



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Wednesday, May 10, 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 9:28 pm on a Roll Call Vote: 9 in favor (Councilors McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, 3 absent (Pineda Neufeld, Gomez Mouakad).

Others present: Kimberly Wells – City Clerk; Brendan Salisbury – Legislative and Policy Analyst; Neha Singh – Legislative Liaison; Marilyn Contreas - 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, Jesse Clingan, Jake Wilson and Charlotte Kelly

Absent: Judy Pineda Neufeld and Beatriz Gomez Mouakad

1. Committee Minutes (ID # [23-0665](#)) Approval of the Minutes of the Charter Review Special Committee of the Whole Meeting on April 26, 2023.

RESULT: ACCEPTED

AYE: Chairperson Scott, Vice Chair Strezo, City Councilor At Large Burnley Jr., McLaughlin, Davis, Ewen-Campen, Clingan, Wilson and Kelly

ABSENT: Pineda Neufeld and Gomez Mouakad

2. Public Hearing on Item #22-1520.

3. 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 05.10.23, related to the public hearing and concluding policy items. He clarified the goal of finalizing a line-by-line review on May 24 and voting to convey a draft to the Mayor for consideration. The Chair noted that the City Solicitor's office will also review procedural items and the transition provisions. The Chair noted that the public hearing will remain open until the Committee's next meeting on May 24, 2023, which will be held in the City

Council Chamber. He added that written comments can be submitted to cityclerk@somervillema.gov <<mailto:cityclerk@somervillema.gov>> or to the City Clerk's office in person or by mail.

The Chair opened the public hearing at 6:15pm.

Jamie Perconti, Ward 2 resident, spoke about following the process and the reality of what is and is not achievable through this process. They noted frustration with the power and resources for the City Council to do what it wants. A remaining improvement to the budget timeline was encouraged as another change, to allow more than 30 days to review. They also encouraged the two-year mayoral term. Meredith Porter, Josephine Ave resident, reiterated what Jamie Perconti shared, and highlighted the legislature's importance in the process. They also noted that it is difficult to find meeting information and encouraged more outreach. Kevin Foster, Walnut St resident, expressed that the Charter Review Committee did a lot of great work in its two years of consideration before conveying the document before the Council. He noted that the current charter is outdated in many ways. He highlighted that the four-year term should no longer be a consideration and the budget timeline should be extended. Sam Alterman, Ward 6 resident, echoed the sentiments of the others, including concern about what the legislature would accept and for the budget timeline. Daniel Wong, Ward 2 resident, also expressed appreciation for the work, and for shifting power away from the Mayor and toward the Council. A two-year mayoral term and extended budget timeline would be useful ways to accomplish this. Harriotte Ranvig, Ward 6 resident, emphasized that the budget process is critical. She also supported two-year terms to enable residents to express their opinions. The Chair suspended the public hearing at 6:29pm, to be continued at the May 24 meeting.

The Chair noted that the amendment made to Section 2-8 previously was not accurate based on the proposal from the Charter Review Committee. A vote was taken to accept changes to Councilor Ewen-Campen's proposed language, but not the proposed language itself. Legislative and Policy Analyst Brendan Salisbury also included some additional changes to conform with the legislature's drafting standards. This will be included in the scrivener's errors document for approval at the next meeting.

The first outstanding policy item was the confirmation process for department heads and the Chief Administrative Officer (CAO). Councilor Ewen-Campen noted that he discussed this issue extensively with the administration. He is prepared to accept the language proposed by the Charter Review Committee, which puts the confirmation of the CAO before the City Council upon hire, without requiring re-confirmation. This would follow the same process as other powerful positions in the city such as the City Solicitor and the Executive Director of the Office of Strategic Planning and Community Development. Councilor Davis noted that reconfirmation is the current practice, and the shift in the department head confirmation process already represents a significant change, and highlighted that reconfirmation for critical positions would be useful for accountability. Councilor Clingan noted the shift away from patronage jobs, and expressed

that staff are highly qualified professional positions. The institutional knowledge that would come from long-standing department heads could be especially useful with potential mayoral turnover every two years. Councilor Kelly shared strong support for reconfirmation, possibly every three years. Chair Scott echoed Councilor Davis and added that language to prevent the holdover of department heads who are not confirmed would also be valuable. Councilor Strezo supported the language as-is, noting that the mayor can appoint department heads as they see fit. Councilor Davis suggested that there may be a way to make the process a possibility but not an automatic requirement. He also highlighted that while he is comfortable with the shift away from reconfirmation for department heads, the CAO position should be treated differently. Councilor McLaughlin also supported this for the CAO in particular. Beverly Schwartz, Charter Review Committee member, noted that during the consideration of this in the Charter Review Committee, it was noted that department heads and the CAO would be employees and could not be terminated by the City Council. Chair Scott noted that this could be a component of the Law Department review of the document and adjustments made if needed.

