

CITY OF BEVERLY

PUBLIC MEETING MINUTES

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CITY OF BEVERLY

Committee: Charter Review Committee
DATE: June 17, 2021
LOCATION: City Hall Council Chambers
BOARD MEMBERS PRESENT: Timothy Flaherty (Chair), Stacy Ames, Hannah Bowen, Julie DeSilva, Richard Dinkin, Michael Pinciario
BOARD MEMBERS ABSENT: Paul Guanci
RECORDER: Sharlyne Woodbury
Others present: Marilyn Contreas; Stephanie Williams, City Solicitor; 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

1. Opening Remarks

Chair Flaherty calls the meeting to order at 7:08 p.m.

2. Review and approval of prior meeting minutes
a. Approval of June 10, 2021 minutes

Dinkin moves to approve the minutes as presented. Pinciario seconds. Ames momentarily absent. The motion carries 5-0.

3. Scott Houseman: Council Solicitor*

Members begin discussion. For the record Councilor Rotundo provides a letter to the members in support of the current dynamics. Councilor Houseman maintains his arguments from the previous meeting and asks the committee to consider the addition of services to the city council. DeSilva agrees with a provision for a consultant. Bowen agrees with a provision for legal services available under the provision. DeSilva and Dinkin do not want dueling solicitors constantly conflicting. Bowen would like a compromise for needed services within a provision. Dinkin agrees with a provision defining legal services in the role of a consultant as included in the line item budget to provide for services when necessary.

Houseman rebuts, adding language that makes it clear the city solicitor opinion is a legal, binding and final, noting the straw man concept of dueling lawyers. He views this a public necessity and as an additional resource. Keep in mind 10 years before and 10 years to come for the needs of the council and the city. Flaherty weighs in, agreeing with some merit to the argument. He does not see it as a great need. He does not want the council to use it as a weapon. Houseman rebuts. Does not see this as a possibility for misuse. He focuses on the concern that this is new and untested, members are creating hypotheticals for extreme situations. He does not assume this position will be misused. Flaherty and Houseman review the relationship between the budget analyst and the finance director. In that

situation, there was a need with the city being millions in debt. In the long run that position has helped. Currently Flaherty does not see a need for the position, are we creating a problem or addressing a problem. Houseman maintains his stance this is an additional resource for the council.

Williams provides her opinion on the matter. The office of the city solicitor represents the city of Beverly as a municipal corporation. There's transparency to the office of the city solicitor. The appointment is subject to city council approval and appointed by the executive. There are checks and balances. Williams believes enshrining legal advice within the charter for the council is a bridge too far with there being no transparency. Williams reiterates the city solicitor serves the whole municipality not simply the executive. They help, provide, advise, assist with drafts, etc. Williams does not see the need for additional resources where a percentage of the budget would be subject to only the control of the council. Seems like a solution in search of a problem. Advocates the office is there for all. She believes this to be redundant and not needed. Williams does not see the need to amend the charter for additional resources or services.

Dinkin speaks to funds for hiring consulting attorneys. He views the justification of funding for the outside services as a safeguard to frivolity. Each councilor must take a vote and justify spending additional funds. Bowen inquires what function under the charter currently would provide for the council to define additional capacity needs and start the process toward filling it. Houseman does not disagree with Williams opinions, the exception her conclusion statement. Houseman refers back to the analogy of the budget analyst and finance director. Maintains this is an additional resource, a structural resource for the council. Houseman points out there are only 5 departments named in the charter, the rest are defined by ordinance reiterating this is a long-term structural resource allocation for the council. There is a need to have a resource to do their job better.

Perry has comments. Mentions that there is a model available for the council to use for budgeting for adding the resource. Perry also speaks to augmenting the services of the city solicitor because there are years where the budget falls short and they are overwhelmed with projects and need. Ames provides comments. During covid thought there would be more legislating and it was not. Ames agrees with Perry in that the solicitor's office is very busy. Ames sees the need for an additional resource and finds it an interesting point. Houseman points out the school committee has access to a lawyer, per Williams that is by state law. Williams notes for the record the consultant did not recommend this change.

DeSilva makes a motion to get a sense from the members if they do or do not support the language as proposed by the Collins Center. Ames seconds. The motion is 3-3. Pinciario, Flaherty, and DeSilva dissent.

Dinkin recommends working a little more on the proposed changes. This will be added to the executive summary.

4. Review: Removal and Suspension Provisions:

a. A2 s. 2-8(e)*

Contreas reviews the new language emphasizing consistency is key. Dinkin thought they agreed that midterm approval had to be confirmed by the city council. Contreas noted they were trying to keep everything within each appointing authority. Per Dinkin the city council must confirm someone is appointed, therefore they should have to confirm removal. Dinkin insists on a mirror process.

