

TOWN OF IPSWICH | MASSACHUSETTS
Ipswich Human Rights Commission
Tuesday, May 24, 2022; 7:00PM
Ipswich Town Hall, Meeting Room C, 25 Green Street

MINUTES

1. **Call to Order:** CoChair Bob Thuotte called the meeting to order at 7:08pm
 - a. In Attendance:
 1. V Members: B. Allen (virtual), C. Donehew (virtual), J. Duff, H. Leonard, S. Lynch, A. Markos, N. Mazer, L. Polvinen, S. Schiffer, R. Thuotte, C. Wms-Sweeney.
 2. Guests: M. Gallivan, Dir. Human Resources & Acting Town Manager, Town of Ipswich
 - b. “Recording Meetings”
 1. BT expressed his intent of recording part(s) of the meeting
 2. SL asked for clarity for the purpose of recording and proposed team vote regarding recording
 3. BT read from both town & state laws regarding permissions to record
 4. Co-Chair SS, stated that this topic was not on the agenda, and we were over time
 5. HL moved to allow recording of the meeting, 2nd by LP, and majority vote to support recording
 6. DS proposed to move forward with Agenda items, BT referenced state laws allowing for recording of open meeting laws and past IHRC discussions. DS expressed that ongoing deliberation felt uncomfortable. AM expressed frustration that topics were repeated, and the commission was unable to move on to address other agenda topics.
 7. SL moved that BT be removed as Co-Chair, due to behavior. AM 2nd; majority vote approved. 9 yeah, 2 abstain.
 - b. Reading & Acceptance of 5/17 Minutes
 1. One Correction on moving Announcement to New Business
 2. CW moved to accept minutes, LP 2nd, all in favor
 - c. Announcements/ Acknowledgements
 1. June Pride & Juneteenth community activities. Too soon for IHRC to organize as a new entity but encourage the participation in events happening in surrounding towns. **Action Item:** CW to gather surrounding town info/resources for June Pride/ Juneteenth activities. Working doc: [June Pride & JUNETEENTH Resources](#)
2. **Citizen Queries:** None
3. **Ground Rules, review drafted document**
 - a. Lead; Co-Chair S. Schiffer
 - b. Purpose to allow team full review/input/approval of fully drafted Ground Rules from 5/17/2022 meeting
 - c. Deliberation & team input on adds/ adjustments, corrections
 - d. Reminder: this is an organic document that can & will be adjusted when and if necessary
 - e. **Action item:** CW re-draft w/ 5/24/2022 additions & corrections
 - f. Newly Drafted Document: [Draft 2: IHRC Ground Rules](#)
4. **“Advisory” Discussion & Clarity**
 - a. Lead: Co-Chair and Guest: M. Gallivan/ Acting Town Manager
 - b. Purpose of this Agenda Item was to help the team with clarity and correction regarding our responsibilities and authority as a town Advisory Committee
 - c. *Please see addendum* at end of minutes w/ M. Gallivan and Town Legal Counsel input toward definition
 - d. Q&A with MG regarding specific scenarios, reception & action, allowances & limitations
 - e. Noted items
 - CoChair SS/ imminent maternity leave and MG confirmed the allowance to elect an interim CoChair.
 - The IHRC essentially serves as a line of contact between Ipswich citizens and town government regarding Human Rights
 - IHRC responsibilities are limited to advising, recommending, and educating other boards or officers regarding actions, resources & opportunities associated with Human Rights

- The IHRC is limited in that action & cannot extend beyond advisory capacity. No final word on town policy
 - The IHRC shall not bind the town to any action during or because of any citizen query. The IHRC shall only advise the appropriate town entity regarding the query
 - If IHRC discusses topics at a meeting and action is approved, the information can be posted to our IHRC website or town page
 - It is advised that IHRC members periodically attend other Town committee/ council meetings to gain familiarity; guiding on topics associated with Human Rights. (Limit head count to avoid full IHRC quorum participation)
 - Unite forces by establishing liaisons with and from other Town committee/ councils (housing authority, school committee, police dept, etc.)
- f. **Action Item:** IHRC will create a sub-committee to respond to Citizen Queries, and procedure or Citizen Query Agenda Time.

