

A special meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 7:03pm with 11 members being present.

In City Council November 1, 2012

SPECIAL MEETING AGENDA

480 Call of the meeting

Accepted and placed on file.

481 Return of Receipt

Accepted and placed on file.

ORDERS

482 Ordered: That on behalf of the City of Brockton the City Council accept Chapter 32B, Section 19 of the M.G.L., in its entirety through June 30, 2017, at which time acceptance shall be automatically revoked in accordance with the terms and conditions set forth in the Memorandum of Agreement between the City of Brockton and the Public Employee Committee attached hereto.

The Council President asks the Legislative Counsel to explain the Rule of Necessity as follows:

The State Ethics Commission has written that any current subscriber to a City health insurance plan has a reasonable foreseeable financial interest in the acceptance of legislation relating to health insurance, and is subject to the restrictions of M.G.L. ch. 268A, sec. 19.

If Councilors, or their immediate family members, receive health insurance through the City, the Councilor would have a conflict under the Conflict of Interest Law in acting on Legislation related to health insurance. On behalf of such Brockton City Councilors, see below I publicly state such facts do create a conflict.

Because the Council may not have a quorum to act, the Council may be able to use what is called the Rule of Necessity to permit the participation of the disqualified member(s) in order to allow the Council to act.

1. The Rule of Necessity may only be used when an elected board is legally required to act on a matter and it lacks enough members to take valid official action solely due to Council members being disqualified by conflicts of interest from participating in the matter.

2. Before invoking the Rule of Necessity, every effort must be made to find another board or other authority in the municipality with the legal power to act in place of the board that could not obtain a quorum due to conflicts of interest.

It has previously been determined that changes to health insurance must be approved by a majority vote of the City Council. There is no other board to act.

3. When a board is legally required to take action by a certain time and is unable to do so because of lack of a quorum, the Rule of Necessity may be invoked.

The State Ethics Commission has interpreted the recent changes to the law relative to health insurance to mean that a Council is required to act as soon as possible.

As the Rule of Necessity is being used, it will be clearly indicated in the minutes of the meeting that as a result of disqualification of members due to conflicts of interests, the board lacked a sufficient number of members necessary to take a valid vote and, as a last resort, that all those disqualified may now participate under the Rule of Necessity.

- 1.) Dennis DeNapoli
- 2.) Michelle DuBois
- 3.) Dennis Eaniri
- 4.) Christopher MacMillan
- 5.) Jass Stewart
- 6.) Paul Studenski (through retirement)
- 7.) Robert Sullivan
- 8.) Thomas Brophy (brother and fiancé)

Mayor Balzotti was invited to speak on her behalf regarding the order. The Mayor asked everyone to keep the residents of New York in their thoughts and prayers. She thanked the City employees for all of their help during Hurricane Sandy. She thanked everyone who worked to come up with the agreement. She stated that the CFO, Solicitor, Personnel Director, the Representatives from the unions and Consultants.

Councillor Brophy stated that he would allow a lot of leeway when asking questions, because it was an important topic.

The Mayor asked Mr. Condon to speak. He stated that the question was on acceptance of a coalition of bargaining that would be revoked in 2017. The City and Unions were very comfortable in representing this order. Each union would have 1 vote, so that it would be a fair representation of the bargaining. If it is accepted, this year the savings to the City will be 2.4 million dollars. He stated it is beneficial to the City and he strongly recommended it. He stated that the main difference for the retirees will be a decrease of approximately \$400.00 for those who are eligible for Medicare. For the City workers, the main difference is in the co-payments.

Councillor Monahan questioned where the money that is saved be spent.

The CFO stated that the \$1,200,000 wouldn't be spent. If new contract agreements are reached, some might be available to go toward contract negotiations this year. There is no guarantee where it will be spent in future years. He stated that the Health Insurance for the School Department will be the same as the City, except for the below poverty level retirees. They will pay less than 25%.

Councillor Stewart questioned the senior's co-pay. The CFO stated that although there isn't a specific agreement, they would see a savings of \$400.00 per year, if they were Medicare eligible. Their premiums will go down. Councillor Stewart asked what the savings would have been if we implemented the GIC Plan. The CFO stated that the GIC Plan would have saved 7.4 million dollars and this plan would have saved 6.7 million, if it

had been implemented in July of 2012. Councillor Stewart questioned the Mayor on why she chose to bring the act forward. The Mayor stated that the State wanted an answer. She stated that it started the communications towards a plan for the City. Councillor Stewart questioned why the representative for the retirees union did not sign the agreement. Jennifer Springer, from SEIU, stated that the representative was there at all the meetings and was in agreement. She wasn't sure why they didn't sign. Technically, he didn't need to sign it. There would be other agreements that would require his signature. She stated that Public Employee Meetings would be available regarding the insurance. Councillor Stewart stated that this was an amazing example of putting the people first and it was a model for future proposals.

Councillor Sullivan gave kudos to the representatives and all involved with the agreement. He stated as a lawyer he has concerns with the fact that the agreement was submitted without the party signing it. They should've had a letter from the rep. Or the minutes stating what happened or he should've been present at the meeting. He asked if there was any plan for a question and answer session. Maureen Cruise stated that there couldn't be a meeting until the order is adopted. The meetings will be held with Blue Cross and KTP. Councillor Sullivan wanted to make sure that there would be opportunities for everyone to go to the meetings, so they can understand the plan. He thanked everyone for their efforts.

Councillor Eaniri commended the employees and representatives on their efforts. He stated that it was a job well done and it is never easy to make cuts. He questioned Mr. Condon on the savings. How many contracts have expired? Mr. Condon stated that they had all expired, except for the School Department, which will expire at the end of the fiscal year. The money can't be used, until it goes before City Council.

Councillor Cruise questioned Mr. Condon on the retirees that pay less than 25%. The home rule petition will keep their payments low. Their savings will be on the premiums, based on if they're eligible for Medicare.

Councillor MacMillan congratulates all of the representatives and colleagues and the negotiating team.

Councillor DuBois questioned the savings for year two. Mr. Condon stated that he doesn't know at this point. Right now it will be 1.2 million dollars for this year. The rates won't change too much this coming year. The co-payments will help in the reduction of the costs.

Councillor DeNapoli motioned to move under suspension of the rules and was properly seconded. The motion carried by a hand vote. Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative. Councillor DeNapoli motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Adjourned at 7:58pm