

Charter Review: Administration

Somerville MA City Council
November 21, 2022

Tonight's Agenda

Review of Resources and Process

Plan for Public Hearing

Anticipated Schedule

Parliamentary Procedure Notes

Administration Section: 4 Recommendations for Review

Resources and Process

- **Subject Matter Experts: Collins Center consultants**
 - Contract still in process
 - Legislative Policy Analyst **Brendan Salisbury** to serve as City Council liaison
- **Subject Matter Experts: Charter Change Committee members**
 - Bev Schwarz (member) and Anna Corning (Mayor's Office), liaisons
- Topic Areas will be published in advance, on Agendas
- Questions submitted through the Chair in advance will give time to research answers and arrange for attendees to help with discussion

Public Hearing and Anticipated Schedule

- **Virtual Hearing for December 7**
 - Written Comment to remain open until Jan 11
- **In-Chambers Hearing conclusion, January 11**
 - Followed by deliberation on Topic Area: Elections
- **In-Chambers, January 25**
 - Topic Area: Balance of Power
- **In-Chambers, February 8**
 - Topic Area: Budget/Finance

Parliamentary Procedure

- **Deliberation**
 - Largely focused on the current topic area; Rules of the Council prevail
- **Resolutions are “in order”**
 - Resolutions to recommend adoption of the Committee’s suggested text
 - Resolutions to request amended text to address the Council’s intent
 - Motions to amend are not, there is no text before us
 - Amended text will be reviewed at a future meeting
- Once all topics have been resolved, a final HRP Text will be submitted

Administration

Change the start of term of office to the first business day in January

Posting requirements to include City Website

Periodic Review of Charter, Ordinances, and Multiple Member Bodies (individually) every 10 years

Organize the city via Administrative Code

Remove all city organization from the charter

Beginning of Terms

Recco #3: change from “first Monday” to “first business day in January”

- Policy Considerations: The first Monday in January occasionally conflicts with religious holidays. Watertown, Framingham, and Newton all begin on the first business day of January.
- Community Feedback: There was no community feedback, although one member of the committee was personally affected by this issue and stated that the impact on their religious community was felt by many.

Beginning of Terms

Recco: change from “first Monday” to “first business day in January”

- Text from proposed charter:
 - Section 2-1(b) The term of office for councilors shall be two years each, beginning on the first business day in January following the municipal election.
 - Section 3-1(b) The term of office for mayor shall be four years, beginning on the first business day in January following the municipal election.
 - Section 4-1(b) The term for the school committee shall be two years, beginning on the first business day in January following the municipal election.

Posting Requirements

Recco #4: adding the city website to posting requirements , affirming OML standards

- Policy Considerations: It is a best practice to have municipal governments post all meeting notices, documents, and minutes to their website. Ensuring that residents can find this information on the Somerville website is a key step toward transparency.
- Community Feedback: The community supported increasing access to information by residents, which we heard frequently in public comments at meetings.

Posting Requirements

Reccos: adding the city website to posting requirements , affirming OML standards

- Text from current charter: There is no unified definition of posting, although the charter requires giving notice, without always defining what that means. Examples:
 - Section 17(d): No public way or street shall be laid out, located anew, changed as to grade or otherwise, widened or discontinued, until a public hearing has been held after notice given in accordance with the General Laws relating to public ways.
 - Section 36(b) re. special meetings of the board of assessors: The chairman of the board of assessors or any two members thereof may, at any time, call a special meeting by causing written notices, stating the time of holding such meeting and the subject to be acted upon, and signed by the members calling the same, to be delivered in hand to each member of the board of assessors or left at his usual dwelling place, and posted as required by law.
 - Section 46(d) re. administrative orders: When the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication.

Posting Requirements

Reccos: adding the city website to posting requirements , affirming OML standards

- Text from proposed charter:
 - **Section 1-7(18): “Posting or post” - making available publicly on the city website, at city hall, and as otherwise may be required under the General Laws.**
- Example requirements for posting throughout the proposed charter:
 - - Section 2-5(c)(ii) re. notice of special meetings: A copy of each notice shall immediately be posted.
 - - Section 2-11 re. group petitions: ...the city clerk shall notify the ten petitioners whose names first appear on each such petition, publish a general summary of the subject matter of the petition, and post notice of the date and time of the public hearing.
 - - Section 3-10 re. special meetings called by Mayor: A copy of the notice shall be posted immediately.
 - - Section 4-6 re. school committee filling of vacancies: The school committee shall publicly post a public notice of the vacancy and solicitation of nominations, and appoint the replacement in accordance with school committee policy.

