



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Wednesday, April 12, 2023

6:00 PM

This meeting was held via GoToWebinar and was called to order by Chair Scott at 6:03 pm and adjourned at 9:06 pm on a Roll Call Vote: 10 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Burnley, Gomez Mouakad, Kelly, Strezo, Scott), 0 opposed, 1 absent (Pineda Neufeld).

Councilor McLaughlin joined the meeting at 6:50pm following the Public Safety Building Committee meeting.

Others present: Cindy Amara – City Solicitor; Aneesh Sahni – Intergovernmental Affairs Director; Michael Mastrobuoni – Budget Director; Neha Singh – Legislative Liaison; Kimberly Wells – City Clerk; Bernabe Rodriguez – Assistant City Clerk; Brendan Salisbury – Legislative and Policy Analyst; Stephen McGoldrick - Edward J. Collins Center for Public Management; Beverly Schwartz – Charter Review Committee Member

Roll Call

Present: Chairperson Jefferson Thomas (J.T.) Scott, Vice Chair Kristen Strezo, Willie Burnley Jr., Matthew McLaughlin, Lance L. Davis, Ben Ewen-Campen, Jesse Clingan, Jake Wilson, Beatriz Gomez Mouakad and Charlotte Kelly

Absent: Judy Pineda Neufeld

Committee Minutes
(ID # [23-0448](#))

Approval of the Minutes of the Charter Review Special Committee of the Whole Meeting of March 22, 2023.

RESULT: ACCEPTED

AYE: Chairperson Scott, Vice Chair Strezo, City Councilor At Large Burnley Jr., McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Gomez Mouakad and Kelly

ABSENT: Pineda Neufeld

2. Officer's Communication
(ID # [22-1520](#))

Charter Review Committee conveying its recommendations and proposed Charter text.

Chair Scott referred the Committee to the slides dated 04.12.23, related to the returning items.

The discussion began with the recommendation of the Charter Review Committee regarding advisory legal counsel. Councilors Ewen-Campen and Davis have been working with the administration on amendments to this language to provide clarification on the Council's abilities. The suggested

language provided was drafted by City Solicitor Amara and Councilor Ewen-Campen noted that he felt comfortable with the addition of language to specify that it would be a secondary legal opinion, and that the process would involve the Council making a reasonable request of the Mayor. Councilor Davis added that though this was his ideal language, it represents a significant improvement and is the best approach for the moment. Councilor Kelly shared a concern that the language has gone from broad and inclusive to more restrictive and specific. Councilor Davis noted that the main issue was that the Council must be enabled to get a second opinion. The additional language proposed by the Charter Review Committee potentially conflates two different needs - outside legal counsel vs policy and research staff. Streamlining the language also allowed for an easier understanding of how the finances will be allocated to put this into practice. Councilor Ewen-Campen added that for general questions, the City Solicitor's Office, and this is intended for areas where there is significant disagreement. Councilor Wilson expressed concern about how "reasonable request" and "unreasonably denied" would be determined. Solicitor Amara explained that these are common legal phrases, and they were used because they give maximum flexibility, rather than trying to estimate a number of requests or a particular amount of funding. She added that the ordinary course of business for drafting and research should be the purview of staff. A disagreement about drafting would be considered grounds for a secondary legal opinion, but such drafting should not be outsourced as an initial course of action.

Director Sahni noted that the administration's support for this language is connected to the inclusion of a four-year Mayoral term. If the Charter moves forward with a two-year Mayoral term, the administration may want to revisit this provision. Councilor Burnley noted that the Council has already made its views on that point clear. Director Sahni clarified that the Mayor has no intentions of rejecting the Charter, but the version may differ depending on whether a two-year or four-year term is included. Councilor Davis agreed that the Mayoral term is connected to many other issues, and noted that his view of other provisions would shift if a four-year term was included. Councilor Strezio shared support of the four-year Mayoral term for stability, and would be happy to revisit that. She also expressed support for the updated advisory legal counsel language.

