



Medford City Council
Medford, Massachusetts

MEETING DATE

February 24, 2026

SPONSORED BY

George Scarpelli, City Councilor,
Isaac Bears, Council President,
Justin Tseng, City Councilor

AGENDA ITEM

26-043 - Resolution to Request Comprehensive Litigation Report since January 2019, Quarterly Litigation Status Reports, and Independent Review of Litigation

FULL TEXT AND DESCRIPTION

WHEREAS, the Medford City Council has a duty to the residents and taxpayers of Medford to ensure that public funds expended on legal matters, including litigation defense, settlements, judgments, and outside counsel fees, are accounted for transparently and managed prudently; and

WHEREAS, a review of publicly available records maintained by the Massachusetts Department of Labor Relations (<https://pubinfo.dlr.state.ma.us/Default.aspx?search=advanced>) reveals a dramatic and unprecedented increase in unfair labor practice charges filed against the City of Medford, specifically: during the period 2011 through 2019, a total of twenty-two (22) unfair labor practice charges were filed against the City, an average of 2.75 per year; whereas during the period 2020 through 2024, a total of seventy-four (74) unfair labor practice charges were filed against the City, an average of 18.5 per year, representing a 573% increase; and

WHEREAS, the Department of Labor Relations found on July 30, 2025 in MUP-22-9436 (City of Medford and Medford Firefighters IAFF Local 1032) that the City violated M.G.L. c. 150E, Section 10(a)(5) by refusing to hold grievance hearings as required under the collective bargaining agreement, constituting a repudiation of the contractual grievance procedure; and

WHEREAS, a review of publicly available decisions of the Massachusetts Civil Service Commission (<https://www.mass.gov/collections/civil-service-decisions>) reveals that during the period 2011 through 2019, a total of nine (9) civil service actions were filed involving the City of Medford, an average of 1.125 per year; whereas during the period 2020 through 2024, six (6) civil service actions were filed, an average of 1.5 per year, a 33% increase, including cases involving police appointment bypass, fire lieutenant promotion disputes, and other personnel actions; and

WHEREAS, a review of publicly available decisions of the Massachusetts Housing Appeals Committee (<https://www.mass.gov/info-details/housing-appeals-committee-decisions>) reveals that

during the period 2011 through 2019, zero (0) affordable housing appeals were filed against the City of Medford; whereas during the period 2020 through 2024, two (2) such appeals were filed, specifically:

(a) Medford ZBA / DIV Fellsway, LLC, No. 2020-07, in which the City asserted a Chapter 40B safe harbor defense regarding a proposed 278-unit development at 970 Fellsway, and the Housing Appeals Committee issued an interlocutory decision on October 10, 2023 finding that the City had not met the 1.5% general land area threshold, rejecting the Zoning Board of Appeals' land area calculations; and

(b) Medford ZBA / MVP Mystic, LLC, No. 2020-06, a companion Chapter 40B case that was settled on June 24, 2022 when the City withdrew its safe harbor claim; and

WHEREAS, a review of publicly available federal court dockets reveals multiple lawsuits filed against the City in the United States District Court for the District of Massachusetts since 2019, including but not limited to: Ayala et al. v. City of Medford, No. 1:2022cv10115 (Fair Labor Standards); Fargo et al. v. City of Medford, No. 1:2022cv11765 (Fair Labor Standards); Benjamin v. City of Medford et al., No. 1:2024cv11686; Gandolfo v. City of Medford and Its Police Department, No. 1:21-cv-10325 (prisoner civil rights); and

WHEREAS, IAFF Local 1032 filed a class action lawsuit in Middlesex Superior Court in March 2024 (Buckley v. Lungo-Koehn) for failure to issue payment of contractual benefits under the collective bargaining agreement, including 2.5% raises for 2021-2022, 3% for 2023, and COVID hazard pay, representing potentially significant financial exposure to the City; and

WHEREAS, the cumulative data across multiple forums — a 573% increase in unfair labor practice charges, a 33% increase in civil service actions, the emergence of housing appeals where none previously existed, multiple federal wage and hour lawsuits, and ongoing labor disputes with both the firefighters' union and Teamsters — demonstrates a pattern of escalating legal conflict that warrants Council scrutiny; and

WHEREAS, the costs associated with defending these matters, including fees paid to outside counsel, settlement payments, judgments, retroactive pay obligations, and the diversion of staff time and municipal resources, are borne entirely by Medford taxpayers and reduce funds available for essential municipal services; and

WHEREAS, the City Council does not currently receive regular, comprehensive reports on pending and resolved litigation, associated costs, or financial exposure, limiting the Council's ability to fulfill its fiduciary and oversight responsibilities; and

WHEREAS, transparency in municipal litigation is a recognized best practice endorsed by the Government Finance Officers Association (GFOA), the International City/County Management Association (ICMA), and the Massachusetts Division of Local Services; and

WHEREAS, the residents and taxpayers of the City of Medford are entitled to know how their tax dollars are being expended on legal matters and whether the City's litigation posture is fiscally prudent and consistent with sound municipal governance; now, therefore:

