

City of Salem, Massachusetts



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City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole
met in the Council Chamber on Tuesday, December 7, 2021 at 7:00 P.M.
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
November 30, 2021 at 3:11 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: Councilor Sargent

Also in Attendance from the Committee of the Whole: Councilor Riccardi, Councilor Turiel, Councilor Dibble (joins at 7:16)

Invited Guests in Attendance: Shawn Newton, Chair of Race Equity Task Force

Representative Paul Tucker, Thomas McDonald, Jude Zephir, Anyfern Gonzalez, Grayson Martinez Ocasio, Ana Nuncio (joins at 7:07), members of the Race Equity Task Force

SUBJECT(S)

#363 of 2020 – Meet to discuss the findings and recommendations of the Race Equity Task Force

#339 – Ordinance Establishing a Race Equity Commission

Shawn Newton begins the discussion by giving an overview of the work of the Task Force. The group was called together to establish a Race Equity Task Force by Mayor Driscoll. Part of their work was to review policies, services, and ordinances and to take a deep dive into looking at possible systemic inequities in as many systems as possible in the City of Salem. They were asked what could be done in the short term to close inequities, knowing that racism wasn't created overnight and therefore the Task Force would not be able to solve the Issue overnight.

They began by trying to get to know each other, because the weight of the topic required them to be comfortable with each other. The group worked to develop a common understanding of the task. Then they strategically identified the strengths of each member, creating several subcommittees to dive into the work. They had at least two forums, developed community surveys, and then put the information and data together. All of this took place over one year.

The purpose of the report from the Task Force was to give their recommendations up to that point. It is not complete, but included two recommendations: the establishment of a Race Equity Commission and the creation of a position that can lead those efforts (Director of Equity and Inclusion). Each subcommittee listed more recommendations which can move forward through the work of the Commission.

Councilor Riccardi, not being a member of the committee, but being a member of the Race Equity Task Force, thanks Mr. Newton for leading the Task Force and thanks all of the members who joined the meeting. She shares that early in the Task

Force's meetings, Dr. Roberts made the insightful comment, "You can't boil all of the water in the ocean at once." The group acknowledged that it takes time. The work needs to continue, the report can't just sit on a shelf. There needs to be ownership of the work, and she is excited to keep the momentum going through the creation of the Commission.

Councilor Hapworth also acknowledges all of the work of the Task Force. He states that there are systemic issues in the City and the country and asks for the top three recommendations that we can take action on this year.

Representative Tucker states that this was a transformative experience for many on the Task Force. He sees this as a roadmap and a beginning. He states that each committee had a list of recommendations, specific to their area of focus. He stresses that there is so much the city can do through the lens of race equity. He salutes the city for recognizing Juneteenth, something that he knew nothing about just two years ago. This was not a conceptual exercise; all members want to look back and see that measures have been taken. Hiring a DEI director and looking at all functions that the city does is also important to keep the momentum going. We can be doing better as a city. He looks to the new Council for renewed energy to keep the momentum going.

Jude Zephir gives some insight into his experience on the Task Force during the pandemic, which affected how the Task Force worked. Healthcare issues, heightened during the pandemic, continue. Looking at the document that resulted from the Task Force work will provide top recommendations for each committee. There are ways for the city to be more proactive instead of reactive when national issues affect residents in the city. We need to invest in our community in a way that allows the community as a whole and each neighborhood to thrive: helping all small businesses, helping Chamber of Commerce, working collaboratively with our neighboring cities who are also working on these issues.

Councilor Prosniewski thanks Mr. Newton. He states that we as a Council are responsible for providing the guidelines for the new Commission. He thinks Salem doesn't fit the same mold as what we are seeing nationally. He thinks we are in pretty good shape. He looks forward to learning what Salem residents think are the most important recommendations from the Task Force. Our work starts here within our borders, and we should be a shining example to other communities on how to do things right.

Grayson Ocasio explains that he was on two committees: Public Safety and Healthcare. The work through the pandemic was difficult because so many had family members who were affected, and these topics deserved the large amount of time required to do the work correctly. He wants to make sure the Council knows that the Task Force did look into Public Safety both ways: they listened to residents and to police officers. The work was not done from only one direction. The conversations with police officers were very raw, and he appreciates this. This is a crucial point. It was eye opening to hear about their work in the community, in the trenches.