Councilor Kelly shared additional concerns about a future in which the Council staff are limited by a Mayor who is not cooperative and there is no additional recourse provided by the Charter. Councilor Ewen-Campen asked for clarification from the City Solicitor on the line Councilor Davis previously highlighted "The city solicitor and any advisory legal counsel shall consult to the extent practicable prior to the release of any secondary opinion." Solicitor Amara noted that this is important to unify the city, providing access to information and review from both the Solicitor's Office and outside counsel, removing any unnecessary adversarial relationship.

Chair Scott highlighted two points - enforceability, and the degree of involvement. Councilor Davis added that there may be a situation where the City Solicitor's involvement is not appropriate and centering their involvement could pose an issue. The default would likely be collaboration, and removing the above noted line would not disallow that, but would provide flexibility for the City Council.

In the spirit of collaboration with the administration, Councilors Ewen-Campen, McLaughlin and Strezo supported leaving in the line "The city solicitor and any advisory legal counsel shall consult to the extent practicable prior to the release of any secondary opinion."

Councilor Davis moved to amend Section 2-7 (a) to read: SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL (a) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal services, when needed, to seek a secondary legal opinion. The city council shall make a reasonable request for such legal services, and such request shall not be unreasonably denied by the mayor. The legal services provided to the council shall not include representation of the council or any councilor in any litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of the city in all legal matters involving the city's government. The motion was not approved on a roll call vote of 4 in favor (Councilors Davis, Burnley, Kelly, Scott), 6 opposed (McLaughlin, Ewen-Campen, Clingan, Wilson, Gomez Mouakad, Strezo), 1 absent (Pineda Neufeld).

Councilor Ewen-Campen moved to amend Section 2-7 (a) to read: SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL (a) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal services, when needed, to seek a secondary legal opinion. The city council shall make a reasonable request for such legal services, and such request shall not be unreasonably denied by the mayor. The city solicitor and any advisory legal counsel shall consult to the extent practicable prior to the release of any secondary opinion. The legal services provided to the council shall not include representation of the council or any councilor in any litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of the city in all legal matters involving the city's government. The motion was approved on a roll call vote of 8 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Gomez Mouakad, Strezo, Scott), 2 opposed (Burnley, Kelly), 1 absent (Pineda Neufeld).

The next area of discussion was the recommendation of the Charter Review Committee on the budget timeline. Chair Scott noted that the goals are to add more transparency and responsible deadlines for budget review, and the suggestions were drafted with input from a number of other municipalities. In addition to the recommended timeline changes, a new element includes the publication of the Program Improvement Requests (PIRs). Director Mastrobuoni clarified that the proposed timelines column is the proposal of

Chair Scott. He shared that generally, he supports the recommendations of the Charter Review Committee. A CIP presentation in the Fall is the administration's goal. He expressed a preference for February for a financial update, as earlier than that the finance team is typically still working on the previous year. The timeline for requesting Council input in January has worked, but the administration is open to Council input at all times.

Regarding the submission of the budget and School Committee budget submission, he favors the Charter Review Committee's deadlines, noting that the administration is trying to move the timeline up, but there may be key pieces of information missing, such as health insurance open enrollment, with an April 1 deadline. He expressed a concern that PIRs are part of an internal process and are designed to encourage conversations with the Mayor regarding what might happen down the line. A requirement to publish them may result in a disinclination to share "out of the box" ideas.

Chair Scott noted that the requirement for PIRs would be a synopsis of the proposed initiatives, and this was provided to the Council in 2020. Director Mastrobuoni clarified that a financial update in November would likely be unsatisfying, and an April 1 budget submission deadline would likely lead to money being left on the table. Councilor Wilson agreed that a longer runway for the budget is needed. He suggested that an additional but less robust quarterly report might be a good alternative to a comprehensive report in November. Councilor Wilson also suggested that the Council input should be scheduled after the PIR submission, in order to inform the Councilors' priorities. Chair Scott clarified that the November 1 financial report would be a recap of the previous year rather than a projection.

