



Programs & Services Committee Report

City of Newton In City Council

Wednesday, October 3, 2018

Present: Councilors Rice (Chair), Greenberg, Krintzman, Baker, Kalis and Brousal-Glaser

Absent: Councilors Albright and Schwartz

City Staff: Ruthanne Fuller (Mayor), Ouida Young (Acting City Solicitor), Holly Ryan (LGBTQ+ Liaison to the Mayor)

#438-18 Reappointment of Ouida Young as acting City Solicitor

HER HONOR THE MAYOR re-appointing Ouida C.M. Young as acting City Solicitor effective July 3, 2018 until a permanent replacement is hired or until November 5, 2018 when the temporary appointment may be extended with City Council approval, pursuant to section 3-6 of the City Charter.

Action: Programs & Services Approved 6-0

Note: Items #438-18 and #501-18 will be discussed together. See note below.

#501-18 Extension of reappointment of Ouida Young as Acting City Solicitor

HER HONOR THE MAYOR requesting that the reappointment of Acting City Solicitor, Ouida C. M. Young, be further extended from November 5, 2018 to November 16, 2018 in order to align with her scheduled retirement.

Action: Programs & Services Approved 6-0

Note: Items #438-18 and #501-18 will be discussed together.

Mayor Fuller joined the Committee and introduced Ali Guiliani, who is being appointed as the City Solicitor. The Mayor said that Ms. Guiliani has deep experience and is warm, savvy and smart. She has been the legal advisor and general counsel to the Boston public schools since 2008. Prior to that she was the assistant corporation counsel and she is a graduate of Suffolk Law School.

The Mayor explained to Ms. Guiliani that she will be coming back to the Programs & Services Committee for a more formal introduction and discussion. She fully expects that the Committee will not deny Ms. Guiliani's appointment and pass their positive recommendation onto the full City Council in the next couple of weeks.

Ms. Guiliani will be in the office while Ms. Young is still working in the Law Department, which should provide for a smoother transition. The Mayor has known that she would like to appoint Ms. Guiliani for some time but was working with her on timing since she and her husband just had baby.

Mayor Fuller expressed her thanks and gratitude to Ms. Young. She said that Ms. Young is an exceptional human being and an exceptional lawyer. She has been a godsend in her role as Acting City Solicitor to the Mayor during this transitional time. Councilor Baker noted that Ms. Young has managed to work with both the City Council and the Mayor and has done an extraordinary job with grace and skill. Hers are big shoes to fill and he welcomed Ms. Guiliani.

Ms. Young said it would have been impossible to do any of her work over the past 33 years without the help and support of everyone in City Hall and particularly the other members of the Law Department. She said that Ms. Guiliani will be tremendous resource.

Ms. Young noted that the FY19 budget contained two new positions in the Law Department: a litigator and full-time paralegal. Because of these new positions and the retirement of Karen Pignatelli, the office manager, as well as the resignation of Bob Waddick who took the position of City Clerk in Waltham, there has been quite a bit of transitioning. Julie Ross also left the Law Department in order to spend more time with her family. The department is also currently working to fill one more lawyer position and of course, Ms. Guiliani will become the new City Solicitor.

The balance and absorption of the new personnel has been going very well. Jenn Pucci, who has been a federal defender for the last 9 years, has joined the department and has a great deal of trial background in federal district court. She is also a Newtonville resident. Jaclyn Zawada worked with the Boston Police Department legal division and has fit in very well as Julie Ross' replacement and is working quite well with the Police and Fire departments in the City. The new paralegal, Emily Meehan, is also fitting in very well and a new space has been created in the front office for her. She is handling public records requests, some initial claims intake and paralegal work.

The open position would be for a lawyer who can handle contracts, public construction, some real estate matters and land use. Ms. Young said that when she retires, she will continue to be supportive of the Law Department and Ms. Guiliani, the Mayor and the City Council. She will be working with Ms. Guiliani to determine the best way to accomplish that. Everyone in the department has participated in the hiring process so that has created a tight cohort that works together very well. Ms. Young believes that the City Council will be very happy with Ms. Guiliani as City Solicitor.

Ms. Young said it is important that everyone in the legislative branch and the executive branch know who to call in the Law Department. Ms. Guiliani and Ms. Young will start working on making those connections and the resources will be available. The experience has to be built every single day and the transition will be just fine. Several Committee members noted that this is an interesting time in the City with matters related to recreational marijuana. Much legal guidance has been needed on that issue and that is very likely to continue.

Councilor Baker moved approval of both items and the Committee voted in favor, unanimously, with thanks and gratitude to Ms. Young and a warm welcome to Ms. Guiliani.

#502-18 Resolution to reaffirm public accommodations non-discrimination laws

AMY SANGIOLO requesting a Resolution of the City Council reaffirming the City of Newton and Massachusetts non-discrimination laws prohibiting discrimination on places of public accommodation and the basis of gender identity and gender expression.

