

Estelle M. Rand-Chair
Todd C. Rotondo
Brendan S. Sweeney

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LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Wednesday, May 4, 2022, 6:00PM

City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

Rand called to order the Legal Affairs meeting and called to order Committee of the Whole at 6:00pm.

Committee Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

Other Councilors present: Hannah Bowen, Steven Crowley, Julie Flowers, Scott Houseman (arrived 6:11pm)

Order Number	Date to Committee	Description	Action Taken
#075	3/7/2022	Tim Flaherty, Charter Review Committee Final Report	

Rand reviewed where the Council is in the process. The goal of this meeting is to flag areas of confusion, further discussion or disagreement from the recommendations so that there is a sense of where to spend more time.

Rand noted that one of the items that requires more discussion is the proposed amendments to the audit committee section. Rand invited Gerry Perry, City Council Budget Analyst, to speak about the issue.

Perry stated gave some history on this, stating that back in 1995 the City was in a serious financial situation, and there were a lot of policies written at that time. Perry stated the audit company does a great job, but in his professional experience it is good to rotate companies every few years. The current audit firm changes their partners that come in, which is good. The current practice is that the mayor selects the audit firm, and the goal is to have the city council have the final say on the audit firm as a sort of checks and balances. Perry stated he met with the finance director to work on a compromise that would restore the charter back the original intent.

Houseman joined the meeting.

Perry continued that the goal is to have people who have experience with finance. There was nothing secretive about this, and the mayor did not write this language. The audit committee would bring forward a recommendation, then the council can choose to do what they would like. It is still up to the council to select the firm.

Sweeney stated he appreciated the importance of rotating audit firm and asked if Mr. Perry could elaborate on why that recommendation was not required in the charter as well as what if the council does not agree with the committee's recommendation.

Perry stated the decision was to not incorporate that requirement in the charter so the council has the ability to make its own decisions and to allow flexibility for circumstances beyond control. Perry stated if the council does not agree with the committee's recommendation, then the council can reject it and make their own decision.

Sweeney asked about the differing viewpoints on the original charter language.

City Solicitor, Stephanie Williams stated that the intent was not clear in the previous version. The mayor would still have to sign the contract as the one who can bind the City of Beverly in a contract.

Perry stated that happens with a lot of things where the council approves items, but the mayor signs the agreements.

There was some discussion of the process for hiring an audit firm. Perry stated audit firms are exempt from the bid process, but the council could request the audit committee present more than one firm if that is what they desired. Williams agreed that would be within the council's authority.

Bowen stated there is consensus on restoring the council's role. When those discussions were had as a charter committee, there was discussion about no more than two consecutive contracts being granted to a firm and two citizen members of the committee. Bowen asked how come some of that and other items discussed were not ultimately included or are not considered options.

Perry stated it is a compromise. The mayor can veto the council's vote, so the goal is to have something the mayor and council can agree on. Perry stated that his understanding is that the mayor would not support it. Bowen thanked Perry for trying to broker a solution and asked if the council would hear in a public setting why the mayor would not support that so that it could be explained to neighbors.

Rand asked about the process of counterproposals.

Williams stated that the committee has made its recommendations, and if the council wanted to make any amendments they could, and then it would go to the mayor. If the mayor were to veto or strike, for example, the two consecutive terms part, then that section would not be approved at all.

Perry recommended getting the mayor's feedback ahead of time, otherwise it may be vetoed and would stay as it is now.

Sweeney and Bowen clarified with Williams that if the mayor were to disagree with amended language, then that section would be vetoed but other unrelated sections could still be approved. Williams confirmed that section would be vetoed and return to how it is now in the charter, but other sections could be approved.

Houseman and Williams discussed sections 6-9 and 6-10 and what would be replaced.

There was some discussion on both the merits and the setbacks of having two additional audit committee members.

Rand asked about the final draft of the language that is being worked on by Marilyn Contreas from the Collins Center.

Williams stated that Ms. Contreas is working on a draft of the home rule petition, and once the council votes on the finished product then it will get tweaked and submitted to Representative Parisella.

Rand asked the councilors to note any other big potential areas of discussion.

Rotondo noted the mayoral term and the additional school committee members.

Sweeney stated that there are sort of top-tier changes like the terms, audit, and then second-tier changes that are technical, for example if the mayoral term is changed, would that also require updates to the citizen initiative petition process or recall provisions.

Rand asked for clarification from Ms. Contreas on if the four-year term for mayor would go to the ballot.

Marilyn Contreas, representative from the Collins Center, stated that it would go to the ballot and if it passes, then it would go into effect, and if it is not approved by the voters, then it would stay as is.

Rand stated that at the next committee meeting the goal is to start going section by section.

There was some discussion on the benefit of hearing from the School Committee.

Rotondo motioned to delegate the Chair of Legal Affairs to communicate with the Beverly School Committee in regards to the two additional school committee members. The motion was seconded. A vote was taken, and the motion carried unanimously.

There was some discussion of the charter committee documents that could be reviewed ahead of the next meeting and access to the Collins Center memos.

The motion was made and seconded to adjourn Committee of the Whole. A vote was taken, and the motion carried (7-0).

The motion was made and seconded to adjourn Committee on Legal Affairs. A vote was taken, and the motion carried (3-0).