Councilor Davis moved to add language to Section 3-6 of the Charter Review Committee's proposed Charter text to include a provision subjecting the Chief Administrative Officer to reappointment and reconfirmation every two years. The motion was approved on a roll call vote of 5 in favor (McLaughlin, Davis, Clingan, Kelly, Scott), 3 opposed (Ewen-Campen, Wilson, Strezo), and 3 absent (Pineda Neufeld, Burnley, Gomez Mouakad). The next topic of discussion was the budget timeline. Chair Scott shared the intent to take each component of the proposal separately and make a motion on the intent. Liaison Singh conveyed that the administration's position on the CIP presentation date is that the preferred date is November 1, but they can work with the Charter Review Committee and the Chair's suggested October 15 timeline.

Chair Scott moved to support the Charter Review Committee's recommended Charter language in Section 6-6 requiring that the mayor submit a capital improvement program to the city council on or about October 15 of each year. The motion was approved on a roll call vote of 8 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Kelly, Strezo, Scott), 0 opposed, and 3 absent (Pineda Neufeld, Burnley, Gomez Mouakad).

Continuing the discussion of the budget timeline, the Charter Review Committee's recommendations included a financial review on April 1. Chair Scott suggested a change of that date to November 1. Liaison Singh noted that either option works for the administration.

Chair Scott moved to amend the language in Section 6-3 of the Charter Review Committee's proposed Charter text to include a requirement for the financial review presentation to be held on November 1. The motion was approved on a roll call vote of 8 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Kelly, Strezo, Scott), 0 opposed, and 3 absent (Pineda Neufeld, Burnley, Gomez Mouakad).

The Charter Review Committee also included a provision for council budget priorities to be solicited by March 20. The Chair suggested updating that to the beginning of the year. Liaison Singh noted no objections from the administration. Councilor Strezo expressed that this would be a burden on new Councilors, who would benefit from some time spent understanding the city before submitting budget priorities. Chair Scott noted that the requirement would be that budget priorities be solicited by that date, not that Councilors complete them by that date.

Chair Scott moved to include language in Section 6-2 of the Charter Review Committee's proposed text to change the timeline for soliciting Councilors' budget input to the first regular City Council meeting of each calendar year. The motion was approved on a roll call vote of 7 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Kelly, Scott), 1 opposed (Strezo), and 3 absent (Pineda Neufeld, Burnley, Gomez Mouakad).

The committee further discussed the topic of requiring publication of the program improvement requests (PIRs) submitted during each budget. This was not a recommendation of the Charter Review Committee, but a suggestion of the Chair based on ideas gathered from other communities. This would be a summary of requests from all city departments, and has been provided previously. The inclusion in the charter would compel production of this summary, rather than requesting complete documents from every individual department. Liaison Singh shared that the administration does not support the publication of PIRs, as it would have unintended negative consequences on the budget development process, including a reluctance from department heads to share ideas with the administration. Councilor Ewen-Campen shared that he can see both the argument for transparency and the argument for protecting department's ability to protect ideas that may be in flux. Councilor McLaughlin noted that the added work for city staff during the budget process should be considered, and the timelines should work for city staff. Councilor Strezo shared concern about the impact on city staff. Councilor Wilson echoed the concern about time pressures. He suggested offering the possibility for a department to submit a PIR and check that they did not want it to be public. Councilor Kelly suggested that departments will adapt to a new rhythm.

Chair Scott moved to include language in the Charter Review Committee's proposed Charter text to add a requirement for annual publication of a summary of departmental program improvement requests. The motion was not approved on a roll call vote of 3 in favor (Councilors Davis, Kelly, Scott), 5 opposed (Councilors McLaughlin, Ewen-Campen, Clingan, Wilson, Strezo), and 3 absent (Pineda Neufeld, Burnley, Gomez Mouakad).