He continues by discussing his focus on the Healthcare committee: health disparities in the transgender community. 53 transgender people were murdered last year, mostly people of color. He found in an informal survey he conducted with transgender allies, that there are real issues with how North Shore Medical Center cares for members of the transgender community. Everyone should be entitled to good healthcare in a safe environment.

Councilor Morsillo asks the invited guests how the pandemic affected their work in the Task Force.

Councilor Riccardi explains that, working on the Healthcare committee, the pandemic did make data gathering difficult. Everyone in the healthcare industry is overworked and asking them for data was difficult. They relied on the Board of Health for information and data. They met in person at their last meeting, at the end of the year, so developing the relationships among members of the committee took longer.

Thomas MacDonald begins by expressing his appreciation for Mr Newton's leadership. He states that the Police Department was extremely cooperative and open with the Public Safety subcommittee. The officers who participated were as honest as possible. He would like to see the interviews continue over time to understand how things have progressed and changed, and what new problems and issues exist. For instance, how have the body cameras worked out. The commission should keep taking the temperature and not wait for things to escalate. He was pleased that Salem is not a city on fire, and it will not be a Ferguson, Missouri.

Anyfern Gonzalez speaks about being a college student on the Task Force, and being a voice of young residents. Her committee, the Community Culture committee, wanted to form focus groups, to hear from the parents and students for

instance. The committees recommendation include support for Salem United Inc, the only Black organization in Salem and the group feels the City can better support this organization. The Committee also recommends a Culture Festival to recognize the different identities in the city. Their aim was to get people from different "pods" in Salem to come together into a collective voice.

Mr Newton thinks that the most important item is to create the Race Equity Commission, because they can help prioritize the recommendations that came from the report. He firmly believes that within a three-year term for members of the Commission, they would be able to see accomplishments. He thinks this could create a ripple effect throughout the Commonwealth. It's the creation of systems, like the Race Equity Commission, that keep things moving forward, regardless of who is sitting in the seats.

Ana Nuncio thinks the creation of the commission, done swiftly, would be so helpful. The recommendations from the committees can be taken up in the Commission. Just doing the top three from each committee, especially the Healthcare committee, would be so beneficial. Just naming an "officer", won't be enough. We need the Commission to act on the recommendations and keep the momentum going. The DEI officer can't be a "lone wolf", they need a working Commission to make traction.

Councilor Morsillo asks about the makeup of the Commission, and if there are any changes that the group would recommend. Is the total number, 7, appropriate, and is the makeup appropriate? She points out that there is not a specific youth seat on the Commission, and wonders whether there should be one.

Mr Zephir explains that the Task Force was very diverse, intentionally. He thinks there is a benefit to keeping some of the diversity in mind: different backgrounds or socio-economic levels, age, etc. How will each member bring diversity to the group? It's important to have community members of different experiences on the Commission. The Commission should be able to have subcommittees to include more voices. Each member of the Commission needs to have equal power, whether appointed or designated.

Mr Newton shares why each designated member was proposed. The HR Director and City Solicitor can choose a designee. The DEI director reports to the City Solicitor, so the thought is that the DEI director would be the designee of the City Solicitor. It was a challenge to get as many voices as possible on the Commission. The youth voice was very important to the Task Force. He hopes that the appointed members create the needed diversity of voices. The number was chosen because they found a lot of work was accomplished by the smaller committees in the Task Force. The Commission can include more voices through subcommittees without slowing the work down.

Councilor Prosniewski thinks HR is important to include as well as the City Solicitor's office due to legal issues that may be raised. The survey showed that the greatest need was in education, so inclusion of the School Superintendent is important. The appointed members are the key and depend on the mayor's selection. He feels that this Commission should report to one of City Council subcommittees, to keep the Commission going at a good pace, possibly by reporting monthly to the City Council.

Councilor Riccardi thinks continued communication with the City Council is very important. She thinks having a City Council liaison to the Commission is important, and would serve that purpose.

Councilor Dibble, not being a member of the committee, starts by thanking Mr. Newton for all his work. He thinks that the City Council should appoint one member, the School Committee should appoint one member, and the Mayor should appoint two members.

