



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Wednesday, February 22, 2023

6:00 PM

COMMITTEE OF THE WHOLE

This meeting was held via GoToWebinar and was called to order by Chair Scott at 6:03 pm and adjourned at 9:09 pm on a Roll Call Vote: 10 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Pineda Neufeld, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, 1 absent (Councilor Gomez Mouakad).

Others present: Ed Bean – Finance Director; Aneesh Sahni – Intergovernmental Affairs Director; Kimberly Wells – City Clerk; Michael Mastrobuoni – Budget Director; Brendan Salisbury – Legislative and Policy Analyst; Anna Corning – Charter Review Project Manager; 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, Judy Pineda Neufeld, Jesse Clingan, Jake Wilson and Charlotte Kelly
Absent:	Beatriz Gomez Mouakad

1. Committee Minutes
(ID # [23-0210](#))

Approval of the Charter Review Special Committee Minutes of February 8, 2023.

RESULT:	<u>ACCEPTED</u>
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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 02.22.23, related to the remaining Balance of Power topic and Budget topics.

The discussion began with the recommendation of the Charter Review Committee to change the multiple member body (MMB) structure. The major changes highlighted were the limit to holdovers and temporary appointments to 150 days, with the option for 60-day extensions with City Council approval, giving the City Council 45 days to confirm or reject Mayoral appointments, with a 15-day extension upon request, and moving the structure and terms for MMBs to the Administrative Code (if not specified by Massachusetts General Law). Director Sahni shared an appreciation for the need to remove holdovers, noting that the administration agrees that this will help ensure accountability and more equitable access to positions. Director Sahni added that there are currently more than 80 holdovers and more than 70 vacancies, noting that the timeline to fill seats with qualified candidates who are representative of the community can be challenging. The application and materials are translated into multiple languages, which takes approximately 4 weeks, then the positing is available for another 4 weeks, followed by 6 weeks to review and make recommendations. He suggested that additional time as a starting point would be useful. Chair Scott sponsored Beverly Schwartz to speak to share the intent of the Charter Review Committee. Ms. Schwartz agreed that the issue of holdovers was a main issue discussed, and that some flexibility in timing was important, which is why the extension period was included, and any backlog would likely be addressed before this Charter would take effect. Councilor Wilson acknowledged that the holdover and vacancy issue was one that the current administration inherited. He asked whether the Charter Review Committee had discussed including a provision for the City Council to make an appointment if the Mayor failed to do so in the allotted time. Councilor Wilson suggested a working group to discuss that possibility. Councilor Burnley asked about the exclusion of appointment confirmation from the Charter objection provisions. Chair Scott shared that this prevents a single Councilor from delaying action on an item in order to pass sufficient time to force through an appointment. Councilor Burnley also asked whether quorum would still remain the majority of the body, including vacancies, and expressed some concerns about the ability of an MMB to define its own quorum. Councilor Kelly shared concerns about the temporary appointments, and also added that addressing holdovers and vacancies is a fundamental problem that needs to be solved. She expressed interest in participating on a working group on this topic, and suggested that perhaps the President or Council could have the power to make temporary appointments to fill vacancies.

Councilor McLaughlin added that he thinks the current suggested language does a good job of addressing the problem of expired appointments being held on indefinitely, even after a rejection of reconfirmation by the City Council, as has happened in past years. He noted that there would be issues with the Council filling vacancies, comparing it to the ability of the Senate to appoint a Supreme Court Justice if the President did not do so. Councilor Clingan suggested that there is room for improvement and the issues may not be solved by the Charter. Councilor Strezo also agreed that the proposed language addresses the current issues, and she supports it. Councilor Ewen-Campen added that the proposed language is a huge improvement and while he also does not have an alternative idea, he is open to the possibility of a new process. Chair Scott agreed that this language is an improvement and provides a remedy for the holdover issue, but expressed interest in finding an alternative solution to the vacancies. Chair Scott compared the process to what would happen if the Mayor failed to put forward a budget, noting that the power would fall to the Council. He would like to find a solution to the vacancy problem. Chair Scott emphasized that the Confirmation of Appointments and Personnel Matters Committee has always acted in a timely manner to meet its obligations to review and confirm appointments. Councilor Pineda Neufeld highlighted that this language is great for the appointments that come before the Council but does not address the appointments that are not made. She also spoke about how the current Mayor has introduced new processes for recruitment and vetting to select candidates and noted that there are process improvements that have been and can be made outside of the Charter.

Councilor Burnley emphasized that the language is a marked improvement, but that the lack of appointments is a real concern. Councilor Clingan shared that a challenge is that many of these appointments are volunteer, and some have a limited number of terms that can be served. He suggested that more uniformity would be helpful. Mr. Salisbury offered an additional suggestion to simplify the timeline to 60-days rather than a 45-day timeline and a 15-day extension, and also noted that the statement that the Mayor serves ex-officio on all MMBs is not consistent with current practice.

Councilor Ewen-Campen flagged that the current ability of the City Council to confirm or deny new hires and promotions within the Police and Fire Departments exists within the current Charter, and the proposed Charter is silent on those powers.

