

CITY OF BEVERLY

PUBLIC MEETING MINUTES

CITY OF BEVERLY
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2021 APR 29 A 9:18

Committee: Charter Review Committee
DATE: February 17, 2021
LOCATION: Beverly High School Library
BOARD MEMBERS PRESENT: Stacy Ames, Hanna Bowen, Julie DeSilva, Richard Dinkin,
Timothy Flaherty, Michael Pinciario
BOARD MEMBERS ABSENT: N/A
RECORDER: Sharlyne Woodbury

City Council Appointee(s): Chairperson and City Councilor-at-Large Timothy Flaherty; Ward 3 Councilor Stacy Ames

Mayoral Appointee(s):

By Ordinance:

Ex Officio: Gerard Perry

This meeting is held in accordance to special meeting format as required to honor Governor Baker's State of Emergency declared due to the national crisis of COVID-19.

Chair Flaherty calls the meeting to order at 7:01 p.m.

Opening remarks begins with introductions. Flaherty sets and establishes the goals for this year's committee. Flaherty and Perry discuss with members the current Charter provides for a strong executive function beside an impaired legislative branch. Flaherty encourages members to consider goals and objectives; desiring the work they do to be functional and represented. Flaherty outlines the history of the charter; additions and edits; confirms a lawyer is necessary to assist in defining and guiding appropriate updates to the charter.

Ames left the meeting at 8:40 p.m.

1. Review Articles Two and Three

a. Article Two

i. 2.1

Members discuss the succession and time frame for councilors who are no longer in their ward and step down for varied reasons. Concerns are raised and members make comparisons at the time frame for replacement and succession between councilors and the mayor. Members agree if a councilor moves to a different ward they ought to be able to complete their term for the ward that elected them at that time of residency. Members agree they are not comfortable with the city council voting on a replacement for a ward councilor. They believe the people should vote on their representative and the city should not shirk its responsibilities in order to avoid the cost of a special election. DeSilva expresses concerns that an appointee would by default become an incumbent candidate averting the requirements of campaigning and fundraising. Bowen would like to define "short timeframe" and have a clear line of succession.

ii. **2.2**

Members agree whoever has the most votes will be council president. This demonstrates a strong vote of confidence by the people as a checks and balance on the mayor. Ames would like clear language defining “ward” vs city “councilor-at-large”. Dinkin feels strongly about self-organizing council. When a board self organizes is creates greater accountability. Currently the City Council is the only board not self-organized making it the exception, not the rule.

iii. **2.3**

Members review this function with Perry confirming this is a standard best practice to have 1 year between stepping down from one position before being appointed to another position.

iv. **2.4**

Upon review members comment to the salaries defined by the city Charter and the Ordinance. Bowen questions whether other charters review the cost of living and take that into consideration. Her concerns are that the compensation may be so low it's a barrier to service. Perry remarks on the difficulty of elected officials to vote salaries for themselves. Best practices allow some flexibility with the city council to work with their ordinances and suggests leaving the section as is. DeSilva would like this in the summary report defining the difference between the Charter and Ordinance.

v. **2.6**

Pinciario specifically points out the language “bulletin board” and notes updating the language to include electronic forms of communication. Recommends changing the point of reference from bulletin to city website. Dinkin and DeSilva agree that multiple forms of media outlets for communication should be maintained ensuring communications are posted to papers and some type of stationary location such as the public library.

vi. **2.7**

Flaherty offers strong comments on amending the time requirement for notifications. He suggests changing the notification time frame from 5 days to 48 hours. Members agree this is an inhibiting factor creating an inequity between checks and balances of the legislative branch versus the executive branch. Perry concurs, this is an area where the city council is weakened in their capacity. Ames would like clarity on the responsibilities of the city councilor in this function. Bowen raises concerns of transparency for the public and cautions against the city council micromanaging executive functions. All members are looking for flexibility regarding the frame. Pinciario points out the outmoded function of 2.7 b., notification “delivery by hand”. This is not representative of real time workings today.

vii. **2.8**

Flaherty substantiates this section is solid. Recommends keeping as is.

Additional comments:

DeSilva inquires why the 3-year term for this position. Perry informs the committee this is a statutory law by the Commonwealth. Members segue discussing the possibility of adding a city council lawyer.

