

CITY OF BEVERLY

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PUBLIC MEETING MINUTES

2021 APR 29 A 9:18

Committee: Charter Review Committee
 DATE: March 17, 2021
 LOCATION: Virtual Meeting
 BOARD MEMBERS PRESENT: Stacy Ames, Hannah Bowen, Julie DeSilva, Richard Dinkin,
 Timothy Flaherty, Paul Guanci, Michael Pinciario
 BOARD MEMBERS ABSENT: N/A
 RECORDER: Sharlyne Woodbury
~~Others present: Brendan Sweeney~~

City Council Appointee(s): Chairperson and City Councilor-at-Large Timothy Flaherty; Ward Councilor Stacy Ames
 Mayoral Appointee(s): Paul Guanci, City Council President-at-large
 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 7:00 p.m. Flaherty notes an invitation extended to the mayor invited the Mayor, who is not available. They will continue to invite the Mayor as well as the Budget Analyst. Ames suggests also inviting the Chairwoman of the School Committee.

1. **Approval of Minutes**

Not all members received prior meeting minutes. Minutes are tabled to the following meeting, March 24, 2021.

2. **Review Chapters 7 & 8**

Members discuss the chapters and make recommendations.

- a. **Chapter 7**
 - i. **7.2**

Bowen inquires why the municipal elections are held during an off year. Perry provides history on separating the larger more notable elections such as national and presidential elections. It is easier for the city clerks for ballot printing and preparation to hold municipal elections on an off year. Permits the municipalities to focus on local issues.

- ii. **7.3**

Pinciario reviews the awkward language. Flaherty notes this will be looked further into.

- iii. **7.5**

Ames starts the discussion on redistricting. Ames makes inquiries to historical data, how the data is presently applied and what it means going forward. There is concern for who, or what body, is

responsible for redistricting, the processes, and how to avoid gerrymandering. Ames points out there is not a lot of guidance on the subject. Flaherty notes the less intentional language is possibility in order to avoid conflicts with state law. Dinkin weighs in confirming this is the standard language used and enforced by the United States Supreme Court. Ensures the language in contiguous and consistent, although abused at the national congressional level. Dinkin observes what could be litigated upon is anyone who believes they should be in a particular ward, or should remain in a particular ward. This is poignant for a member who's upstanding, such as a counselor. Dinkin provides history on the precincts and redistricting for Beverly. Gerrymandering has generally not been an issue since before the adoption of the most recent charter. Bowen speaks to the Census and whether this would be an opportune time for a more thorough review and that it is an area to seek guidance on the finer points for the consultant. Dinkin advises once the Census is complete, an algorithm can redistrict the wards if necessary. The city has a sophisticated GIS system. Guanci recommends the committee reach out to current the City Clerk, Lisa Kent, or former City Clerk Wesley Slate. Ames asks if the municipality redistricts every ten years. Guanci suggests redistricting may coincide with the Census. Flaherty confirms it is the City Clerk's office responsible for redistricting. Members continue discussion with Flaherty moving the topic along.

iv. 7.7; 7.8; 7.9

DeSilva believes there is some overlap between the interchangeable language of "petition" vs "initiative". Overlap occurs between sections 7.7 and 7.8 questioning what are the distinctions. Suggests adding "citizen ballot" to precede "initiatives". Bowen agrees with DeSilva. Guanci weights in also agreeing there is a lot of technical language and legal jargon the average citizen would not want to read through between the sections. Dinkin reviews the distinction between initiatives and petitions. Flaherty comments on the citizen referendum. DeSilva would like the public expense clarified and defined. Ames would like clearer language to clarify the actual percentages of voters participating in each election or ballot initiative. Perry advises the committee to keep in mind the charter is a legal document. Attaching or including specific numbers, charts and graphs could alter the intent of the charter. Perry informs the committee this section is consistent with other charters and he has never seen charters with charts and graphs, etc. DeSilva refers back to an earlier point where supplemental data could be supplied to the public without changing the charter in a separate informative report. It will help break down the legal language into something palatable for the public. Dinkin suggests rewriting the section completely. The language is dense.

v. 7.12

Dinkin questions should there be a severability clause added. DeSilva points out it is present in a prior section, 7.7 or 7.8.

vi. 7.13

Flaherty discusses the mayor's 4 -year term and proposes strengthening the recall vote function. Pinciario reviews the percentage's as it pertains to each election cycle.

b. **Chapter 8**

i. **8.3**

Members go over the language "Specific provision to prevail". Group consensus found the whole section was confusing and questioned the intent of the section. Dinkin provides clarification of the language defining the intent of specifics versus generalizations. Guanci reviews with the committee citizen participation on certain special councils.