Councilor Riccardi comments that the School Committee has a similar commission and doesn't want to overwhelm people with appointments. Can we utilize the groups in place, or would it create better communication by adding a seat from the School Committee.

Councilor Morsillo asks Ms Nuncio to comment on the equity committee member from the School Committee. Ms Nuncio thinks their voice would be a benefit to the Commission. She suggests that Amanda Campbell, the chair of the committee on the School Committee, would be best to discuss the benefits of having a representative from the School Committee.

Mr. Zephyr explains that there are other groups in the city working on inclusion and equity. He explains that people forget about the equity part of the discussion. We need to keep in mind which groups are not being represented and include them. And we need to work with the other groups in the city to include their work as well. No one wants to duplicate efforts or feel that their work is not going anywhere. He encourages the Council to keep the 4 appointed members to bring the most diversity and inclusion to the body. He thinks the Commission size should be kept small, and they should utilize subcommittees to bring in more voices.

Public Comment

Mr. Fuwaz Abusharkh, 4 Harrison Road – He wonders why no one from the Task Force reached out to the Muslim community. He thinks appointments mean politicizing the Commission. He thinks that equity and human rights issues should not be left to political appointments. He thinks community organizations should nominate members, because that is true representation. He thinks the Commission should be larger. The three designated positions are appropriate. Maybe the Task Force did not work as a larger body because of the politics within, since he knows members who left early from the group because of their perception of politics. He thinks maybe there should be 7 appointed seats, but not appointed by the Mayor.

Jeff Cohen, 12 Hancock Street – Mr Cohen thanks Mr. Newton and the members of the Race Equity Task Force for their work. He looks forward to supporting the Commission as a Councilor.

Police Chief Lucas Miller was pleased to be involved in the last few meetings of the Task Force, and was happy that the Police Department was included. He looks forward to working with the Commission in whatever capacity the Commission sees fit, and encourages the Commission to continue to solicit input and feedback from the police officers, especially police officers of color or other historically marginalized groups, as their feedback will be very important.

End Public Comment

Councilor Morsillo returns the group's focus to the makeup of the Commission.

Councilor Dominguez thinks this discussion speaks to who we are as a City. He asks if we need to resolve this tonight, or if it can be put in committee.

Councilor Morsillo explains that the matter is in committee, and that is what the meeting is about. The body could move to keep this in committee, but the members of the Task Force are here, ready to discuss the makeup of the group which came about as a recommendation from their report.

Councilor Dominguez states that he wants to move forward tonight,

Mr. Zephyr wonders if the group has a number in mind for the Commission, between 7 and 11, keeping in mind the need to be inclusive.

Councilor Morsillo explains that there is no harm in moving forward with 7 members, and if the Commission feels the need to expand the number, that can be easily done. She doesn't want to create an issue that a new commission can't get moving because of the quorum number required to make decisions and hold meetings. It's a lot of work to begin a new commission, and she doesn't want to see that work slowed because of quorum rules.

Councilor Hapworth thinks 7 is a good number and it keeps the group agile. We can increase the number if required. He thinks the number of appointments is appropriate.

Councilor Dibble thinks 7 or 9 members is appropriate. He thinks members of the community who have been asking for a seat at the table should be included. He recommends a designated member from the School Committee and from the Police Department. He also wants specific minority communities to be represented: Black, Hispanic, Muslim, and Asian communities, our "largest minority communities". This make-up can change over time as Salem changes.

Mr. Ocasio feels that the number of appointments should be larger than 4. The number should be representative of the makeup of the marginalized communities in Salem. He would add the LGBTQ community as well. Each group can represent their challenges in the community.

Ms Gonzalez discusses the importance of the youth seat, and where the individual would come from. Would it be the Chair for the student advisory commission?

Councilor Riccardi thinks an additional member from the School Committee may be an overlap with the Superintendent position on the Commission. She also thinks that beginning the Commission with a large number will make it difficult for the new commission to get started.

Councilor Dominguez thinks that everyone's perspective is important. He thinks the larger the number, the better chance to get everyone at the table. We need to make sure we cover every group in the community.

Councilor Dominguez moves to change the number to 11, and adjustments to this number can be made at the City Council meeting on Thursday.

