

Charter Review: Returning Items

Somerville MA City Council
April 12, 2023

Tonight's Agenda

Anticipated Schedule

Reminder of Procedure

Proposals Returning from Working Groups

Optimistic Schedule

- **Virtual, April 26**
 - Review of other effective changes not covered by the report, further deliberation
- **Virtual, May 10**
 - Return of Revised Charter Document, Public Hearing
- **Virtual, May 24**
 - Line-by-Line Review, Final Amendments and Vote

Resources and Process

- **Subject Matter Experts: Collins Center consultants**
 - Legislative Policy Analyst **Brendan Salisbury** serving as City Council liaison
- **Subject Matter Experts: Charter Review Committee members**
 - Bev Schwartz (member) and Anna Corning (Mayor's Office), liaisons
 - Questions submitted through the Chair in advance will give time to research answers and arrange for attendees to help with discussion
- **Online Document repository: tinyurl.com/hashtagCharterReform**

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
- **Working Groups** may be formed to work on issues and return with compromise

Returning Proposals

Advisory Legal Counsel Provision

Budget Timeline

Confirmation Process for Dept Heads/CAO

Definitions of “Legal Holiday” and “Newspaper”

Multiple Member Board Vacancy Procedure

Returning Proposals

Police/Fire Confirmation Authority

Constable Confirmation Authority

Administrative Code Revision

Compensation Study Commission Concerns

Advisory Legal Counsel Provision

Pending language from Clrs Davis, Ewen-Campen, and administration

Proposed text: 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.

Budget Timeline

Proposal: Add more transparency and responsible deadlines for budget review.

- Policy Considerations: Strong Mayor, Council/Manager, and Town Meeting municipalities who have recently undertaken Charter Review all have more extended and transparent Budget processes than proposed by the Committee. In support of a more collaborative and transparent budget process, a timeline is proposed which would provide public visibility into Departmental Budget Requests and a more predictable timeline for budget submission and consideration.

Comparative Budget Timelines

Proposal: Add more transparency and responsible deadlines for budget review.

	Watertown	Framingham	Brookline	Somerville (current)	Somerville (CRC recco)	Somerville (Proposed)
CIP presentation	1/1	10/1	(7/15)	6/20	10/15	10/15
Financial Update	10/30	-	12/1	-	4/1	11/1
Council Input	12/30	-	-	-	3/20	(12/30)
PIR Publication	1/31	-	(11/1)	-	-	3/1
SC budget submission	-	4/7	-	-	5/15	4/1
GF Budget submission	4/1	5/1	2/15	6/20	6/1	4/15

Budget Timeline

Proposal: Add more transparency and responsible deadlines for budget review.

- Proposed Text: SECTION 6-2: COMMUNITY BUDGET INPUT

The city council shall hold a Community Budget Hearing on or before **December 1st** of each year in order to solicit public input regarding budget priorities. The city council shall post notice of the Community Budget Hearing 14 days in advance of the hearing.

- SECTION 6-3: ANNUAL BUDGET MEETING

On or before **November 1st** of each year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the financial condition of the city, revenue and expenditure forecasts for at least 3 years, and other relevant information prepared by the mayor in order to develop a coordinated budget.

Budget Timeline

Proposal: Add more transparency and responsible deadlines for budget review.

- Proposed Text: SECTION 6-4: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

Within 14 days of receipt of departmental budget proposals, but **no later than March 1**, the mayor shall submit to the city council a synopsis of all proposed budget initiatives and requests for additional funding for its review. The synopsis shall include a summary of each initiative, its justification and its estimated costs.

- By the **second regularly scheduled city council meeting in April**, or a later date if approved by a vote of the city council, **the mayor shall submit to the city council a proposed operating budget** for all city agencies for the next fiscal year. The proposed operating budget shall include the school budget, as adopted by the school committee, which shall be submitted to the mayor on or about April 1st.

Budget Timeline

Proposal: Add more transparency and responsible deadlines for budget review.

- Proposed Text: SECTION 6-4: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE (cont.)
 - The proposed operating budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the next fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable; provided, however, that the budget proposals relative to elected officials shall identify the cost of compensation and the cost of benefits for those officials. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

Confirmation Process for Dept Heads/CAO

Proposal: retain some confirmation authority but place significant limits on Council power.

- Policy Considerations: The proposed language modifies the CRC's recommendation by cleaning up the timeline from appointment to confirmation to account for recesses or schedule disruptions to the City Council's meeting cadence. The proposed language also increases the threshold to reject an appointment to a 2/3rds vote, and imposes exclusive criteria by which the City Council may reject an appointment.

Confirmation Process for Dept Heads/CAO

Language developed jointly with administration and Council President Ewen-Campen

- Proposed Text: SECTION 2-8: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

(a) Department Heads - The mayor shall refer to the city council for confirmation and simultaneously file with the city clerk the name of each person the mayor has appointed as a department head. Such appointments shall become confirmed 30 days from the date of the first regularly scheduled city council meeting after the date on which notice of the appointment was filed with the city clerk, unless the city council within said 30 days **shall reject such appointment by a 2/3 vote. 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.** However, if no city council meeting is held within the subsequent 30 days of the first meeting, the city council shall instead have 30 days from the second regularly scheduled meeting after the appointment to reject such appointment by a 2/3 vote. The city council shall accompany a rejection of the appointment with a written statement describing the reason, which shall be delivered to and placed on file with the city clerk within 30 days of filing. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.

Definitions of “Legal Holiday” and “Newspaper”

Language supplied by Analyst Salisbury under advisement from Mr McGoldrick

- “Legal holiday” means Massachusetts legal holidays as published by the Secretary of the Commonwealth.
- “Posting or post” - means making available publicly on the city website, at city hall, and in a local newspaper, and/or as otherwise may be required under the General Laws. For the purposes of this definition, a local newspaper shall be a newspaper of general circulation within the city, with either weekly or daily circulation. The city council president may, from time to time, select a local newspaper for posting according to a procedure that shall be set forth in the rules of the city council.

Multiple Member Body Vacancy Procedure

Language proposed by Clr Scott with assistance from Mr McGoldrick and Analyst Salisbury

- SECTION 2-8(b)

(1) In the event of a vacancy on a multiple member body where the seat has remained vacant in excess of one year and the mayor has not referred to the city council any proposed appointees to fill the vacancy, the city council president may present to the mayor the names of no more than three individuals as recommendations for appointment. The procedure for selecting names for presentation to the mayor shall be established within the rules of the city council.

(2) The mayor shall twice annually, in February and August, post a complete list of the vacancies within all multiple member bodies, as well as the procedures for individuals to apply to become a member of those bodies.

Police/Fire Confirmation Authority

Pending language from Council Pres Ewen-Campen and Policy Analyst Salisbury



Constable Confirmation Authority

Language from Policy Analyst Salisbury

The mayor shall refer to the city council and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a constable within the city in accordance with the General Laws. The city council shall not unreasonably withhold confirmation of such appointments and shall accompany a rejection with a written statement describing the reason, which shall be delivered to and placed on file with the city clerk within 30 days of filing. The question on confirmation of any appointment submitted by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.

Administrative Code Revision

Pending language from Councilor Scott

- Shall Administrative Code Orders be referred to Committee?
- Shall a public hearing be required within 30 days of referral or receipt?
- If sent to Committee is there a deadline on report out of Committee?
- Shall an Administrative Code Order require $\frac{2}{3}$ for approval or simple majority?
- Shall the deadline for final action be 60 days (with language allowing for 60 days from the second regularly scheduled council meeting) or 90 days?

Compensation Study Commission Concerns

Raised by Mr McGoldrick, Collins Center