Williams weighs in offering distinctive points for state law that provide for the different types of home rule charters. Points out the commission at the time made a conscious choice 25 years ago assuming as middle ground by the voters and commissioners, to have the council approve an appointee but not need

**denotes a return to the section for further review/clarification*

to confirm a removal. Brings up the point of removing someone this is not a right fit for the position. Dinkin rebuts. The members are recommending the reversal of a number of conscious decisions made 25 years ago. The same logic that applies to the addition of 2 more representatives of the school committee, the same logic for increasing the mayoral term is also applicable to insisting the city council confirm a remove removal. He believes her rational is a spurious argument.

Dinkin moves to accept the Collins Center language with the addition of requiring the city council approval for removal of an official, with any other mayoral appointee as department heads, and other multiple bodies. Bowen seconds. DeSilva dissents. The motion carries 5-1.

Discussion on the motion. Bowen generally supports the spirit of the motion. Bowen prefers vague language of any mayoral appointee as opposed to specifically defining the role. Bowen amended the motion. Dinkin seconds. The amended motion carries 6-0.

5. Review: Remaining Items, Part II

a. A2 s. 2-8(c)

DeSilva moves to accept the Collins Centers recommendations and changes. Ames seconds. The motion carries 6-0.

b. A2 Filling Council vacancies

DeSilva moves to accept the changes as recommended by the Collins Center. Dinkin seconds. The motion carries 6-0.

c. A3 temporary appointments mayor

Ames moves to accept the changes as recommended by the Collins Center. Dinkin seconds. The motion carries 6-0.

d. A3 s. 3-9(b)

Bowen and Dinkin seek further clarification on the timing of events in the proposed language. Contreas reviews different scenarios presented.

DeSilva moves to accept the language as recommended by the Collins Center. Bowen seconds. Dinkin abstains. The motion carries 5-1-0.

e. A4 s. 4-1(b)(f)

DeSilva moves to accept the language as recommended by the Collins Center. Ames seconds. The motion carries 6-0.

f. A7 s. 7-3(a)*

Members discuss the number of signatures required. Dinkin notes the city continues to grow and the current population is 40,000. Suggests the number 150 is sufficient. Dinkin is not certain a distribution requirement is enough as opposed to viewing the gross number. Dinkin suggests eliminating the distribution requirement between each ward. Members further discuss and express concerns. Members do not want additional obstacles for new candidates. Dinkin does not view that as a city problem, it's a candidate problem. Members also would like to ensure candidates are serious, Bowen would like to keep goals achievable and attainable. Ames to Contreas, why are lower numbers a problem. Contreas

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discusses nuisance candidates. Dinkin speaks to smart campaigning with members offering additional thoughts.

Ames moves to suggest making 50 signatures for a ward candidate, 150 for school committee district, and 300 signatures for city wide candidates such as mayor or at-large positions. Dinkin seconds. Flaherty asks for discussion on the motion. Dinkin asks for clarification, does this eliminates the distribution requirement. Flaherty confirms it would. Members continue discussion with a return to the language.

g. A8 s. 8-13

DeSilva moves to accept the amended language. Dinkin seconds. The motion carries 6-0.

h. A8 s. 8-14

DeSilva moves to accept the amended language. Dinkin seconds. The motion carries 6-0.

i. A9 s. 9-6

DeSilva moves to strike bi-annual and replace with regular city election. Bowen seconds. The motion carries 6-0.

Dinkin moves to accept the change from the Old English spelling of "councillor". Ames seconds. The motion carries 6-0.

6. Discussion of the Executive Summary

Bowen suggests dividing the summary into either 3 or 4 sections. Providing a description of necessary changes and modern updates. Then describing updates and points of clarification, and modernization. Highlighting the two areas that are before the voters, 4-year term and 2 additional seats for school district. The last section is a point of reflection where there are no changes but added things working really well and the recommendation is to keep those provisions as is. Flaherty finds the draft clear and would like the Collins Center to refine language and terms as well as having the Collins Center provide any additional language to strengthen the executive summary. The Collins Center can provide additional points of reference to all the steps taken during the review process. DeSilva suggests providing in the introduction how big a role the Collins Center played, weave it into the narrative. Flaherty notes anyone who wanted to partake and be involved had opportunity to do so. Does not want to spend time re-educating or re-hashing topics/concerns with city council members. Ames asks if Bowen will sync with the Collins Center recommendations. Make sure they work together for both documents to coincide.

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

7. Future meetings

Members will meet June 24, 2021 and potentially July 1, 2021. Flaherty would like to vote to send recommendation to city council June 24, 2021.

Members will vote to send recommendations to city council and city solicitor June 24, 2021.

Flaherty asks for someone to step in momentarily during the 24th meeting as he will be late.

8. Adjournment

Flaherty adjourned the meeting at 9:17 p.m. Next Charter Review meeting June 24, 2021 at 7 p.m.