Posting Requirements

Reccos: adding the city website to posting requirements , affirming OML standards

- More Examples from proposed charter:
 - Section 5-1 re. administrative orders: Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal and post notice.
 - Section 6-2 re. budget hearing: The city council shall post notice of the Community Budget Hearing 14 days in advance of the hearing.
 - Section 6-5(a) re. operating budget: The city council shall post a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time, and place when a public hearing on the proposed operating budget shall be held by the city council, at least 7 days after posting of the notice.
 - Section 6-5(b): In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor or their designee shall post the entire budget document on the city website. Said proposed budget document shall remain posted during the city council review process contained in this article. After the enactment of the budget, the final budget shall be posted on the city website and shall remain there throughout the fiscal year for which it is in effect.

Posting Requirements

Reccos: adding the city website to posting requirements , affirming OML standards

- More Examples from proposed charter:
 - Section 6-6(b) re. capital improvement program: The city council shall post a notice stating: (i) the times and places where entire copies of the capital improvements program are available for the public; and, (ii) the date, time, and place of a public hearing on the plan to be held by the city council at least 14 days after posting of the notice.
 - Section 8-3: A copy of all rules and regulations adopted by a city agency shall be posted to the city website.
 - Section 8-7(b) re. special meetings of multi-member bodies: Notice of the meeting shall be posted as required by law.

Periodic Reviews of Charter, Ordinances, MMBs

Reccos 31, 32, 33: require reviews every 10 years, including of each Multiple Member Body

- Charter Policy Considerations: A charter is a city's primary governing document, so most modern charters last 30 to 40 years. Reviewing this governing document at regular intervals will ensure that the charter is updated to make our government more just, empowering, responsive and innovative for its residents. Periodic review is conducted in similar municipalities such as Cambridge, Lawrence, Fall River, Lynn, and Framingham.

Periodic Reviews of Charter, Ordinances, MMBs

Reccos 31, 32, 33: require reviews every 10 years, including of each Multiple Member Body

- Ordinances Policy Considerations: A regular review of city ordinances ensures alignment with current city practice and can address potential outdated regulations and conflicting measures. The committee intended the review to be made by a committee of relevant stakeholders and community members who can identify and recommend any necessary revisions or recodifications. Several municipalities have similar ordinance reviews, including Cambridge, Lynn, Lawrence, and Fall River (every 10 years) and Framingham (every 5 years). The committee discussed the appropriate interval for review in order to maximize the value and consider the workload required.

Periodic Reviews of Charter, Ordinances, MMBs

Reccos 31, 32, 33: require reviews every 10 years, including of each Multiple Member Body

- MMB Policy Considerations: A ten year review can ensure the continued relevance of multiple member bodies and their compositions. The committee considered the significant amount of work the first review would entail, but recognized the necessity of addressing outdated, overlapping and numerous multiple member bodies. Key areas the committee sought to address through a periodic review were clarification on which multiple member bodies are active, term lengths for seats, appointment and approval processes and where to find current documents related to each body.
- Community Feedback: Community members were vocal about concerns with the numerous multiple member bodies and were in support of a comprehensive review. The committee received several public comments at committee meetings and also heard anecdotal feedback in conversation.

Periodic Reviews of Charter, Ordinances, MMBs

Reccos 31, 32, 33: require reviews every 10 years, including of each Multiple Member Body

- Proposed charter language:
 - SECTION 8-4: PERIODIC REVIEW OF CHARTER. The mayor and city council shall provide for a review to be made of the city charter at least once every 10 years to prepare recommendations for proposed revision. The manner of the review shall be established by ordinance and incorporate community input. The recommendations shall be filed with the city clerk at a date specified by ordinance.
 - SECTION 8-5: PERIODIC REVIEW OF ORDINANCES. The mayor and city council shall provide for a review to be made of some or all of the city ordinances at least once every 10 years to prepare recommendations for proposed revision or recodification. The manner of the review shall be established by ordinance. The review of city ordinances shall be under the supervision of the city solicitor and incorporate community input. The recommendations shall be filed with the city clerk at a date specified by ordinance.