5. Mission/ Purpose Adjustments

- a. Lead: Seema Lynch
- b. Review of rewrite and any final team edits for clarity
- c. HL Moved that the edited Mission/ Who We Are/ What We Do document be accepted as final *draft*. NM 2nd, all in favor
- d. Processing time allowed for next meeting & adoption of completed & final document
- e. **Action Item:** Allow agenda time during next meeting to vote/ finalize

6. New Business: Interim CoChair

- a. Note: Meeting running late, and 3 members needed to depart. NM, SL & BT
- b. Discussion & approval of the following. All members in attendance were in favor.
 - If any member or cochair is unable to be present as a full voting member, for any scheduled meeting, or a static timeframe, (such as maternity leave), then our non-voting member/ alternate will replace as a full voting member
 - Given the above scenario for a static timeframe, the newly established voting member gains allowance of holding leadership, cochair, officer status during a defined timeframe agreed upon by the team (confirmed by M. Gallivan)
- c. To that end, SS nominated DS as interim cochair, CW 2nd and all in attendance were in favor
- d. Upon SS's departure for maternity leave, DS will assume interim CoChair responsibilities
- e. **Action Item:** Team must also elect 2nd permanent CoChair during 6/7/2022 meeting

7. Motion to Adjourn

- a. At 8:55pm CW moved to adjourn the meeting, 2nd by SS, all in favor

5/24 Planned Agenda for Reference

<u>Approx Time</u>		<u>Agenda Item</u>	<u>Lead Member</u>
7:00 PM	1.	Call to Order	Chair
		...Reading/ Acceptance of 5/17/22 Minutes	Secretary
		...Action item updates from 5/17/22 Meeting	
		...Announcements/ Acknowledgements	Chair/ VM
7:15 PM	2.	Citizen Query/ Comment	
7:25 PM	3.	Ground Rules, review drafted document (10min Rev/ 10min delib)	Sharon S./CoChair
7:45 PM	4.	"Advisory" Discussion & Clarity (5min Rev/ 15min delib)	CoChairs
8:05 PM	5.	Mission/Purp shared by S.Lynch on 5/17 (5min Rev/ 10min delib)	S. Lynch
8:20 PM	7.	New Business*	
8:30 PM	8.	Adjourn	Chair

ADDENDUM:

Town Officer input on “Advisory” Status & Parameters of Action

Email: Mary Gallivan & Town Legal Counsel Guidance



IHRC Legal opinion

Mary Gallivan <maryg@ipswichma.gov>
To: Human Rights Commission <hrc@ipswichma.gov>

Wed, May 25, 2022 at 9:11 AM

Good morning all,

Thank you again for the invitation, it was great seeing and meeting again. I'm confident the Commission is off to a solid start after hearing the documents drafted and the ground rules, I'm hopeful for what will be accomplished. As discussed, please see the Town's legal below. Again this reiterates the Town's position on the Commission and its scope. Please let me know if you have any questions.

Thanks again,

Mary

Legal:

I would define an "advisory committee" as any committee whose powers are limited to making recommendations to another board or officer; they have no power to take any actions that are legally binding on anyone. The Shellfish subcommittee is an example of this; they can study an issue and recommend that the Select Board take a particular action, but the final decision is entirely up to the Select Board.

In my view, any board that has the authority to make legally binding decisions has the implicit power to create an advisory committee. This is just an application of the principle that a decision-maker can ask for input from whomever it wants; creating an advisory committee just puts those advisors in the same room and asks them to confer with each other first. The Ipswich Charter formalizes this power for the Town Manager in § 20, which states that "In addition to the [other boards and committees mentioned in the Charter] the Town Manager may establish and appoint the members of such advisory boards or committees as the town manager deems necessary."

- *Also, they are headed by two co-chairs, one of whom will be giving birth soon, can they appoint an alternate as a co-chair during the maternity leave?* I assume they organized themselves and chose to elect co-chairs. If that's the case, they can do what they want in terms of covering the absence.
- *They're wondering what their limits are and what they're able to do, e.g. can they attend other meetings as representative of the IHRC?* They can certainly attend meetings of other boards or committees; they just need to be careful that if a quorum of the IHRC is present, they should not deliberate unless they have posted it as a joint meeting. If there isn't a quorum of their board present, they don't have to worry about it.
- *Are they limited in any sense by only being advisory?* As noted above, by definition an advisory committee lacks the ability to make any legally binding decisions. They can't adjudicate cases, they can't direct other boards or officers to do anything, they can't bind the Town to any particular policy, etc.