

City Council Committee Reports for 2020

DATE: Public Meeting, Thurs., Feb. 27, 2020, 6:00 pm to 7:00 pm

PLACE: City Hall Auditorium

RECORDER: Cllr. Jared Eigerman (handwritten notes)

COMMITTEE ON GENERAL GOVERNMENT (AND COTW)

<u>Councillors</u>	<u>Attendance</u>
Barry N. Connell	No
Joseph H. Devlin	Yes (arrived 12 mins. late)
Afroz Khan	Yes (left 10 mins. early)
Byron J. Lane	Yes
James J. McCauley	Yes
Heather L. Shand	Yes
Charles F. Tontar	Yes (left 10 mins. early)
Bruce L. Vogel	Yes
Christine E. Wallace	Yes (left 10 mins. early)
Sharif I. Zeid	Yes (left 10 mins. early)
Jared J. Eigerman	Yes
<u>Ex Officio Member</u>	-
Mayor Donna D. Holaday	Yes

AGENDA ITEMS

ACTION TAKEN

<i>APPT143_01_27_2020 Reappointment of KP Law as City Solicitor</i>	<i><u>Motion:</u> Recommend confirmation contingent upon receipt of engagement letter. Moved by Cllr. Devlin, Seconded by Cllr. Eigerman, Passed 2-0, with Cllr. Connell Absent.</i>
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Minutes:

Attorney Mark Reich (KP Law): Summarized his firm's capabilities, and his own personal availability, and offer of free trainings.

Mayor Holaday: Happy to reappoint KP Law. Very few disappointments over 8+ years.

Cllr. Khan: How might cllrs. converse directly with KP Law? *Reich:* That is up to the City.

Cllr. Devlin: Who is your client? *Reich:* City of Newburyport, not Mayor or any one Cllr. How the City communicates with its solicitor is up that the City. Suggests that individual cllrs. go through Council President to control costs and avoid "weaponizing" City Solicitor.

Khan: Should City officials seek a second opinion to KP Law's opinion on a matter? Should the City Council have its own line item for legal services? Found legal advice during marijuana debates of 2018-2019 "sloppy," and turned to Attorney General in absence of KP Law advice. *Reich:* Not customary for his firm's clients to seek second opinions. Opinions given are to the "City," not Mayor or City Council per se. Was available through City Clerk Jones answer all marijuana-related inquiries from councilors; disagrees with characterization of sloppiness.

Cllr. Zeid: Nothing more important than an engagement letter. Information must be shared with Council regarding all matters, including personnel. Requests timely updates. What happens when the Council and the Mayor disagree on a legal point? *Reich:* I opine for the City. *Pres. Eigerman:* Charter includes a declaratory relief remedy for that situation.

Zeid: KP Law should note more aggressive role that City Council has taken in litigation. City Council was never informed about existence or status of lawsuit brought by former high school student against City in connection with off-campus rape. *Reich:* Last year's municipal code amendments on this point are noted. KP Law not involved in litigation cited by Cllr. Zeid. *Holaday:* Would have been happy to debrief City Council in executive session if she had been asked. Personnel issues will remain confidential with the Mayors Office.

Cllr. Tontar: Please include citations in your opinions.

Eigerman: As Council President, my plan is to have Cllrs. consult with the City Solicitor through me, for the reasons suggested by Attorney Reich. Let's "put a pin" in the issue of "personnel": not clear what is entitled to remain confidential with Mayor in that area. Last year, did specifically ask for information about litigation referred to firms other than KP Law, including the litigation referenced by Cllr. Zeid. City Solicitor's ethical duties of "loyalty," "confidentiality," "competence," and "information" extend to the City Council.

[Action taken regarding APPT143_01_27_2020, as described on cover page.]

[Motion to adjourn by Cllr. Devlin, seconded by Cllr. Eigerman, and passed 2-0.]