



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Wednesday, November 9, 2022

6:00 PM

This meeting was held via GoToWebinar and was called to order by Chair Scott at 6:03 pm and adjourned at 8:24 pm on a Roll Call Vote: 10 in favor (Councilors Pineda Neufeld, Clingan, Ewen-Campen, Burnley, Gomez Mouakad, Kelly, Wilson, McLaughlin, Strezo, Scott), 0 opposed, 1 absent (Davis).

Others present: Kimberly Wells – City Clerk; Aneesh Sahni – Intergovernmental Affairs Director; Anna Corning - Charter Review Committee Project Manager; Bernabe Rodriguez – Assistant City Clerk; Brendan Salisbury – Legislative and Policy Analyst; Laura Pitone – School Committee and Charter Review Committee Member; Beverly Schwartz – Charter Review Committee Member; Jessica Lieberman – Charter Review Committee Member; Stephen McGoldrick - Edward J. Collins Center for Public Management; Marylin Contreas – Edward J. Collins Center for Public Management

Roll Call

COMMITTEE OF THE WHOLE

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

1. Officer's Communication (ID # [22-1520](#)) Charter Review Committee conveying its recommendations and proposed Charter text.

Chair Scott introduced the role for the Special Committee, to discuss the Charter Review Committee's proposed Charter text. It will be an ongoing, public, and collaborative process. He likened the process to the Budget process, where the Committee will review various pieces of the document, beginning with an overview in this meeting. The intent is not a line-by-line review, but rather a discussion according to broad policy areas and the recommendations from the Charter Review Committee, as well as identifying the areas of interest for the members of the City Council.

Anna Corning, one of the Charter Review Committee Project Managers, shared the timeline of the work that Committee completed. Chair Scott pointed out that the recommendations include the amount of support for various items based on community feedback. The broad topics for consideration are: 1. Elections; 2. Balance of Power (Legislative and Executive); 3. Budget/Finance 4. Administration; and 5. Miscellaneous.

Bev Schwartz, Charter Review Committee Member, noted that there are some real policy decisions involved. The Committee process was to review exemplar text

and raise issues as they went along. They focused on simplified language and making the document accessible. Two recommendations related to Elections, based largely on the recommendations of the Clean and Open Elections Task Force, were to enfranchise 16- and 17-year-old residents and non-citizens, and to reduce the signature requirements to run for municipal office. The Committee also provided recommendations to create Committees to conduct further study of Ranked Choice Voting, and Public Financing of Campaigns. Jessica Lieberman, Charter Review Committee Member, elaborated that the enfranchisement would be exclusively for municipal elections and would thus require a separate registration process through the City.

Councilor Kelly asked about the implementation and whether some items have implementation detailed within the Charter. Bev Schwartz clarified that the Charter is about policy and values, and the details belong at the Ordinance or other level. Councilor Pineda Neufeld highlighted the difference in community support for 16- and 17- year old enfranchisement versus for non-citizen enfranchisement and Bev Schwartz shared some anecdotes about community members developing support for 16- and 17- year old voting after learning about the positives such as turning young people into lifelong voters, and the survey results did not provide a forum for sharing that information. Councilor Burnley added that other municipalities do this and that regulations must exist, and inquired about any resources for equitable regulations. Councilor Gomez Mouakad noted that enfranchising non-citizens could also carryover to their children and vice versa, and Bev Schwartz emphasized that one of the core values of the Charter is empowerment, and also that non-citizens does not exclusively refer to undocumented residents, but does include them. Councilor Clingan stressed support for this enfranchisement.

Chair Scott asked about some other recommendations of the Clean and Open Elections Task Force that were not included, such as moving the timing of municipal elections to align with statewide elections. Bev Schwartz shared that it was considered but the subject matter experts indicated that in Massachusetts, it would need to be two separate ballots at two different times, and could not be combined, which would eliminate the potential benefits.

