



City of Lowell - Law Department

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John McKenna
Acting City Solicitor

MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager 

FROM: Law Department

CC: Doreen Burgess

DATE: December 13, 2022

SUBJECT: MOTION RESPONSE: Date Motion was made by Councilor – Councilor's Name – Req. City Clerk (And/Or City Solicitor) Provide A Report On What Options May Be Available To Increase The Requirements To Have A Petition To Address The Council, I.E. Minimum Number Of Signatories On A Petition Or Other Options.

The City must leave open opportunities to be heard on agenda items, per M.G.L. c. 43, S. 98. However, we have not found anything restricting the Council from requiring that petitions have a certain number of signatures in order to be considered at Council Meetings (and added to the agenda). The Mayor also generally has discretion as moderator of the meeting to remove disruptive individuals, in the case of individuals speaking on items already on the agenda.

Overall, it is important to maintain the general ability to speak at meetings, but the City may effectively curtail some unnecessary discussions by requiring signed petitions to add agenda items. Agenda items may further be limited to those relevant to the jurisdiction of the City Council, so the Council may further limit petitions that fall outside of the jurisdiction of the Council (such as a state legislative issue or school committee issue).

M.G.L. c. 43 s. 98: Meetings of city council

Section 98. The city council shall fix suitable times for its regular meetings. The mayor, or the vice-chairman of the city council, or any four members thereof, or any three members thereof in the case of a city council composed of seven members, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the city council are present and consent thereto. Except in the cases of executive sessions authorized by section twenty-three A of chapter thirty-nine, all meetings of the city council shall be open to the press and to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.