Action: Programs & Services Approved as amended 6-0

Note: Mayor Fuller wanted the Committee to know that she is supportive of the transgender community in Newton and in the Commonwealth and fully supports this Resolution.

Former City Councilor Amy Sangiolo joined the Committee. She offered a draft resolution which was attached to the agenda. She also offered a short amendment to the resolution, which was distributed to the Committee. This Resolution is a reaffirmation of both Newton's and Massachusetts's non-discrimination laws which prohibit discrimination on places of public accommodation and on the basis of gender identity and gender expression.

Ms. Sangiolo noted that the City has a strong policy and stance of supporting non-discrimination within its borders. The City Council passed the Welcoming City Act in the last couple of years and passed the Human Rights Commission Policy in 2014 relative to prohibiting discrimination on the basis of gender identity and gender expression. There was a letter to the editor in the Newton Tab today that was distressing and disturbing and showed that there is discrimination that still exists in the City. It is up to the City Council to use its voice to say that it does not tolerate that kind of discriminatory behavior. She asked the Committee to approve this Resolution with its amendment.

Holly Ryan, the Mayor's LGBTQ+ Liaison, explained that the sentiments expressed by the letter to the editor in the Tab is nothing new to her. She found out how disturbing it was to her friends, allies and non-LGBTQ community members, but unfortunately, she is too familiar with this kind of thinking. In 2014, when she, the Mayor and the Human Rights Commission came to the City Council to get the current City policy in place, it was approved a year and a half before Governor Baker signed the state bill in 2016. Now, Question 3 on the ballot is trying to overturn the law of non-discrimination in places of public accommodation based on gender identity and gender expression. Newton is one of the 14 cities and towns that passed their own laws prohibiting this kind of discrimination. Other communities in the Commonwealth are adopting similar resolutions to reaffirm their own support, and encourage a Yes vote on Question 3 to reaffirm the state law as well.

The draft Resolution is attached, including the additional paragraph, which adds a reference to Newton's Human Rights Policy in Article V of the City of Newton Ordinances. The Committee strongly supported this resolution and voted unanimously in favor to approve, with thanks to Ms. Sangiolo and Ms. Ryan for bringing this to the City Council.

**Respectfully Submitted,
John B. Rice, Chair**

CITY OF NEWTON

IN CITY COUNCIL

, 2018

RESOLUTION

CITY COUNCIL REAFFIRMING THE CITY OF NEWTON AND MASSACHUSETTS NON-DISCRIMINATION LAWS PROHIBITING DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION ON THE BASIS OF GENDER IDENTITY AND GENDER EXPRESSION

BE IT RESOLVED:

WHEREAS, the Massachusetts House of Representatives and Senate approved the addition of gender identity to the Massachusetts Public Accommodations Law (M.G.L. c. 272, Sections 92A, 98 and 98A) on July 7, 2016; and

WHEREAS, Governor Charlie Baker signed this legislation, An Act relative to transgender anti-discrimination (S. 2407), into law on July 8, 2016; and

WHEREAS, the updated Public Accommodations Law has been in full effect since October 1, 2016; and

WHEREAS, the City of Newton has demonstrated a deep commitment of being an inclusive, accepting, and welcoming community to all; and

WHEREAS, the City of Newton reaffirms its Human Rights policy – Article V of the Newton City Ordinances adopted in 2014 by Ordinance – to ensure that each person regardless of race, color, religious creed, national origin, sex, age, disability, ancestry, or sexual orientation, or gender identity or expression, shall have equal opportunity in or access to employment, housing, education, and public accommodations; to assure that each person shall have equal access to and benefit from all public services and licensing; to protect each person in the enjoyment of his/her civil rights; and to encourage and bring about mutual understanding and respect among all persons in the City by the elimination of unlawful discrimination; and

WHEREAS, the November 6, 2018 statewide election includes a ballot question seeking to repeal the provision in the Massachusetts Public Accommodations Law prohibiting discrimination on the basis of gender identity in places of public accommodation; and

WHEREAS, repeal of this law would have a devastating effect for all transgender and gender non-conforming members of our community and would be against principles we as a City uphold and reaffirm; therefore

BE IT RESOLVED, that we, the members of the Newton City Council, do hereby express our commitment to defend transgender equality in Newton and will hereby pledge to sign on to Freedom For All Massachusetts YES on 3 Coalition to say clearly: Discrimination has no place in Massachusetts and no place in Newton; and

BE IT FURTHER RESOLVED, that on this 15th day of October, in the year Two Thousand and Eighteen, a copy of this Resolution be entered into the records of the City Council.

Under Suspension of Rules
Readings Waived and Approved
yeas nays

(SGD) DAVID A. OLSON
City Clerk