Councilor Ewen-Campen noted that a December 30 date for Council input may not be useful in years where there are new Councilors just days later. He also asked what the benefit of a longer timeline following receipt of the budget would be and Chair Scott noted that it would allow for a more humane timeline for the Finance Committee members for review, preparation, and meetings. It would also allow a more robust discussion adjustments. Councilor Wilson agreed that the budget schedule is a lot of work for both Councilors and staff and even an extra week would make a difference.

Councilor Gomez Mouakad noted that time for new Councilors to understand how the city runs is useful before jumping into evaluating a budget, so the process should not start too early. She also noted that more continuity in the Executive Branch (e.g. a four-year term) would make earlier timelines easier to manage. Councilor Gomez Mouakad also supported a quarterly report rather than an early general financial report. Director Mastrobuoni added that three months for a new Mayor to submit a budget is a huge challenge, and the administration is working toward evolving the budget process to be more manageable. Councilor Strezo also expressed concern for the School Committee budget submission and the November 1 financial update, with that also being an election week in many

years. She supported the Charter Review Committee's proposals. Councilor Kelly expressed an overall support for the concept of moving the timeline up, noting that a longer timeline is more sustainable for Council and staff schedules. Additionally, it would enable the administration to have additional time before the end of the fiscal year to reallocate the cuts made by the Council. Councilor McLaughlin shared that more time is only useful if it is well spent, and inquired about whether the Mayor's Office has input on the timeline. Director Sahni noted that the administration's concerns are the PIR submission and moving up the School Committee and General Fund budget submission dates. They support the recommendations made by the Charter Review Committee. Councilor Davis agreed that less compression of the timeline would benefit everyone, and added that the budget put before the City Council does not always reflect department requests that Councilors are aware of. The transparency of submitting the requests to the Council helps distinguish where the Mayor's discretion was used. Chair Scott added that this also helps guide planning for future years. He added that he is not strictly committed to any of the proposed dates, but wanted to provide a framework for the conversation about adjusting the timeline.

The next recommendation of the Charter Review Committee that was discussed was the confirmation process for Department Heads and the Chief Administrative Officer. Councilor Ewen-Campen shared a proposal that would compress the timeline for City Council review, account for times that the Council is in recess, and require a 2/3 vote to reject an appointment. Councilor Kelly noted that the Council should not be set up to fail by being limited by criteria under which they can reject a candidate, and specifically shared concerns about the line "The city council shall not reject such an appointment unless the candidate does not have the experience, training, and/or education to perform the duties of the office or position." Councilor Strezo wondered about the Council's ability to question candidates and expressed concerns about equitable treatment of candidates. Councilor Davis shared the view that an executive is entitled to their appointees, barring any significant issues, but shared concerns that this language does not address the issues. Councilor Clingan agreed with the concerns about the line mentioned by Councilor Kelly, adding that it reflects a lack of trust in the Council.

Councilor Burnley added that he shares Councilor Kelly's concerns about the overly restrictive line, suggesting that the use of "reasonably" should be sufficient. Councilor Ewen-Campen agreed that using the reasonable/unreasonable language sounds like a good solution. Councilor Gomez Mouakad also supported that change. Councilor Wilson agreed with that suggestion. Chair Scott noted that values are important, and additionally, this gives the Council more flexibility to evaluate through a more inclusive lens. Councilors Clingan and McLaughlin also agreed with the suggested change and Councilor McLaughlin noted that this language already reflects a compromise. He added that he supports a different

standard for Multiple Member Bodies, as they do not answer to the Mayor in the same manner of Department Heads. Councilor Ewen-Campen elaborated that the administration's concern is the ability to recruit and hire high-quality candidates. The "may not be unreasonably rejected" language is entirely consistent with that objective. Director Sahni confirmed that recruitment is the driving force but noted that the HR Department is comfortable because of the clear criteria.

Chair Scott asked for clarification on whether candidates would receive a provisional offer letter if these changes are made. Director Sahni responded that there would be a disclosure about the confirmation process, outlining the criteria.

RESULT: **KEPT IN COMMITTEE**