Periodic Reviews of Charter, Ordinances, MMBs

Reccos 31, 32, 33: require reviews every 10 years, including of each Multiple Member Body

- Proposed charter language:
 - SECTION 8-6: PERIODIC REVIEW OF MULTIPLE MEMBER BODIES. At least once every 10 years the mayor and the city council shall provide for a review to be made of all multiple member bodies. This review shall be made by a special committee to be determined by ordinance, and the initial review shall be implemented as provided in Section 9-7(d). All members of the committee shall be municipal voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. The committee's report should include an assessment of the function and relevance of all multiple member bodies, and recommendations to combine, remove, or add new multiple member bodies to address redundancies or new concerns of the city. Recommendations shall not conflict with multiple member bodies required by the General Laws.

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

- Policy Considerations: our city departments and agencies are currently defined in the city's charter, which require HRP to the state legislature each time we seek to create a new department head or reorganize agencies. The Somerville Charter Revision of 2012 enabled the City of Somerville to implement an Administrative Code. If this document exists, the mayor can create, reorganize, or abolish city departments, agencies, boards, commissions and offices in the administrative code by submitting administrative orders to city council (currently for 2/3rds approval).

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

- Continued: the committee recognized the benefit of allowing the administration to define its organization without needing HRP, increasing flexibility for city operations. While it was enabled in 2012, **the city has yet to draft the code** in order to remove city departments and general organization from the charter. By enshrining administrative organization in the recommended charter and removing departments and boards, the next step will be for the city to draft an administrative code.

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

- Proposed charter language:

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

- The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor. An administrative order may not originate with the city council. The mayor may, subject only to express prohibitions of General Laws or this charter, propose administrative orders to establish a new agency, reorganize, consolidate or abolish any agency, in whole or in part, as is deemed necessary for the orderly, efficient, or convenient conduct of the business of the city. The mayor may also propose administrative orders to establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies.

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

- Proposed charter language continued:

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

- These proposed administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal, or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal and post notice. **An organization or reorganization plan shall become effective at the expiration of 60 days from filing, unless the city council has voted to disapprove the plan prior to that date. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.**

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

Current charter language:

Sec 21. Mayor to appoint certain officers and boards.

The mayor may appoint, subject to confirmation by the city council, the following officers and boards, provided however, that under review each of this charter, administrative roles may replace or modify the titles or assign the functions to any other city agency, unless otherwise provided. For 1 year and until the appointment and qualification of a successor (1) a city treasurer, who shall also be the collector of taxes and in case of a vacancy, the office shall be filled for the unexpired term by the mayor, subject to confirmation; (2) a city auditor, for a term of 3 years, from the date of the appointment until the qualification of a successor, and in case of a vacancy, the office shall be filled for the unexpired term by the mayor, subject to the confirmation; (3) a chief of public works, subject to the mayor, subject to confirmation; and shall have an employment agreement for a term of not more than 3 years; all other officers and members of the public departments, a chief engineer, and all other officers and members of the fire department; (4) a planning agent; (5) a board of health; (6) a board of trustees of the public library; (7) a commissioner of public works, who shall serve for the term of the mayor; (8) city engineer, who may be the commissioner of public works; (9) superintendent of the division of public building and grounds; (10) a superintendent of inspection services; (11) a superintendent of highway, electric lines and light; (12) a superintendent of water works; (13) a central control officer which public animal control facility in the city (14) the number of members to be deemed advisable; and (15) a 311 director, special police officers and other officers and boards of the city whose election or appointment is not otherwise provided for in this charter. The executive officers shall hold their respective offices as the pleasure of the mayor and city council in the same manner in which the officer was appointed or until the officer was otherwise reelected. Nothing in this section shall be construed to conflict with chapter 917 of the acts of 2005.

(Acts 1974, Chapter 294, approved by voters Nov. 6, 1974; Acts 1974, Chapter 295, approved by voters Nov. 6, 1974; Acts 1949, Chapter 274, approved April 29, 1949; Acts 1949, Chapter 474, approved July 1, 1949; Acts 1952, Chapter 420, approved by voters Nov. 3, 1952; Acts 1963, Chapter 406, approved November 12, 1963; Acts 1966, Chapter 348, approved August 6, 1966; Acts 2006, Chapter 183, approved July 27, 2006; Acts 2012, Chapter 400, approved Jan. 3, 2012; Acts 2018, Chapter 257, approved Jan. 1, 2018.)