Councilor Morsillo replies that the number should be based on specific reasons, not just to set a higher limit.

Councilor Dominguez thinks a lower number will leave someone out.

Mr Zephyr explains that this same conversation happened at the Task Force. We need to keep in mind intersectionality, in that one person can represent more than one minority group. The representative from HR can also be a member of a minority group in Salem. We may find out that gender and sexual preference were left out if we make the ordinance too specific regarding makeup of appointed members. There is no harm in starting small and growing as the Commission sees fit. But we need to move forward today since the report was completed 6 months ago and the Commission is not yet formed. The Commission also need to be transparent regarding its makeup, recognizing intersectionality among members.

Councilor Prosnowski agrees with Mr. Zephyr. He does not think there should be a cap on the number of members. He thinks it should say 4 or more appointed members, because of the diversity in our community. One member from the Asian community does not represent all Asian nationalities. He thinks that leaving the number open will leave it open for the commission.

Councilor Riccardi explains that our power as a City Council is to modify ordinances. She thinks there needs to be a limit because of the requirement for a quorum. Making it too large to start will hinder the body's ability to create a quorum and get matters moving.

Representative Tucker observes that too much becomes unwieldy. We need to look for the sweet spot to get started. We may be missing that discrimination affects everyone. We need to make a start, which for him is a limit of 7, and we need to trust to work of the members. If they feel they need more, the City Council can easily make that change. We need to trust the process.

Councilor Hapworth moves to amend Section 2-1033, to change the appointments from the mayor to "3 members of the community representing its diversity" and add "the Police Chief or their designee" to the list of designated members. Seconded by Councilor Dominguez.

Mr. Zephyr suggests the addition, "3 members of the community representing its diversity, as it is not already being represented."

Mr. Newton suggests that we need to move forward with the recommended language, which does suggest the specific diversity required. Membership in this Commission is very serious, and we will be trusting the people on the Commission and whoever is doing the appointments. He thinks lowering the number of appointed members to 3 is not good for representation.

Councilor Morsillo asks if having a liaison from the Police Department, instead of a designated member from the Police Department, would check the box for open communication between the Commission and the department.

Councilor Prosnowski thinks the language originally proposed is appropriate, and we should add the two liaisons. He proposes to keep the language as is.

Councilor Hapworth amends his motion to keep the makeup of the Commission as originally proposed.

Councilor-Dibble thinks Councilor Hapworth's original motion should stand. Councilor Hapworth restates that his new motion stands.

Councilor Dibble again states that the liaison from the Police Department would not be a voting member and would not work.

Councilor Morsillo appreciates this comment, but thinks the liaison is important as a communication measure. If the commission feels that the Police Department designee should be a full voting member, the ordinance can be easily changed in the future.

Councilor Prosniewski agrees and adds that if the Commission falls under a City Council subcommittee, the liaison could come from that committee.

Councilor Morsillo states that she does not know of any other board or commission that is assigned to a City Council committee. Councilor Prosniewski agrees and does not want to open a new discussion on reporting structure.

Councilor Hapworth moves to amend Section 2-1033 as follows: add "The commission shall have the following liaisons: the Chief of Police or their designee; and a member of the City Council." as the last sentence in the section, seconded by Councilor Dominguez. Passes 4-0.

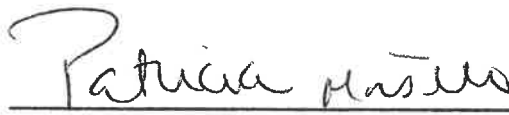
Councilor Morsillo goes through the rest of the ordinance beginning with section 2-1032, to make sure everyone is comfortable with the language. No amendments were made.

Councilor Hapworth moves to return this to the full Council, as amended, with a positive recommendation for first passage, seconded by Councilor Dominguez. Passes 4-0.

Councilor Morsillo thanks all attendees and members of the Task Force, and thanks Mr. Newton for his leadership on the Task Force.

Mr. Newton gives a final thanks on behalf of the Race Equity Task Force. Having taken a stance as a group about equity and social justice in a formal way, speaks volumes.

The meeting adjourned by Councilor Hapworth at 9:11 P.M.

A handwritten signature in cursive script, appearing to read "Patricia Morsillo", is written over a horizontal line.

(Chairperson)