



City of Somerville, Massachusetts

City Council Charter Review Special Committee

Meeting Minutes

Monday, November 21, 2022

6:00 PM

COMMITTEE OF THE WHOLE

This meeting was held via GoToWebinar and was called to order by Chair Scott at 6:00 pm and adjourned at 7:59 pm on a Roll Call Vote: 9 in favor (Councilors Pineda Neufeld, Clingan, Ewen-Campen, Burnley, Kelly, Wilson, Davis, Strezo, Scott), 0 opposed, 1 absent (Gomez Mouakad, McLaughlin).

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

Roll Call

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

Absent: Beatriz Gomez Mouakad and Charlotte Kelly

1. Committee Minutes
(ID # [22-1903](#))

Approval of the Minutes of the Regular Meeting of November 9, 2022.

RESULT: APPROVED

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

ABSENT: Gomez Mouakad, Kelly and McLaughlin

2. Officer's Communication
(ID # [22-1520](#))

Charter Review Committee conveying its recommendations and proposed Charter text.

Chair Scott recapped the review process, including the plan for public hearing and the anticipated schedule. He noted that there are subject matter experts from the Edward J. Collins Center for Public Management (“Collins Center”) who are available for Councilors’ questions. The Legislative & Policy Analyst will serve as the liaison between Councilors and the Center, and Charter Review Committee member Bev Schwartz and Project Manager Anna Corning will be available as well. The first public hearing will be held on December 7, with the record kept open until January 11, at which point a second public hearing will be held.

The first topic area for discussion is Administration. Chair Scott noted that resolutions to request amended text or to address intent are encouraged, but motions to amend are not yet in order, until final text is before the Committee. Councilor Ewen-Campen asked about the City Council's power to override a potential Mayoral veto, and the City Clerk clarified that any Home Rule Petition must be submitted with the signature of the Mayor.

The first recommendation introduced was a recommendation of the Charter Review Committee to change the language of the beginning of terms from the "first Monday in January" to the "first business day in January". Councilor Davis suggested using language that the Code of Ordinances has used, "Massachusetts Legal Holidays (as published by the Secretary of the Commonwealth)". Stephen McGoldrick of the Collins Center saw no objection to making the change and suggested that consistency is a good thing. Councilor Wilson suggested expanding the holidays to include some that are not included in the Secretary of State's list, such as Three Kings Day, which is celebrated on January 6.

Councilor Davis moved that the Writing Team update the text to add a definition for legal holiday. The motion was approved on a roll call vote with 8 in favor (Councilors Pineda Neufeld, Clingan, Ewen-Campen, Burnley, Wilson, Davis, Strezo, Scott), 0 opposed, 3 absent (Gomez Mouakad, Kelly, McLaughlin).

The next recommendation discussed was the updated to add the city website to the posting requirements. The current Charter does not have a uniform definition of posting. Councilor Ewen-Campen inquired as to whether this would affect postings such as abutter's notifications. Bev Schwartz, Charter Review Committee Member elaborated that this would add the requirement of posting on the city website to any other posting that may be required by law or ordinance. Councilor Wilson asked how the newspaper landscape in the city might be addressed, and Councilor Davis asked whether there are any requirements for posting that are not within Massachusetts General Law and whether this would reduce posting in any substantive way. Bev Schwartz noted that the current Charter has only three references to posting, and the recommendations increase the posting requirements in all cases. Councilor Strezo echoed Councilor Wilson's request for more examples of a definition for newspaper. Chair Scott specified that the research should encompass Cambridge, Boston, Everett and Framingham.

The next recommendation(s) discussed was the proposed language to review the Charter every ten years, as well as the Code of Ordinances and Multiple Member Bodies. The latter elicited a number of concerns in the community feedback process. Stephen McGoldrick clarified that statutory bodies such as the Planning Board and Licensing Board would retain their purview, some are ad hoc and will operate as needed, and the bodies in question are those created by local ordinance or administrative action. Councilor Wilson suggested that a review every five years might be more effective. Councilor Ewen-Campen asked whether the ten year review of the Code of Ordinances would place an undue burden on the City Council that meets in those years. He asked for some examples of how municipalities are executing this. Mr. McGoldrick noted that it is typically done by a committee, with members appointed by the Mayor and City Council. Councilor

Ewen-Campen requested examples from other municipalities on how the quantity of ordinance changes are addressed.

Councilor Ewen-Campen moved to support the proposed Charter language regarding the review of Multiple Member Bodies and the Charter. The motion was approved on a roll call vote with 8 in favor (Councilors Pineda Neufeld, Clingan, Ewen-Campen, Burnley, Wilson, Davis, Strezo, Scott), 0 opposed, 3 absent (Gomez Mouakad, Kelly, McLaughlin).

The Administrative Code recommendation is a large one - to move all of the city organization information out of the Charter and into an Administrative Code. Chair Scott clarified that this would enable the city to change departments, city functions, without requiring a Home Rule Petition. Somerville passed a Home Rule Petition in 2012 to enable the use of an Administrative Code. In that version, a 2/3 vote of the City Council is required to adopt any changes. Councilor Burnley asked for clarification on whether a change could be resubmitted if the City Council did not approve it, and the City Clerk clarified that a substantively similar item would be held and could not be acted upon within six months, pursuant to the Rules of the City Council.

Chair Scott asked about the change to the City Council's ability to specify duties or qualifications of appointed officers by ordinance. Mr. McGoldrick noted that job descriptions are the purview of Human Resources and are not legislated.

Additionally, the proposed Charter includes a 60-day timeline within which the City Council must reject a proposed Administrative Code, lest it become effective. Councilor Davis inquired as to whether a provision could be included to enable the City Council to originate an administrative order and whether the Council's approval is a sufficient check. The team will further research these issues.

RESULT: KEPT IN COMMITTEE