TITLE 6. ADMINISTRATIVE OFFICERS

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• Sec 31. City clerk.

• The city clerk shall have charge of all records, records and documents of the city council, and assist all secretaries. He shall be chief of the city council, and shall keep a journal of all votes and proceedings. He shall perform such other duties as may be prescribed by the city council and shall perform all the duties and exercise all the powers assigned by law to city clerks or town clerks, so far as such laws can apply to said city. In the absence of the city council you designate shall be chosen, who shall be answer to the highest performance of the duties.

(Acts 2018, Chapter 355, approved Jan. 1, 2018.)

• Sec 32. City treasurer and collector of taxes.

The city treasurer and collector of taxes shall collect all moneys due the city. He shall have the custody of and pay out all moneys, and cause an accurate account of the same to be kept in proper bookkeeping form, and shall perform such other duties as the ordinance prescribe, he shall also perform all the duties and exercise all the powers assigned by law to city treasurers and collectors of taxes or town treasurers and collectors of taxes, so far as such laws can apply to said city.

(Acts 2012, Chapter 400, approved Jan. 3, 2012.)

• Sec 33. City auditor.

• The city auditor shall perform such duties as the ordinance prescribe.

• Sec 34. City attorney.

• The city attorney shall perform such duties as the ordinance prescribe.

(Acts 2012, Chapter 400, approved Jan. 3, 2012.)

• Sec 35. Supervisor.

• Editor's note — Chapter 400 of the Acts of 2012 superseded section 35 of this Charter.

• Sec 36. Board of assessors.

(a) Composition, term of office. The board of assessors shall consist of three members. They shall be appointed by the mayor subject to the approval of the city council. Each assessor shall serve a three-year term. Their terms shall be staggered so that only one term expires at the end of each year.

The chairman of the board of assessors shall serve full-time. He shall be nominated as chairman by the mayor at the time of his appointment. As chairman of the board he shall also serve in the department head in the administration of the department.

The other two assessors shall serve part-time and constitute the other members of the board of assessors.

(b) Qualifications. The members of the board of assessors shall possess the following minimum qualifications:

- (1) Certified Massachusetts Assessor (CMA).
- (2) Certified Appraisal Evaluator (CAE).
- (3) Designated member of Society of Real Estate Appraisers (SREA).
- (4) Designated member of the American Institute of Real Estate Appraisers.

The provision of this paragraph may be waived by the mayor, with the approval of a two-thirds vote of the city council taken by a call of the year and day, if the mayor determines that there is no reasonable expectation that qualified persons will be able and willing to accept appointment as an assessor, but in no case shall such a waiver be made for the position of chairman of the board of assessors; provided, however, that a waiver granted pursuant to this paragraph shall be renewed annually. If such waiver is not sought by the mayor by the first regularly scheduled meeting of the city council in February, then that assessor shall cease to hold office. If the city council fail to act upon the request for waiver by the end of March, then that assessor shall cease to hold office. The waiver provided for herein shall be granted for not more than three consecutive terms to any person.

05

Power and duties. The members of the board of assessors shall examine the powers conferred and discharge duties imposed upon the board of assessors by law.

04

Composition of members. The salary of members of the board of assessors shall be established by ordinance by the city council with the approval of the mayor.

03

Quorum, voting. A majority of the full board of assessors shall constitute a quorum. Every member of the board of assessors may vote on any question coming before it. The affirmative vote of at least two assessors (a majority of the assessors present and voting) shall be necessary for the approval of any matter, including, but not limited to, statutory and discretionary tax abatement.

02

Administrative Code

Recco #21: Organize the City via Administrative Code, remove current org

- Notable changes from current charter:
 - Removes charter requirements for confirmation processes (some replaced in section 2-8, to be reviewed on a future night)
 - Removes city council's explicit ability to specify duties or qualifications of appointed officers by ordinance
 - Eliminates 2/3rds requirement to approve Administrative Code (from 2012)
 - Creates 60 day timeline to *reject* Admin Code, or it becomes effective