Bev Schwartz shared recommendations from the Charter Review Committee related to Balance of Power, beginning with the maintenance of the Mayor-Council form of government with the addition of a Chief Administrative Officer (CAO) role, to balance the ability of the City Council to impact decisions. The CAO would be the Mayor's employee, but establishes a central point of contact for issues pertaining to the "nuts and bolts", and the City Council would have the power to confirm the appointment of the individual in that role. This would serve to expand access to information and provide an enforcement mechanism for failure to provide requested information. While research indicated that the City Council cannot legally have its own separate legal counsel, the Charter provides for the ability of the City Council to get a legal opinion from counsel other than the City Solicitor. This Charter also adds the ability for the City Council to hire staff, subject to budget constraints. The appointments process was also detailed, with

clear timelines and no allowance for ongoing temporary appointments. The adjustment of the Mayoral term to a 4-year term was also included, in order to provide stability in the day-to-day operations and in the managers with terms concurrent with the Mayor.

Councilor Davis noted some questions about balance of power, enforcement, and budgeting authority. Councilor Burnley shared appreciation for the shift in the balance of power to be more co-equal, but expressed concerns that it may represent an over-correction, and that there is not public support for a City Manager or a CAO. Councilor Burnley also noted disagreement with a 4-year Mayoral term. He suggested that the ability for the Council to allocate money within the budget process would be a provision to add. Councilor Kelly shared some items for future discussion, including the confirmation of certain appointments and timing, vacancies on multi-member bodies, access to information, listing positions within the Charter, and the CAO role. Councilor Kelly also requested the details of the specific comments. Chair Scott added consideration of increasing the size of the City Council and/or adding a youth seat as topics for further discussion.

Bev Schwartz introduced the Budget/Finance recommendations, including changes to the budget process timing. The process is largely dictated by the state, which complicated some of the potential ideas such as allowing the City Council to add and allocate funds. The Charter Reviews Committee did recommend mandating an independent auditor and having that appointment the purview of the City Council, as well as requiring a periodic review of compensation for all City employees. The Committee also provided recommendations to create Committees to conduct further study of Equitable Compensation Distribution and Participatory Budgeting. Councilor Wilson expressed interest in a provision that might allow the City Council to add funds and to make precise cuts to the budget. Councilor Burnley asked if the intent was to mandate that the City Council accept the budget. Bev Schwartz noted that there was no interest in removing the ability of the City Council to reject the budget. Councilor Kelly added an interest in discussing questions related to budget hearings.

Bev Schwartz presented the recommendations in the area of Administration, including updating posting requirements, required periodic reviews of the Charter and other information, a shift in the start of the term to the first business day in January, and moving organization out of the Charter and into an Administrative Code. This would enable the organization of departments to be updated as needed, without Home Rule approval from the state and with much greater transparency. Bev Schwartz presented the Miscellaneous recommendations, such as changing the process to fill School Committee vacancies. Ms. Schwartz noted that even if the content of the Charter remained the same, the updates to the language would still represent a win. Councilor Strezo asked for an elaboration of the process to fill School Committee vacancies. Councilor Burnley added that the Charter also moves jurisdiction for School buildings to the School Committee. Bev Schwartz expressed that the Committee did not make that change. Councilor Kelly encouraged continuous attention to accessible and understandable language. Chair Scott asked about the group petition provision.

Chair Scott shared some background on previous Charter amendment efforts, which will be shared online to the extent that they can be digitized. A repository for shared documents can be found in a Google Drive at tinyurl.com/hashtagcharterreform. The City plans to continue to engage the Collins Center for their expertise and providing answers to Councilors' questions. The City Council's Legislative and Policy Analyst is also available to provide research support. Two public hearings will allow for public feedback.

Chair Scott also detailed the steps in the process to implement Charter change, as a Home Rule Petition process. The City Council will produce a document, with edits and recommendations from the Mayor and City Solicitor. It can be presented to the State Legislature with the ability to edit, or with the requirement to accept or reject. Following acceptance, the Governor must sign, and the State Legislature may require a municipal vote to adopt. Bev Schwartz noted that in practice, if the Legislature does not see unanimous support, it is not likely to approve the change. Chair Scott also outlined the deliberation process, which will occur by topic area over the course of the next several months, and will include two public hearings, as well as designated time for motions. The Writing Subcommittee of the Charter Review Committee have indicated that they will continue to be available to assist.

RESULT: KEPT IN COMMITTEE