

## **COMMITTEE ON CHARTER REVISIONS**

Wednesday, March 4, 2020  
John & Christina Markey Senior Community Center

Present: Ron Hogan, Maria Luise, Councillors DeMaria, Camell and O'Malley  
Also present: Karen Anderson

Mr. Hogan called the meeting to order at 5:30 P.M. He noted that it had been a number of months since the committee had met and Sheila Fermano could not be present this evening. As a result, minutes had not been sent. He said that he would be sure that minutes of the last meeting would be sent to members for approval at the next meeting.

### **ON COUNCILLOR O'MALLEY'S MOTION TO TABLE APPROVAL OF THE MINUTES OF THE LAST MEETING (5)Y-(0)N.**

Mr. Hogan said that, since it had been a while since the last meeting, he thought that we should begin by refreshing memories as to how we had arrived here. He said that when the Committee began looking at the charter more than a year ago, it quickly became apparent that there were two aspects to the charter: the first related to the structure of the government – the composition of elected bodies, terms of office, authority and responsibilities, etc.; the other was the administrative aspect, which dealt with organization of municipal departments and how they operated on a day-to-day basis. He said that there was general agreement that the structure of government should be resident driven, but before that could be looked at, the Committee should attempt to clean up the administrative aspect. He said that, in order to lay the foundation for looking at governmental structure, the Committee decided to undertake a cleanup of the administrative aspect, including ensuring a clean line between legislative and executive functions.

He said that, after a series of meetings at which the Committee established core principles, they had undertaken a series of smaller meetings with individual councillors. The purpose of these meetings was to see if there was any appetite for the type of changes the committee was proposing, prior to investing time in drafting the proposed documents. He said that some excellent substantive feedback resulted from those meetings. He said that, based on that feedback and all prior discussions with the committee, two documents – a charter and administrative order – had been drafted and sent to committee members last week in anticipation of this meeting. He said that during the course of the meeting with Councillor Linehan, she had questioned whether or not a consultant was needed. He said that, based on review of other city charters, it quickly became clear that these were essentially boilerplate documents, with variations to accommodate the unique aspects of each community. A boilerplate documents had been customized to meet the needs of our city. He said that, now that the drafts were

available, the hope was to move as quickly as possible. With that in mind, the PowerPoint presentation that the committee had worked on last spring had also been updated. He said that the PowerPoint presentation was a good place for people unfamiliar with the charter to begin – it gave a quick overview of what to expect prior to reading the two documents. He also reminded committee members that the administrative order was a good-faith sample draft but could not actually be adopted until the charter had been amended. He said that he thought that everyone was excited by the opportunity to think about these issues in a comprehensive and meaningful way.

He said, however, that it appeared that not all committee members had had sufficient time to work their way through these documents. He asked the committee for general impressions.

Councillor O'Malley said that he thought it was important to emphasize that the charter had been modernized with respect to its administrative aspects and the division between legislative and executive functions, but that there had been no change to elected officials. He said that this was just intended to lay the groundwork for those types of changes.

Councillor Camell agreed, saying that it streamlines the responsibilities of the Mayor and City Council and strengthens checks and balances, particularly in the requirement that confirmation of Mayoral appointees be by 2/3 vote of the council.

Councillor DeMaria asked if there had been any push back during individual meeting with Councillors.

Mr. Hogan said that there was no real push back, but there had been a number of helpful suggestions. He said, for example, during the meeting with Councillors Murphy and Spadafora, they had expressed some concern over the confirmation process; he said that they both felt better when Councillor Spadafora came up with the idea of requiring a 2/3 vote for confirmation. He said that was an idea that had been raised by Councillor O'Malley in earlier meetings and had now been incorporated in the charter.

Councillor Camell said that it appeared that, while there was room for modification and smoothing out the rough edges, it appeared that there was consensus on the general principles.

Mr. Hogan drew the Committee's attention to the revised PowerPoint presentation, explaining the newly added slides. Committee members offered several suggestions to improve the presentation, including Councillor DeMaria's suggestion that the final slide (comparing appointment powers in similar cities) be amended to reflect Malden's current and proposed appointment process, as well as the date of the last major charter change in the cities in question.

After further discussion as to how to proceed, it was decided that committee members would be given editing rights to both documents via google docs, so that they could suggest changes and/or make comments on the documents prior to the next meeting. Councillor O'Malley questioned whether or not this would violate open meeting law requirements. Mr. Hogan noted that information sharing was not a violation, only deliberation was. Ms. Anderson said she agreed; as long as committee members did not react to other people's comments or suggestions within the document, but saved discussion/deliberation for the meeting.

Councillor O'Malley said that he would like to raise two points now. First, he said, when the charter referenced another section, he would like to see the section title as well as the number included, as it provided a quick reference as to what the reference was designed to convey. Second, he said, he would like to see something that made clear, in each instance, what "by vote of the city council meant", either by adding the words "majority" or "two-thirds" and also, whether or not it applied to the full council.

Councilor Camell agreed, saying that he thought that it should always apply to the full council, rather than those members present and voting.

Mr. Hogan suggested that the committee plan on meeting on March 11, 2020 at 5:30 p.m. Councillor Camell said that he would not be available but would submit comments and suggestions through google docs.

**ON COUNCILLOR O'MALLEY'S MOTION TO ADJOURN (5)Y-(0)N**

**MEETING ADJOURNED 6:28 P.M.**