

October 22, 2024

GOVERNANCE SUBCOMMITTEE

**Governance Subcommittee
Tuesday, October 22, 2024 at 4:30 p.m.
Broadcast from the Media Arts Studio
454 Broadway, Cambridge, MA**

Called for the purpose of reviewing the newly proposed items to the Rules of the School Committee for the 2024-2025 school year.

Subcommittee Members Present: Mayor Simmons (Chair); Vice Chair Hunter; Member David Weinstein

Other Members Present: Member Elizabeth Hudson, Member Rachel Weinstein

Also Present: Attorney Megan Bayer, City Solicitor; Attorney Maureen MacFarlane, General Counsel; David Murphy, Interim Superintendent of Schools

Mayor Simmons in chair. She opened the meeting at 4:30 p.m. and asked the Executive Secretary for a roll call of subcommittee members present: Vice Chair Hunter, PRESENT; Member Weinstein, PRESENT; Madam Mayor, PRESENT

Mayor Simmons outlined the Motions that were before the subcommittee for discussion. They included: [Motion #24-241](#) put forth by Member Weinstein and Member Rojas and [Motion #24-245](#) put forth by Member Hudson. Both motions focused on a six-minute time limit for CEA president and/or Cambridge union representatives with memberships larger than 500 individuals.

Following her opening remarks, **Mayor Simmons** began the meeting with Public Comment asking registrants to speak with a three-minute time limit.

Lily Havstad, a CPS caregiver shared her support for allowing the CEA president six minutes for public comment. She shared her concern that the Committee was spending too much time and energy on the issue of public comment timing allotment. She shared her belief that the Governance Subcommittee was in violation of its rules by having two School Committee members on the Governance Subcommittee rather than 3 members. **Mayor Simmons** highlighted that the issue was not before the Subcommittee asked Ms. Havstad to focus her comments on the agenda. Ms. Havstad reiterated her support for allowing the CEA president to speak for six minutes.

Dan Monahan, CEA president, highlighted his two thoughts regarding Public Comment. He shared that his frustration with having public comment at the beginning of meetings as it does not allow for insightful and informed comments following the meeting's discussion. He suggested that the Committee consider having public comment at other times during the meeting. He advocated for allowing for a back and forth discussion during the public comment segment to allow for a better understanding of the issue. He also noted that many years ago, the CEA president was allowed a seat at the Committee's table.

Banke Oluwole, a Cambridge resident and teacher at Fletcher Maynard Academy shared her support of allowing six minutes of public comment to ensure that educators' voices were heard.

Following Public Comment, **Mayor Simmons** asked for feedback from Attorney Bayer and Attorney MacFarlane. Attorney Bayer highlighted the recent court case of Barron vs. Kolenda, and how it provides guidance on the motions brought forth to the Governance Subcommittee and that a committee or board cannot regulate public comment based on the content of the speaker's speech. She believes that differentiating time allotments to speakers based on the content of their remarks would apply in that instance. Attorney MacFarlane agreed with Attorney Bayer's remarks.

Vice Chair Hunter asked Attorney Bayer if some groups were allotted more time for public comment, could other groups sue the Committee for the same amount of time. Attorney Bayer shared that other groups could potentially bring a legal challenge and say that their rights were violated, and they were treated differently, based on the content of their speech. **Member Weinstein** highlighted that the time allotment issue has never been a problem

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before and wondered if the law can be interpreted differently based on the role of the CEA president and not the content of his/her speech. Attorney Bayer shared that she believed the Committee was still vulnerable to have civil right case. **Mayor Simmons** noted that she wanted to be fair to everyone and she wants to ensure that she is not disenfranchising other groups. **Member Rachel** believes that district employees have valuable information to share and it is important for the Committee to have that informed perspective. She asked Attorney Bayer about the possibility of allowing the CEA president to become a part of a standing agenda item, akin to the student report. Attorney Bayer shared that she thought this was a safer approach that she was unsure of the details of the how the Committee operates. Attorney MacFarlane highlighted that student members are part of the School Committee due to a state statute, which is different than inviting people to give specific reports. In her closing comments, **Member Rachel** shared her hope that the Committee will allow the CEA six minutes in public comment.

Member Hudson shared her understanding of the history of the issue which including CEA members ceding time to other members so that their public comment could be extended. This practice was no longer allowed so she had been told that subsequently the CEA president was given six minutes in public comment. Attorney MacFarlane confirmed that CEA members ceding their time is not allowed. **Member Hudson** wants to cognizant of elevating one group over another and she was curious what other municipalities were handling the situation. Attorney Bayer underscored that cities and towns are not paying more attention to this issue.

Mr. Murphy shared his intention from commenting too strongly as he believes this is an internal issue within the School Committee. He noted that the Boston School Committee allows for public comment at the beginning and end of the meetings so that attendees can comment on the issues that that have been brought to the table. He shared that is unsure of the history of the CEA president sitting at the School Committee table. He noted that he is responsible for speaking on behalf of all CPS employees.

Vice Chair Hunter questioned the accuracy of the CEA president previously sitting at the School Committee table. She shared that the CEA has several opportunities to engage with the School Committee noting her work with labor negotiations. **Mayor Simmons** highlighted that CEA members are welcome to meet with her. She believes that the School Committee meetings are for the purpose of the Committee's business meetings. She believes that it is unfair to give extra time to one group and recommends three minutes for the CEA president. **Vice Chair Hunter** noted that she was persuaded by the legal advice and agrees with the three-minute limit. **Member Weinstein** asked Attorney Bayer if the Committee could invite the CEA president on a regular basis to provide an update and allow for the Committee members to ask questions. Attorney Bayer advised that the best practice would be for the Committee to call upon the CEA president if there was a specific agenda item that needed additional information.

Attorney Bayer left the meeting at 5:45 p.m.

As the subcommittees are non-voting entities, **Mayor Simmons** suggested that the topic be brought forth on the floor at the next Regular Meeting of the School Committee.

Mayor Simmons pivoted the conversation to outlining time limits for public comment based on the number of registrants and would like to propose putting this guideline into the School Committee Rules. She noted that the City Council allows for 3 minutes with 20 or fewer registrants; more than 20 registrants 2 minutes and over 75 registrants have 1 minute each. **Member Weinstein** agreed that registrants would appreciate knowing this information in advance.

On a motion from Vice Chair Hunter, seconded by Member Weinstein on the following roll call vote of subcommittee members, the meeting was adjourned: Vice Chair Hunter, YAY; Member Weinstein, YAY; Mayor Simmons, YAY. (5:55 p.m.)