

Councilor Theken thanked Ms. Michaels and Mr. Innes for coming forward. She said good people can't run for public office because they can't afford it. It is tremendously costly to run a campaign. She would support the resolution. She expressed appreciation that those involved in the grassroots groups had moved this matter to the forefront.

Councilor McGeary read entire public policy ballot question as it will appear on the ballot in the November 2012 for the fifth Essex representative district consisting of Essex, Gloucester, Rockport and in other legislative districts across the Commonwealth (on file) at the request of Council President Hardy:

"Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U.S. Constitution affirming that: 1) corporations are not entitled to the Constitutional rights of human beings; and 2) both Congress and the States may place limits on political contributions and political spending."

Council President Hardy stated while she agreed in principal with what is being attempted, she took issue with the way the ballot question is worded by the use the word, "instructed." She asked what kind of a precedent that word made, and asked whether this is common language used in such matters. **Councilor McGeary** responded it is common language. The instruction is only advisory unless it is stated to be a binding referendum; in which case the Legislature has to abide by their instructions. In this case they are free to accept or ignore their instructions. In this case, they have already acted on it. The word, "instructed" is common wording in ballot questions. **Council President Hardy** said she didn't like the word, "instructed," because she was concerned it would set a precedent, but also noted it is advisory. She also asked why only two-thirds of the state will vote on this matter. **Councilor McGeary** explained it is done on a district-by-district basis in the State. Council President Hardy said she would vote in favor of the resolution, but took exception to the word "instructed,"

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed the following **RESOLUTION:**

WHEREAS, for the past three decades, a divided United States Supreme Court has stretched the limits of the First Amendment to allow corporations, unions, political action committees and super political action committees to influence the political process and democratically-enacted reforms; **AND**

WHEREAS, the First Amendment has been greatly impacted by the United States Supreme Court's recent ruling in Citizens United V. The Federal Elections Commission; **AND**

WHEREAS, the United States Supreme Court's ruling in Citizens United overturned longstanding precedent prohibiting these interests from spending general treasury funds in democratic elections; **AND**

WHEREAS, the United States Supreme Court's ruling in Citizens United will allow special interests limitless and unprecedented campaign spending and thus disproportionate influence, threatening the fairness of the democratic process; **AND**

WHEREAS, the people of the United States have previously used the constitutional amendment process to overturn Supreme Court decisions that present a risk to the democratic process and self government; **NOW THEREFORE BE IT**

RESOLVED, that the City Council of the City of Gloucester, Massachusetts, hereby memorializes the 112th Congress of the United States to pass and send to the states for ratification a Constitutional Amendment to restore the First Amendment and fair elections to the people; **AND BE IT FURTHER**

RESOLVED, that a copy of these resolutions be transmitted forthwith by the City Clerk to the President of the United States, to the presiding officer of each branch of Congress and to the members of those branches from the Commonwealth of Massachusetts.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Councilor Whynott stated there needs to be something done about the coyote population in the City. It is a serious matter. He has received many calls from neighbors who have expressed their concern. **Council President Hardy** stated the Administration has gotten back through the City Clerk's office informing the Council that the best time for the Board of Health and for the Animal Control Officer to meet with the Council on November 13th. This is a public safety issue and didn't know how much longer they could wait. She, too, has seen more coyotes than ever, going through the O'Maley School grounds day and night in packs. She expressed her willingness to meet with the Board of Health and Animal Control Officer as to what could be done in her neighborhood. **Councilor Whynott** asked the Administration to do research into the situation, and to talk to the appropriate State agencies to find out if