for, for bringing that up. I, I think we heard in public comment as well that there's a lot of, uh, concern about that. And, and I think certainly in terms of the, the registration procedure, um, there's things that we can do there to make it easier and, and more accessible to people. Um, one simple example is that oftentimes when you go to that link, it says, there are no public meetings that you can sign up for, which is very

confusing to people.

Um, and, you know, the, the other point that was raised that I think is, is important is, is to figure out how we can, uh, safely allow people to, to be seen on video when they are participating remotely. Um, and then as well as, you know, when, when we are doing public comment in person, we, we allow people to speak who didn't sign up. And, and so again, it seems reasonable to have a similar procedure, um, for public comment, particularly in committee meetings where people should be able to just raise their hand and, and be called upon to speak.

Um, and I know that we can already promote people and panelists if we want to and, and give them a greater, uh, access to participate that way as well. So, you know, I think these are all important issues to look into. And, and again, there's some technological solutions, but also some, uh, just procedural solutions that we could apply.

COUNCILLOR E. DENISE SIMMONS: Thank you, Councillor Zondervan. One other thing that I, I believe I heard from the floor was, is Zoom the only, uh, remote participatory method? Are there others? I mean, I know I've been back and--been invited to meetings that weren't Zoom. Uh, so is

that an option as well? So, uh, let's put that on our list of, of things to look into. Is there any other comments or suggestions, thoughts that we want to take up before we adjourn this meeting?

Hearing none, I want to thank everyone for their participation. I will be calling on a few of the members, uh, as they have put together these policy orders. I want to try to get before you in time to get on the agenda for Thursday. Um, if there's no more considerations, I would, uh, entertain a motion to adjourn.

COUNCILLOR MARC C. MCGOVERN: So moved.

COUNCILLOR E. DENISE SIMMONS: On a motion by Councillor McGovern to adjourn, Mr. Clerk, would you please call the roll?

City Clerk Anthony Wilson called the roll:

Councillor Marc C. McGovern - Yes

Councillor Jivan Sobrinho-Wheeler - Yes

Councillor Timothy J. Toomey, Jr. - Yes

Councillor Quinton Y. Zondervan - Yes

Councillor E. Denise Simmons - Yes

Yes-5, No-0, Absent-0. Motion Passes.

COUNCILLOR E. DENISE SIMMONS: On a motion of the

members of the Government Ops Committee present in voting,
this--this meeting is now adjourned. I want to thank
everyone for their participation.

COUNCILLOR MARC C. MCGOVERN: Thank you.

COUNCILLOR E. DENISE SIMMONS: Thank you.

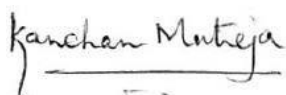
VICE MAYOR ALANNA M. MALLON: Thank you.

The Cambridge City Council Government Operations,
Rules, and Claims Committee adjourned at 3:15 p.m.
approximately.

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 20th day of June 2023.

A handwritten signature in cursive script that reads "Kanchan Mutreja". The signature is written in dark ink and is positioned above a horizontal line.

Signature of Transcriber

Minutes Acceptance: Minutes of Apr 7, 2021 2:00 PM (Committee Reports)