The next area of discussion was the recommendations of the Charter Review Committee around Budget/Finance topics, beginning with changes to the budget timeline. The Charter Review Committee's report highlighted four major changes: adding an Annual Budget Meeting prior to April 1; requiring the Mayor to submit the budget to the City Council on or about 30 days before the end of the fiscal year; requiring the School Committee to submit their budget to the Mayor on or about 15 days prior to the date the Mayor submits their budget; and requiring the City Council to take action on the budget prior to the beginning of the new fiscal year. Chair Scott noted that

the first three of these these are standing practices that the Committee seeks to enshrine. This would represent firmer requirements than state law. The Charter Review Committee additionally recommended changes to the budget drafting process, including : requiring a public budget hearing on or before February 15th; adding a process for the City Council to submit budget priorities to the Mayor; retaining MGL C.44 Sec.32 powers to only delete or decrease budget items; requiring at least one public hearing on the budget prior to City Council cuts; and requiring the budget to be posted on the city website. Chair Scott noted that this largely reflects the process that occurred in FY2023. He also emphasized that the biggest change from past practice is that this would remove the ability to pass a continuing budget, and if the City Council failed to approve or deny by June 30, the Mayor's proposed budget would take effect.

Councilor Wilson emphasized that the budget process was difficult and elongating the timeline to allow meetings over more days would be a benefit. He encouraged consideration of any possible ways to include the power of the City Council to add appropriations. He suggested a working group on this topic to draft language that would have a chance of approval. Councilor Ewen-Campen highlighted that the model tested in Boston was that the City Council could not add to the total budget but could move funds between departments. He added that this would be a huge change and a new skillset and would require additional City Council staff. Councilor Ewen-Campen added that this type of system could have good guardrails and should be pursued. He also acknowledged that this would not be worth derailing unanimous agreement or support of the Charter. Councilor Kelly strongly supported the power of the City Council to reallocate funds. She requested a copy of the full survey results from the Charter Review Committee's March-April 2022 Community Survey. Councilor Kelly also asked for some clarification about the process of requiring the City Council to take action on the budget prior to the end of the fiscal year.

Councilor Burnley also expressed strong support for the City Council to have the power to allocate funding, noting that this is an important way to address constituents' needs. Councilor Davis highlighted that he began the Charter review process with reallocation power as a primary goal, but noted that his priorities have shifted and while he would like to see this and it is appropriate for the City Council to have this authority, there are concerns about the likelihood of approval and he now has some hesitation. He suggested tackling as a standalone issue or through a referendum after the Charter has been approved. Councilor McLaughlin raised concern about the number of working groups and encouraged use of the Committee process to have discussions publicly. He also noted that the rules governing Boston are different, and they received the power to reallocate through a ballot initiative, expressing that he has zero confidence that the legislature would approve this in a Charter. Chair Scott expressed appreciation for the language presented, but stressed that the current system does not work well,

and the compressed schedule poses challenges. He also called out the lack of consequences if the Mayor does not act, while if the City Council fails to act the consequences are significant. Chair Scott added that the City Council's role in the budget process should be more than just decorative, and he is interested in timeline enhancements as well as reallocation powers. Councilor Wilson added that an idea may be that the City Council could reallocate a fixed amount of funds, and also noted that his understanding is that the legislature can simply send the Charter back rather than not approving it.

The next recommendation of the Charter Review Committee that was discussed was to change the appointment of the independent auditor to an appointment of the City Council and mandate the appointment. This is currently enabled but not required, and the firm is selected by the administration. Chair Scott asked for clarification around the competitive procurement process and also how the funding would be allocated. Mr. McGoldrick noted that auditing firms are exempt from procurement law. Chair Scott suggested striking the line about a competitive procurement process, as the city's audit should not be conducted by whoever is the lowest bidder. Director Bean clarified that a Request for Proposals (RFP) is a competitive process, but the selection could be made on standards other than cost.

Councilor Ewen-Campen moved to support the recommended language by the Charter Review Committee to change the appointment of the independent auditor to the City Council and mandate the appointment. The motion was approved on a roll call vote of 10 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Pineda Neufeld, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, 1 absent (Councilor Gomez Mouakad).

The recommendation before the Committee next was to implement a Capital Improvement Plan. In addition to formalizing this process by including it in the Charter, the three major changes are: moving the date the Mayor submits the Capital Improvement Plan to the City Council to on or about October 15; requiring a public hearing on the Capital Improvement Plan on or about December 1; and moving the date the City Council adopts by resolution the Capital Improvement Plan to on or about December 1. Director Bean noted that this timeline helps align with construction season. Director Mastrobuoni added that this would be good for the city. Chair Scott asked about the language that the City Council shall approve by resolution, noting that it sounds like the City Council has no option but to approve. Director Bean clarified that the City Council would separately need to appropriate the funds. Chair Scott also asked about the ability to amend the adopted program. Mr. McGoldrick clarified that the City Council could add to the plan, but the Mayor would not be obligated to execute on those changes.

Councilor Strezo moved to support the recommended language by the Charter Review Committee to implement a Capital Improvement Plan.

amended to add “or reject” after “shall by resolution adopt” in Section 6-6. The motion was approved on a roll call vote of 10 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Pineda Neufeld, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, 1 absent (Councilor Gomez Mouakad).

RESULT: KEPT IN COMMITTEE