



City Council

Special Meeting

~ Draft ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Tasheena Davis
4137876589

Tuesday, June 16, 2020

5:00 PM

Virtual Meeting (Zoom)

I. Call to Order

5:00 PM Meeting called to order on June 16, 2020. THIS MEETING WILL BE HELD VIA ZOOM (remote collaboration technology).

Attendee Name	Title	Status	Arrived
Adam Gomez	Ward 1 Councilor	Remote	
Tracye Whitfield	Councilwoman	Remote	
Victor Davila	Councilman	Remote	
Michael A. Fenton	Ward 2 Councilor	Remote	
Sean Curran	Councilman	Remote	
Orlando Ramos	Vice President - Ward 8 Councilor	Remote	
Kateri B. Walsh	At-Large Councilor	Remote	
Marcus J Williams	Vice-President	Remote	
Timothy C. Allen	Ward 7 Councilor	Remote	
Jesse Lederman		Remote	
Melvin A. Edwards	Ward 3 Councilor	Remote	
Malo Brown	Councilman	Remote	
Justin Hurst	President	Remote	

II. Open Session

The City Council will begin the meeting in Open Session and will move into Executive Session upon an affirmative roll call vote.

Councilor Hurst stated media members are present and this is being recorded. The Council will discuss the order during the open meeting.

Attys. Aleo and Lesser were also present.

Councilor Lederman addressed the Council. He stated this has been an issue before the Council for several years. In 2016 the Council overrode a Mayoral veto to create a civilian review board to run the Springfield Police Department. The ordinance was set to go into effect after the then-current Commissioner's contract expired. In 2018 a provision calling for Council confirmation was removed to bring the ordinance into compliance with the Charter. The Mayor has not appointed a Board of Police Commissioners. Attys. Lesser and Aleo reached out to represent the Council in a suit to require enforcement of the ordinance. He stated he is in favor of retaining the attorneys. Councilor Lederman read the order.

Councilor Gomez stated that he has supported the Police Commission since he has been on the Council. His mother was a Commissioner. He stated this issue came up in 2014 and 2015. There would be no need for a mayoral veto if the ordinance was not valid.

Councilor Ramos stated the legislative body has the authority to create laws for the City and no one is above the laws. Any laws created should be followed by all.

Councilor Davila was added as a co-sponsor.

Councilor Williams stated that the City Council has been in favor of this and performed due process. He is concerned with the precedence that would be set if ordinances are not implemented. A deep dive should be made into the Charter and what a strong mayoral form means. This is not a strike at any administration particularly but for the governance of the City. Councilor Williams asked to be added as a co-sponsor.

Councilor Brown thanked all his colleagues for their work on this. He is disappointed that this cannot be worked on together. He asked to be added as a co-sponsor.

Councilor Whitfield asked to be added as a co-sponsor.

Councilor Walsh asked to be added as a co-sponsor.

Councilor Gomez made a motion to amend the order to reflect that it is only Attorneys Lesser and Aleo as pro-bono attorneys removing references to their Law Firm. The motion was seconded by Councilor Whitfield.

Councilor Fenton asked what the reason was for the motion.

Councilor Gomez stated it is to reflect they are being retained as counsel apart from their Law Firm.

Atty. Lesser stated that this change is being requested as they want to remove the firm name as they are representing the Council as individual attorneys.

The motion passed by unanimous vote of 13-0.

Councilor Fenton made a motion to go into executive session for the purpose of discussing litigation, seconded by Councilor Edwards.

Councilor Walsh asked what happens if the Council goes into executive session.

Atty. Pikula stated a motion to go into executive session would not be proper as there is no grounds to go into executive session until the order is approved.

Councilor Davila asked if the order goes into effect immediately or how long it takes to go into effect.

Atty. Pikula, City Solicitor, stated that technically it would be 10 days for the order to be effective, but the Council could make a motion for it to be immediate.

Councilor Fenton stated he is not against the attorneys not being present in executive session. He stated the Council needs to discuss what the intentions are.

The Council discussed how it would work going into executive session and coming back into open session.

Councilor Hurst asked if Atty. Pikula would be present during the executive session.

Councilor Fenton stated it is up to Atty. Pikula.

Councilor Ramos stated that the best way to move forward is to vote on the order and have the attorneys present during the executive session.

Councilor Davila stated that it would need to be stated that it will be effective immediately.

On the motion to go into executive session, the motion did not pass by a vote of 9-4 with Councilors Davila, Fenton, Allen and Lederman being in favor.

Councilor Lederman asked if there is a conflict as one of the attorneys from Attys. Lesser & Aleo's firm represents the ACLU that is currently suing the City.

Atty. Lesser stated that there is no conflict but they will ask the Board of Bar Overseers to be certain.

Councilor Davila made a motion to have the order go into effect immediately, seconded by Councilor Gomez. By a unanimous vote, the motion passed.

On approving the order to retain counsel as amended, the order was approved by a vote of 11-2 with Councilors Fenton and Curran voting against the motion.

III. Executive Session

The purpose of the Executive Session is to discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the City Council.

Councilor Lederman made a motion to go into executive session for the purpose stated above

A. Orders

1. Order (ID # 5705)

Order to Retain Legal Counsel

Order to Retain Legal Counsel

RESULT: **ADOPTED [11 TO 2]**

AYES: Gomez, Whitfield, Davila, Ramos, Walsh, Williams, Allen, Lederman,
 Edwards, Brown, Hurst

NAYS: Michael A. Fenton, Sean Curran