



City of Lowell - Law Department

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MEMORANDUM

TO: Eileen Donoghue, City Manager *EMD*

FROM: Christine P. O'Connor, City Solicitor

DATE: March 6, 2020

SUBJECT: Update to Motion Response: 1/7/20 C. Elliott - *Req. City Mgr. Provide A Report On Process To Change Charter To Allow Residents To Vote And Elect The Mayor.*)

I write to update the council on an earlier report regarding the manner by which the City could amend its method of selecting a mayor.

Before and following the subcommittee meeting on this issue the law department had been in communication with the attorneys for the Hout plaintiffs regarding potential changes to the city's method of mayoral selection.

It is the position of the Hout plaintiffs that the Consent Decree does not permit changing from the current method of electing a Mayor. (Section G at footnote 5 provides: "Under all of the Agreed-To Electoral Systems with the exception of the 7-2 Hybrid System, as with Lowell's current electoral system, the Mayor shall be a member of the City Council elected by the City Council.") Therefore, any change in our election method would require an agreed-upon amendment to the Consent Decree by both parties.

Although plaintiffs' counsel has expressed initial concerns regarding the Worcester model, they are not opposed to working with the city in reaching an acceptable change to the current method of selecting a mayor:

"Plaintiffs ... are willing to take under consideration any specific proposal made by the City. Should Plaintiffs find the proposal acceptable, they would be willing to jointly move to amend the Consent Decree to allow for any agreed-upon change. I do wish to note that Plaintiffs have substantial initial concerns regarding the proposal discussed at the recent subcommittee meeting—to adopt a mayoral system similar to Worcester's—but we recognize that the subcommittee's efforts are in the preliminary stage. We welcome the opportunity for continued discussions should there be further progress towards a definite proposal."

The law department has reached out to the Worcester representative for further discussion and deliberation of this issue. Once a date is secured, the law department will work with the subcommittee in scheduling a follow up meeting.