

CITY OF BEVERLY

PUBLIC MEETING MINUTES

Committee: Charter Review Committee
DATE: June 24, 2021
LOCATION: City Hall Council Chambers
BOARD MEMBERS PRESENT: Timothy Flaherty (Chair), Stacy Ames, Hannah Bowen, Julie DeSilva, Richard Dinkin
BOARD MEMBERS ABSENT: Paul Guanci, Michael Pinciario
RECORDER: Sharlyne Woodbury
Others present: Marilyn Contreas

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CITY OF BEVERLY
RECEIVED / CITY CLERK'S OFFICE

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 7:11 p.m.

2. Review and approval of prior meeting minutes

a. Approval of June 17, 2021 minutes

Dinkin moves to approve the minutes as presented. DeSilva seconds. Ames momentarily absent. The motion carries 4-0.

3. Logistical Issues

Perry begins with comments. Based off discussions with the Collins Center, the timeline for city council approval will not be as succinct and expedient as desired. Approval with the city council will take a few sessions. Flaherty still feels strongly the timeline will be met. Perry reminds the members the summer timeline is limited. Perry advises not to push the timeline while people and councilors are either on vacation or not available. Perry encourages the members to be aware of public perception and transparency with the processes. Perry discusses the legal preparation the Collins Center will need to coordinate with the city solicitor's office. Dinkin inquires if the council has July/August off. Flaherty answers typically they do, however; the last few years there's been a need to meet sporadically throughout the summer. Contreas informs the members they cannot design the home rule petition if the city council will have any amendments to the current documents. Flaherty appreciates issues raised and notes the possibility of multiple city council meetings. Bowen is comfortable beginning the process and moving forward, provides comments on items to review and to not rush.

4. A8 s. 8-15 Removals and Suspensions

Contreas provides comments on the mayoral appointments and procedures. Contreas makes quite plain this is not recommended and is not consistent. Contreas notes for the record the preferred provision is what was provided at the June 17, 2021 meeting. Perry weighs in and notes there are genuine apprehensions by city council members, the city solicitor, and the mayor's office. Does not believe the changes desired by the members will be successful. Flaherty does not want to have any snags with approving the provision overall. DeSilva feels very strongly that consistency and clarity is essential. DeSilva does not want the substantive changes to have polarizing concerns and the roles of the legislative and executive branches potentially usurping one another. Bowen and DeSilva are very strong on consistency. DeSilva reminds members Libby Corbo was adamant to not make these changes.

Dinkin still feels very strongly the appointing authority should have the removal option commenting there is a political nature to appointed boards. Dinkin strongly believes in accountability. He would rather this go to the mayor and have the mayor remove the provision. Bowen inquires are there any mayoral appointees that do not require city council approval. Contreas responds, typically the mayor's staff and certain department heads. Bowen prefers mayoral appointments to have a public hearing.

Flaherty recommends voting on the provision, the original submission by the Collins Center provided June 17, 2021, and especially highlight Dinkin's comments in the executive summary. Bowen is more comfortable with the June 17, 2021 recommendation as long as both a and b sections will have public hearing options. Dinkin asks Contreas what does the proposal say about cause. Contreas replies it was eliminated and offers the option to do a hearing. DeSilva does not want the optics of the procedures and processes to become theatrical. Dinkin refutes it is not more theatrical. Contreas reminds members the mayor's removal decision is final. DeSilva notes it will not change the mayor's decision; however, it offers some type of transparency. Contreas you're giving the employee or department head, board appointee access to another branch of government where the mayor still has the authority and power of the decision making.

Bowen moves to accept the Collins Center recommendations from the provision provided June 17, 2021 with the additional phrase of "the person can request a public hearing in part A". DeSilva seconds. The motion fails 1-4. Ames, Dinkin, DeSilva, Flaherty dissent.

Discussion on the motion. Perry cautions the members such a provision could make Labor relations difficult. Perry firmly supports the Collins Center recommendations as it with no changes. Dinkin inquires of Perry if there's been direct push back from the mayor or solicitor's office. Bowen further discusses. Contreas notes this may not be an issue for the city because they have had successful employee recruitment and retention. Ames is neutral on the topic and looks for balance of power between the branches.

DeSilva moves to return to the Collins center original recommendation presented June 17, 2021 with no changes. Flaherty seconds. The motion carries 3-2. Bowen and Dinkin dissent.

5. Review: the red line document

a. A2 s. 2-9(d)

DeSilva moves to accept the addition of Saturdays in 2-9. Bowen seconds. The motion carries 5-0.

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

b. A3 s. 3-1(c)

DeSilva moves to accept the edit to 3-1. Ames seconds. The motion carries 5-0.

c. A3 s. 3-9

Bowen moves to accept the edits. Ames seconds. The motion carries 5-0.

d. A4 s. 4-2(a)

DeSilva moves to accept the edit. Ames seconds. The motion carries 5-0.

e. A6 s. 6-2

DeSilva moves to accept the edit. Ames seconds. The motion carries 5-0.

f. A7 s. 7-14

Ames moves to accept the language. Dinkin seconds. The motion carries 5-0.

g. Motion on the red line document

Dinkin moves to accept the document as presented with the recommendations, edits and language. This shall supersede all other changes made. DeSilva seconds. The motion carries 5-0.

6. Discussion of the Executive Summary

Bowen provides a timeline on the executive summary. Bowen will coordinate with Contreas for their final documents. Contreas will then send to the members. Members discuss voting on the executive summary at the July 1, 2021.

Contreas further discusses next steps for the members informing them what the council approves goes to the mayor. She advocates to not rush the process and to make sure there is some engagement and negotiation on both sides. Rushing the processes and documents review is not advised since they cannot send to the state legislature without the mayor's approval. The council can take a vote for an amended version if the mayor cannot sign the document as is. The mayor will then send a transmittal letter to the council. The council cannot through a super majority override the mayor. Contreas recommends allowing the processes to take their time in order that desired changes and edits are understood and approval by all involved parties.

7. Future meetings

Perry will be unavailable July and August. Members will meet July 1, 2021. Meeting at the Beverly Public Library at 7 p.m. The council chambers are not available for this date. Members will potentially have an August reprieve and resume meetings in September. The committee will look for a public hearing and joint meeting with city council in September.

8. Adjournment

Flaherty adjourned meeting at 8:30 p.m. Charter Review meeting July 1, 2021 at 7 p.m.

Location: Beverly Public Library, 32 Essex St., Beverly, MA 01915.