ii. 8.6-8.9

DeSilva notes an update the language for 8.7 since there masculine gender pronouns are present, the section should include feminine gender pronouns. Dinkin prefers all boards and commissions follow Roberts Rules for consistency, as opposed to establishing their own rules. Flaherty acknowledges the point and counteracts Robert's Rules can be challenging. Perry informs the committee the Collins Center will address the gender language imbalance.

iii. 8.13

Flaherty discusses the order of procedure with Perry advising a public hearing first that way all input is present before the committee returns to in depth review of sections previously discussed. Perry advises to invite as many officials as pertinent to discussion. Ames offers a non sequitur comment to appointing unfamiliar members to boards and committees. Ames prefers if there was a resume or some other type of process in order to establish the candidate's qualifications. Flaherty acknowledges the point, however; does not believe this belongs in the charter. Guanci offers comments to the rule and regulations of adding members to the boards and commissions. Ames believes it would serve the entire city better when there is more information about the person before members were expected to cast a decisive vote adding the member. Dinkin informs the committee it is within the purview of the board or commission to withhold a vote until the appointee appears before the council, especially if they are not well known to the councilors.

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

3. General Discussion of a City Manager

Dinkin provides history on city managers. Dinkin believe city managers have been proven to be no more or less competent than a mayor. Dinkin reviews the trend over 40 years and advises against it. He believes the people should hold the power to remove an executive, not members on a city council. Bowen agrees with Dinkin and believes the system as is currently structured has a good balance of power. DeSilva speaks to her lifelong residency and agrees the community is very involved in electing their officials and prefers to keep the current structure. DeSilva cautions to the dangerousness of the hiring and firing city managers on a whim because of good times over bad times, particularly where unavoidable situations arise. Pinciario asks who qualifies for city manager. Per Guanci, the manager position is specific to someone's education and qualifications who has a MA in PA. Guanci believes the public will correct when an elected leader is not qualified providing past mayoral examples. Perry weighs in discussing CAFOs. Perry affirms for the members the city is well managed and does a good job with their financial planning. Also, does not see the need for a city manager.

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

4. General Discussion of Elected Terms & Modes of Elections

Dinkin begins discussion and would like to move the executive to a 4-year term. Believes a 2-year term is a constant state of campaign. A legislator is supposed to be close to their constituency which is why they campaign frequency every 2 years. Dinkin believes the mayor needs time to implement an agenda. They should not campaign all the time. Flaherty also believes a 4-year term would attract better qualified candidates and establishes executive stability. Members concur jointly that moving to a 4-year term

would be better for cost saving city finances, establishes continuity, decreases constant and costly campaigns, and permits for implementation of an executive agenda. Members acknowledge an incompetent person for four years could be an issue. Dinkin counteracts quoting from President Lincoln, that essentially, "No man can do more or less damage in four years than another". Both Dinkin and Flaherty point to strengthening the recall process. Dinkin cites the Stop & Shop issue as an example. Speaks to divisive public with respect to policy. Guanci asks Perry for his knowledge on cities with 4-year vs 2-year terms. Perry provides prospective. The operation is the same, noting 4-year terms are always recommended echoing Dinkin's sentiments. The executive needs time in order to effectuate policy, sometimes it's not popular policy, but they need time. Perry cautions despite these discussions; the committee can only recommend the change. City Council and the mayor have to vote jointly to approve of the recommended change. Also, it's hard to change the public when they are used to two years. Flaherty the amount of money campaign raised it's almost like an indirect tax. Ames agrees with the fundraising and constant campaigning. Could be looking at large amounts of capital for campaigning. Strengthen the recall process. Review the checks and balances of city council to keep local government operating efficiently. Ames proposes if the committee suggests a 4-year term to also consider term limits. Lack of term limits could produce an insurmountable political machine over time. Bowen is curious if the dynamics have changed in the time since the charter adoption where 4 years was contentious then, maybe not as contentious now.

Guanci weighs in and believes that term limits are elections, the voters will provide the term limit. Guanci recalls discussion from prior periods where other members have tried to unsuccessfully install term limits. Ames believes fresh perspective is necessary from time to time. Perry opines there are very few communities that have term limits at the municipal level. Not many communities are into term limits.

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

5. **New Business**

None at this time.

6. **Adjournment**

DeSilva moves to adjourn. Ames seconds. The motion carries 7-0.
Meeting adjourned at 8:33 p.m.