Be it Resolved by the Medford City Council that we request that the City Solicitor and the Law Department, in coordination with the Mayor's Office and the Finance Department, prepare and deliver to the City Council within sixty (60) days of the adoption of this Resolution a Comprehensive Litigation Report covering the period from January 1, 2019 to the present, which shall include:

(a) A complete list of all lawsuits, claims, administrative proceedings, arbitrations, and other legal actions in which the City of Medford is or was a named party, whether as plaintiff, defendant, respondent, or intervenor, in any court, tribunal, or administrative body, including but not limited to: the United States District Court; the Massachusetts Superior Court, District Court, and Land Court; the Massachusetts Appeals Court and Supreme Judicial Court; the Civil Service Commission; the Department of Labor Relations; the Massachusetts Commission Against Discrimination; the Housing Appeals Committee; the State Ethics Commission; the Equal Employment Opportunity Commission; and any other federal, state, or local forum;

(b) For each such matter: the case name, docket or case number, forum, date filed, nature of claims, current status (pending, settled, dismissed, adjudicated), and outcome if resolved;

(c) Total legal costs associated with each matter, including but not limited to: fees paid to outside counsel (identified by firm name and total amount per firm), expert witness fees, court costs, mediation and arbitration fees, and any other litigation-related expenditures;

(d) Total settlement payments, judgments, awards, and other monetary dispositions paid by the City, identified by matter;

(e) The funding source for each litigation-related expenditure (general fund appropriation, insurance recovery, reserve fund transfer, or other);

(f) An estimate of the City's current aggregate financial exposure from all pending litigation; and

(g) A summary of insurance coverage applicable to litigation matters, including carrier name, policy limits, deductibles or self-insured retentions, and claims history.

Be it Further Resolved that beginning in the first quarter following adoption of this Resolution, and continuing quarterly thereafter, the City Solicitor shall provide the City Council with a Quarterly Litigation Status Report, to be delivered no later than thirty (30) days after the close of each calendar quarter, which shall include:

(a) A list of all new lawsuits, claims, or administrative proceedings filed by or against the City during the quarter;

(b) A list of all matters resolved during the quarter, including the nature of the resolution and any monetary payments made or received;

(c) An updated summary of all pending matters and their current status;

(d) Total litigation-related expenditures for the quarter, broken down by outside counsel fees, settlements, and other costs; and

(e) Year-to-date cumulative litigation expenditures compared to the budgeted amount for the fiscal year.

Be it Further Resolved that the City Council hereby directs the Finance Director to include, as a discrete line item or schedule in the City's annual budget submission beginning with the next fiscal year budget cycle, a detailed accounting of all litigation-related expenditures for the prior fiscal year

and projected litigation costs for the upcoming fiscal year, categorized by type of claim, forum, and outside counsel engagement.

Be it Further Resolved that the City Council requests that the Mayor authorize an independent review of the City's litigation costs, practices, and risk management procedures for the period January 1, 2019 through the present, to be conducted by a qualified independent auditor, municipal finance consultant, or law firm with expertise in municipal risk management that does not currently represent or contract with the City of Medford, and that such review shall:

- (a) Evaluate total litigation costs relative to comparable Massachusetts municipalities of similar size and demographics;
- (b) Assess whether the volume and nature of labor relations disputes, unfair labor practice charges, and civil service appeals indicate systemic deficiencies in the City's human resources, labor relations, or management practices;
- (c) Review the City's use of outside counsel, including the process for selecting, retaining, and overseeing outside legal services, and whether such engagements are cost-effective and competitively procured;
- (d) Evaluate the adequacy of the City's risk management and loss prevention practices, including whether the City maintains appropriate insurance coverage and whether claims management procedures are consistent with best practices; and
- (e) Provide recommendations for reducing the City's litigation exposure, improving labor relations outcomes, and strengthening internal controls to minimize avoidable legal costs.

Be it Further Resolved that nothing in this Resolution shall be construed to require the disclosure of information protected by the attorney-client privilege or the work product doctrine; provided, however, that the City Solicitor shall make every reasonable effort to provide the information requested herein in a manner that maximizes transparency while preserving applicable legal privileges, and that any claim of privilege shall be asserted on a matter-by-matter basis with a specific explanation of the basis for withholding.

Be it Further Resolved that the Comprehensive Litigation Report, all Quarterly Litigation Status Reports, and the independent review report, once delivered to the City Council, shall be made available to the public on the City's website and maintained as public records in accordance with M.G.L. c. 66, Section 10.

Be it Further Resolved that the City Solicitor shall appear before the City Council, or a committee thereof designated by the Council President, to present the Comprehensive Litigation Report and to respond to questions from Council members regarding the City's litigation posture, costs, and risk exposure.

Be it Further Resolved that copies of this Resolution shall be transmitted to the Mayor, the City Solicitor, the Finance Director, and the City Clerk, and that this Resolution shall take effect upon adoption.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None