Members agree from time to time there has not been a person or legislative tool to counteract the City Solicitor whose essential role is to advocate for the mayor and executive agenda. This is a tool lacking for the legislative branch. Perry agrees noting this a conflict of interest, with no current check leaving the City Council without any recourse. Perry suggests inserting language into 2a having a city councilor solicitor. Members review and discuss the funding for such a position.

viii. **2.9**

Members review with function and believe no edits are required at this time.

ix. **2.11**

Members have a brief discussion on this section. Bowen expresses concern over term limits for the legislative branch. Ames advocates for a longer mayoral term with councilor terms to match. Flaherty points out neighboring Salem government has the opposite from Beverly with a 2-year mayoral term with councilors serving 4 years. Flaherty advises tabling discussion until they meet with the Collins Center.

b. **Article Three**

i. **3.1**

Members review and discuss the term “voter”. DeSilva offers comments that any “citizen” should qualify as a candidate. Bowen suggests changing some of the technical language. Members parley on the specificity of the term. Ames calls attention to the city council work on inclusion with Dinkin concluding the specificity of the document language is vital and the average citizen should be clear as to its intent and use.

ii. **3.3**

Members review the section with DeSilva calling attention to individuals appointed by boards and committees serving an atypical 3-year term. Members agree in this section the language requires clarification.

iii. **3.4**

Dinkin comments the mayor should not be permitted to remove anyone who is a mayoral appointee without cause.

iv. **3.11**

Members discuss the laws of succession for vacancies of the office of mayor. Members review potential successors and the language within the section. Most members agree the City Council President, or a member of City Council are best options to succeed as Acting Mayor. Flaherty points out other options to consider as the president or other councilor may not want to succeed as Acting Mayor pending their current employer. Dinkin rebuts the comment, counterpoints any councilor presently serving should understand and commit to the requirements of their position as councilor. If they are unable to fulfill all roles to their full capacity they should not be in that position. Bowen suggests the possibility of adding a Deputy Mayor position to the charter. Members also debate whether is it appropriate for a second runner up mayoral candidate to possibly ascend as Acting Mayor.

Additional comments:

Flaherty advises to set aside sections 3.4, 3.5, and 3.6 to review in full with the Collins Center consultants.

There being no further comments or discussion. No further action required at this time.

2. Discussion: Bring in Charter Expert to assist

Jerry Perry reviews his background and provides information for the city. His 30 years background in writing city charters is vast having worked with many local governments and at the State Department of Revenue. Perry encourages members to focus on policy and its language to achieve the desired effect. Be mindful of language, style, substance and process. Perry recommends involving the City Solicitor or the assistant solicitor. There is reserve of \$15,000.00 funds for legal counsel and consultants. He estimates each legal or consulting fee, or meeting, will be about \$1200.00 – \$1300.00 per session. Perry recommends the Collins Center, a consulting group from UMASS Boston. They are proficient with Charter reviews and the procurement process. Perry notes they are a consulting group only, not legal counsel. Perry offers to liaise between the entities and focuses on a scope of services for the project. Perry highlights what legalities are involved for major Charter changes.

Members discuss their scope of review preferences. DeSilva inquires the difference in fees for services between a lawyer and the Collins Center. Per Perry, best use of funds is to bring the lawyer in near the end of the process while the consulting group guides the committee. Perry informs members he is actively seeking recommendations for a lawyer specializing in Charter review. Members agree they would like guidance on best practices as well as surrounding municipal comparisons to ensure local government runs justly and efficiently. Members also suggest this would be an excellent opportunity to educate the public on what the Charter is and does. Perry suggests the center may be able to include a summary in the final report that would be of use to the public. Members would like guidance on what are considered major and minor changes to the charter. To conclude, Perry will return to the committee with scope of services and express their preferences to the Collins Center.

There being no further comments or discussion.

Dinkin moves to allow Perry to proceed with discussion to the Collins center. Ames seconds. The motion carries 6-0.

3. Set timeline for clarification of Charter

Flaherty has an aggressive review timeline for review of the charter. Members discuss their future availability and suggest meetings occur about every two weeks. The committee would like the review complete by April. Should the document require ballot initiative the committee would like ample time to accomplish this goal.

There being no further comments or discussion. No further action required at this time.

4. Schedule next meeting

Next meeting scheduled March 3, 2021.

5. **Adjourn**

Meeting adjourned 8:51 pm.