



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Wednesday, November 13, 2024

6:00 PM

Committee of the Whole

This meeting was called to order by Chair Scott at 6:04 pm and adjourned at 7:09pm on a Roll Call Vote of 8 in favor (Councilors Davis, Wilson, Sait, Mbah, Burnley, Clingan, Strezo, Scott), 0 opposed, 3 absent (McLaughlin, Pineda Neufeld, Ewen-Campen).

Others present: Neha Singh - Intergovernmental Affairs Director; Brendan Salisbury - Legislative and Policy Analyst; Kimberly Wells - City Clerk

Others present: Kimberly Wells - City Clerk, Natasha Frazier - Assistant Clerk of Committees

Roll Call

Present: Ward Two City Councilor Jefferson Thomas (J.T.) Scott, City Councilor At Large Jake Wilson, Ward One City Councilor Matthew McLaughlin, Willie Burnley Jr., Jesse Clingan, Lance L. Davis, Wilfred N. Mbah, Naima Sait and Kristen Strezo

Absent: Ben Ewen-Campen and Judy Pineda Neufeld

1. Mayor's
Communication
(ID # [24-1308](#))

Conveying recommendations on Charter reform.

Chair Scott noted that this meeting was added to the calendar to use the available time before the end of the year to address the items that the Mayor has expressed are not sticking points, and some non-substantive items identified by the Legislative and Policy Analyst. Analyst Salisbury referred the Committee to a list of items identified by the Administration as those they are not firmly attached to.

The first of those is Section 2-7(d) reflects the suggestion to add after the word "regulations", the words "and city personnel policies and 11 procedures". Analyst Salisbury reminded the Committee that the working document is titled "Charter Review - 2024-10-29 Mayor charter recommendations comparison". No Councilors spoke in favor of retaining the Mayor's suggested language. The next suggestion was regarding Section 2-8(a), altering the timeline for confirmation of department head appointments. The concern was regarding the Council's recess, and Analyst Salisbury suggested not accepting the additional language suggested by the Mayor, as it is unnecessary. Councilor Wilson noted that the Mayor is also able to call for a Special Meeting of the City Council if any extenuating circumstances arise. No Councilors spoke in favor of retaining the Mayor's suggested language.

Section 2-8(c) was suggested by the Mayor to change the appointment of constables by striking the language and accepting the state statute that governs constables, and the Legislative and Policy Analyst suggested accepting that suggestion. Analyst Salisbury noted that the inclusion of language regarding constables in charters predates the Massachusetts General Law (MGL), which has been accepted by most cities and towns to create a uniform standard. It also predated the establishment of most standing police forces. Chair Scott noted that this revision of the charter is silent on the topic of special police forces. The Chair also noted that the MGL process involves an appointment of the Mayor without City Council review. Councilor Davis suggested that more information is needed to make this determination.

Section 2-12 includes a suggestion to alter the process for filling a Ward Councilor vacancy by appointing the next runner-up to the vacant seat. Councilor Strezo asked for more information about the implications. Analyst Salisbury clarified that the intent of this is to avoid special elections when they are not necessary. They typically result in very low turnout at a high expense. To mitigate the issue of a distant unviable candidate being placed in a seat, Analyst Salisbury suggested adding a minimum vote threshold to the language, with a further suggestion that it be 30%, mirroring some neighboring communities. Councilor Strezo would like to hear from the Elections Commissioner and offered that 50% might be a better threshold. Councilor McLaughlin added that special elections for a single ward are much less expensive, and the loser should not be granted a seat; also noting that often there is no opponent, which would necessitate a special election anyway. Councilor Davis suggested rejecting the Mayor's suggested change to this section. Councilor Mbah agreed that elections should be contested and if a candidate loses, it is not the will of the people for that candidate to serve. Councilor Strezo agreed.

The Mayor also suggested a change to Section 3-10(b) regarding notice of special meetings to specify the delivery method. Analyst Salisbury suggested rejecting that language, but offered a different change to the section to include sufficient timing for notice to enable the clerk to comply with the Open Meeting Law. No Councilors spoke in favor of the Mayor's suggested changes.

For Section 4-6, regarding the filling of School Committee vacancies, the Mayor's recommendation shifts the process to a joint meeting of the City Council and School Committee. Chair Scott noted that this would be a reversion to past practice. Councilor Wilson noted that he had spoken to the School Committee, who expressed unease about being "outnumbered" in the decision making. Councilor Wilson also noted that the people of that Ward should be represented, and suggested that only that Ward Councilor and the At-Large Councilors join the School Committee in making the determination. Councilor Davis expressed that the current language works, and Councilor McLaughlin emphatically agreed, noting that a vacancy should be filled through an election. Intergovernmental Director Neha Singh shared that the suggested changes to both School Committee and City Council vacancies both stemmed from recommendations from the Collins Center for Public Management, and are in line with the process outlined in MGL. She added that the voters would be represented by the City Councilors participating as part of the process. Chair Scott agreed that there are

no real issues with the Council's proposed language and it doesn't require fixing. Councilor Burnley noted that he is also against this, and emphasized that vacancies should be filled by elections for transparency. Councilor Davis also supported rejecting the Mayor's proposed changes.

Section 8-6 reflects a suggestion by the Mayor to limit the review of multiple member bodies. Analyst Salisbury recommended not limiting the review. Chair Scott noted that this item could wait, and no Councilors spoke in favor of the Mayor's suggested changes.

Chair Scott also noted that there is an open question regarding how to proceed with the items that the Mayor does strongly support, noting that continuing to meet as a Committee of the Whole is not likely to be the most effective way to negotiate with the administration in a timely manner. Councilor Davis suggested that the Committee would be more likely to be successful, but added that an open meeting may still present some challenges. He suggested a working group, and noted that all decisions would still be subject to the vote of the City Council. Councilor Davis added that most of the discussion by the Council previously was done after the decision was made to move forward with a two-year term. He has a list of items to revisit in light of the new proposal. He emphasized the need to use the charter to address the imbalance of power. Chair Scott highlighted that many Councilors are interested in participating in that process. Councilor Clingan asked for information about what else the Mayor feels strongly about, and also supported a smaller group working with the administration to make progress. Councilor Burnley shared that the negotiation has already been had, and this body could be efficient at making decisions, and emphasized a high value on transparency. Councilor Burnley added further that the administration needs to be willing to make a firm commitment. Councilor Davis agreed with the concern about transparency, and noted that it is not unusual to have one or two Councilors work on details with the administration to bring proposals back to the Committee, particularly in Legislative Matters. He added that meeting the deadlines of the state legislative calendar is important.

Chair Scott highlighted a strong desire to get to a resolution to lead to charter being sent to the state house. He added that there is another meeting scheduled for one week from tonight, but that may shift if the committee proceeds differently.

RESULT: KEPT IN COMMITTEE

Referenced Documents:

- Charter Review - 2024-11-13 Charter Committee One-Pager (with 24-1308)