The Charter Review Committee's proposed text also includes a recommendation for submission of the General Fund budget on June 1. Chair Scott suggested previously suggested that this be changed to April 15. He noted that he would like to update that suggestion to submission by May 1. Liaison Singh shared that the April timeline was not workable for the administration, due to the lack of availability of critical information at that time. She will discuss the option of May 1 with the Budget Manager.

Councilor Ewen-Campen shared that he is trying to balance having more time, which is necessary, with getting accurate information. He expressed that June 1 is too late. Councilor Wilson supported anything that can be done to give more time for review, acknowledging that the budget team is trying to move the date forward, and did agree to a May date this year. He suggested that the date might be tied to the date of the City Council's second meeting in June (the date where the budget would need to be approved). Councilor Strezo conveyed concern about waiting until after health insurance open enrollment and suggested a May 15 date. Councilor Kelly emphasized that more time is needed in order for Councilors to devote the necessary amount of time to the process. Councilor McLaughlin shared that he has not felt the process was too rushed. Councilor Davis elaborated that more information from the administration about data availability and process would be helpful to identify a realistic and reasonable date.

Councilor Kelly moved to update the Charter Review Committee's proposed text to move the General Fund budget submission deadline to May 15, and the School Committee budget submission accordingly. The motion was approved on a roll call vote of 6 in favor (Davis, Ewen-Campen, Wilson, Burnley, Kelly, Scott), 3 opposed (McLaughlin, Clingan, Strezo), and 2 absent (Pineda Neufeld, Gomez Mouakad).

The next policy topic of discussion was the civil service appointment confirmation process. Councilor Ewen-Campen shared that the intent is to preserve the process in place relative to civil services hiring and promotions. The administration suggested language that the City Council not unreasonably withhold confirmation, and that is included in the proposal before the committee. Councilor Ewen-Campen highlighted that this reflects the process currently in place.

Councilor Ewen-Campen moved to amend the language in Section 2-8(d) of the Charter Review Committee's proposed Charter text to read: Civil Service Employees - 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 member or officer of the police department or the fire department. The city council shall not unreasonably withhold confirmation of appointments, shall adhere to any merit principles identified in applicable law, including, but not limited to applicable civil service law, 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 that rejection. 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. The motion was approved on a roll call vote of 9 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, and 2 absent (Councilors Pineda Neufeld, Gomez Mouakad).

Chair Scott moved to amend Section 3-5 by adding the following subsection and renumbering subsection (c) to (d): (c) Civil Service Employees - The mayor may appoint, subject to confirmation, members and officers of the police department and fire department. The motion was approved on a roll

call vote of 9 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, and 2 absent (Councilors Pineda Neufeld, Gomez Mouakad).

The motion made in the previous meeting by Councilor Davis related to the compensation of city employees was taken off the table. Beverly Schwartz noted that the drafters of this language in the Charter Review Committee felt very strongly about it. Councilor Davis noted that the changes would remove some of the ambiguity of the meaning of equitably. Councilor Ewen-Campen supported this as a valuable information gathering process. *Councilor Davis moved to amend Section 5-3 of the Charter Review Committee's proposed Charter text to read: The mayor and city council shall provide a review to be made of all municipal employee compensation at 5-year intervals to ensure compensation is distributed equitably across all municipal employees and to the greatest extent possible compensation is sufficient to live in the city examine whether compensation reflects principles of equity and to the greatest extent possible is sufficient for municipal employees to live in the city.* This review shall be made by a special committee to be established by ordinance, and the initial review shall be implemented as provided in Section 9-7(b). The motion was approved on a roll call vote of 9 in favor (McLaughlin, Davis, Ewen-Campen, Clingan, Wilson, Burnley, Kelly, Strezo, Scott), 0 opposed, and 2 absent (Councilors Pineda Neufeld, Gomez Mouakad).

Liaison Singh shared some suggestions from the administration related to Section 2-10: Access to Information, to include language protecting privileged information and information protected by law. This might include situations such as ongoing police investigations or collective bargaining negotiations. Analyst Salisbury shared that while the general idea is sound, he has concerns about the inclusion of "related to the official duties and responsibilities of the city council", noting that there may be confusion in the interpretation. Councilor Davis also noted past disagreement about what qualifies as privileged information. He suggested that there is an opportunity for more guardrails, but the language needs work.

The Chair encouraged the Committee to review the red flags identified by Analyst Salisbury, prepared at the request of Councilors in the previous meeting. Analyst Salisbury noted that these were compiled through the lens of what the legislature has found acceptable in the past and for other municipalities.

RESULT: KEPT IN COMMITTEE