



City of Lowell - Law Department

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MEMORANDUM

TO: Eileen Donoghue, City Manager *EMD*

FROM: Christine P. O'Connor, City Solicitor

DATE: January 22, 2021

SUBJECT: **Request City Manager have the Law Department propose to Plaintiff's council of voting rights litigation to have school committee elect using the same 8-districts created for the city council with the mayor being elected as the ninth member of the committee.**

Request City Council discuss process of changing system of electing mayor to allow voters to decide rather than City Councilors.

I write in response to both motions. After having conferred with Plaintiffs' counsel, while there is no substantive objection to either request, the Plaintiffs are not yet prepared to adopt either proposed change.

As to the proposal that voters, rather than City Councilors, select the Mayor of the City of Lowell, Plaintiffs believe that the issue be tabled until the next newly elected council can consider the question. Moreover, prior to implementing a change in the election of the Mayor, the Plaintiffs seek to obtain community input (whether through public meetings; advisory ballot question, or otherwise) regarding any change and how best to implement such a change.

As for the proposal to utilize the same 8-districts for the election of a School Committee, the Plaintiffs note that such a change would require an amendment to the recently passed Home Rule Petition. The new legislation specifically delineates "4-single member district based seats" and "2 at-large seats." Therefore, changing to 8-district based seats would require a separate Home Rule Petition, as well as a modification of the consent decree. There is a concern as to whether it would be logistically possible to have the proposed change implemented in time for the November 2021 election. Moreover, while there are benefits to having a School Committee that matches the number of districts, there is also an open question raised by the Plaintiffs as to whether the lack of any at-large seats would have any negative impact on the Committee's ability to best serve Lowell's schools (and if so, whether the benefits of any change would outweigh any negative impacts).

As to both questions, therefore, the Plaintiffs have expressed a willingness to continue exploring these issues with the City.