



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Charter Review Committee

Spadafora, Chair
Linehan, Vice Chair
Winslow
Karen Anderson, Ex-Officio
Ron Hogan, Ex-Officio

Tuesday, January 24, 2023

7:05 PM

215 Pleasant Street, Room #113
Malden, MA 02148

Roll Call

Present: 3 - Councillor Amanda Linehan, Stephen Winslow and Ron Hogan

Absent: 2 - Councillor at Large Craig Spadafora and Karen Anderson

Also Present: Council President Murphy, Councillors Colon-Hayes, Condon, Crowe, McDonald and Simonelli
Maria Luise-Mayor's Office
Attorney John McNaught-City Solicitor
Attorney Zaheer Samee-Assistant City Solicitor
Carol Ann Desiderio-City Clerk

Councillor Linehan called the meeting to order at 7:18 PM.

Minutes to be Approved

[25-23](#)

Minutes of January 10, 2023 to be approved.

A motion was made by Councillor Winslow, seconded by Councillor Linehan, that the Committee Minutes of January 10, 2023 be approved. The motion carried by a unanimous vote.

Business

26-23

The Charter Review Committee will meet to discuss long-term planning and continue to work on reviewing the MALDEN Charter.

Attachments: Hogan Handout Charter Review Committee 11023

Ron said he called out some of the things he thought would be calling points and gives a handout to the committee. (see attached) He listed some things that he feels will be things worthy of pulling out. before we redline the whole thing, he took out some Charter issues and Admin issues. Another update is that we are working with the state delegation on a parallel path and we need to make sure we understand their process and hands out a document from the Governor's office which outlines the process of adoptions, revisions, and amendments of Charters. (see attached) We need to make sure we are on the same page of the delegation about the process when we come to a consensus. There is language when you read things which conflicts with what is happening in Malden. We put this in before putting it before the voters. We need to reconcile that to understand what

this process really is. As we go through and get common ground, we need to know what the process is to get there. Ron pulled out noteworthy issues starting with the big one Introduction to the Administrative Order. If we can't get through that nothing else matters. We need to pull things out of the current Charter and the ordinances, those things that speak to organizing the city as it relates to Boards and Commissions and departments and having those be contained in an Administrative Order that is sent down from the Mayor and approved by the Council. The current Charter only speaks to some of the departments.

Councillor Simonelli asks Ron for examples of some of the changes. His worry is that the Council is giving up more power to the Executive Branch. He asks what are some of the things he thinks we should be changing that are in the Charter and should no longer be in there.

Ron said this removes from the Charter any reference to the creation of any Board or commission or the formulation of any department and it pushes it to the Administrative Order where all of that gets delineated or outlined as opposed to what we have right now. Right now, we have some things in the Charter, not in the Charter and things with language that does not make sense anymore. The Administrative Order leaves a Charter that stays clear to how a City is organized from a political perspective and so Wards and the Role of the Mayor and City Council is what the Charter does and the ordinances become the rules and laws of the City.

Councillor Winslow said we have to figure out how if the Council wants to create something there is nothing there and how does that happen right now. If we have an Administrative Order, should we have term limits on Boards and commissions having something broad to say how long people can serve on them. The present Charter doesn't address those kinds of things. He fundamentally supports a Charter that doesn't have all the Boards and commissions in there. He needs to think about what is the balance afterward between ordinances creating authority for Boards and Commissions.

Ron said the answer is not a black and white line but having the Charter reflect that any appointments listed through that administrative order get captured in one place that is logically consistent is fair game. It is not changing the administrative order but where it can mutually intersect.

Councillor Condon said the Council has been concerned about giving up power and he worries that the Mayor has to get 2/3rds of the Council's vote in order to have his nominee approved which he feels is a great thing. If the Mayor cannot get that vote then what happens?

Ron said then he would have to go back and pick another nominee. The right for the Mayor to appoint and the Council to confirm there is no say that any other party has. If the Mayor or the Council does not reappoint you would have to have a just cause standard. You would have to document why the reappointment is not happening.

Councillor Simonelli said if we had a new Mayor and they were elected on an agenda. Would the Mayor with the new Charter have more protection in seeing their vision and how they want to move forward.

Ron said what it comes down to the standard of if someone is not doing the job you can make changes.

Councillor Colon-Hayes sees it more not taking away power but checks and balances with appointments and re-appointments. She would not be in favor of having one person have control. She feels that the Council should have a say in the appointments and re-appointments.

Ron said the checks and balances does not play into this under the Charter.

Councillor Linehan asked what department heads would not be part of this.

Ron said they are all listed in his hand out who the direct reports are.

Councillor McDonald fully supports removing all Boards and Commissions and Departments from the Charter and having a mechanism to define it. It is such that the Mayor nominates people and the Council approves them. He feels that whoever the

Mayor is and their staff are better positioned to evaluate candidates for most jobs than the Council most of the time. He agrees with Council Winslow that the intersection of an administrative order and ordinance is a big question. He doesn't see it reference in this draft. His thought is whether we could clarify that the administrative order had to take account existing ordinance or the Mayor would have to submit a paper to change that part of the ordinance to conform with the administrative order and the Council would have to consider that ordinance change.

Ron said there is a third part of this process which we didn't do which is to change the order to hang with these two pieces. We are picking pieces by design out of the ordinance that are our goal to change and there are pieces we want to avoid that. We can get there.

Councillor McDonald said is there a difference of amending an order or setting forth a new order

Ron said the Charter speaks to the administrative order process and we can have that say whatever we want it to say it is a matter of defining what that is.

Councillor Linehan asked if the Administrative Order is a living document or does each Mayor change it

Ron said it is a living document. A new Mayor can make changes but doesn't start from scratch.

Councillor Winslow suggests maybe there is a distinction with multi-member boards and between departments we can work out. An extra step has to happen in the administration order in relation to boards and commissions verses department heads.

Ron said that is a valid point and he will research that.

Councillor Murphy said going back to direct reports, what we have today and what may change in the future. Today we have the City Solicitor, City Clerk, Controller, Treasurer and the Assessor. Tomorrow by the way this is written we would have the City Clerk, Controller and the Clerk of Committees. In most organizations someone like the Treasurer and the Assessor would report to the CFO. She feels we should think about putting the Assessor and the Treasurer under the CFO and that person is responsible for the hiring and doing reviews for those two departments. The Solicitor would go over to the Mayor. We would keep as a direct report the City Clerk, Controller (CFO) and the Clerk of Committees. The Controller, CFO would have responsibility for the Treasurer and the Assessor.

Ron said you have to keep in mind is that there are some checks and balances between the Treasurer and Controller by design that the current Charter speaks to the CFO coordinating activities amongst them there are statutory roles in each play. When money gets turned over it gets reported here and there. You may be introducing a much less controlled environment by having it all being reported out to somebody. The CFO is speaking to coordination of activities and not reporting authority. It's pros and cons.

Councillor Murphy said she would like to see everyone taking this information from tonight and getting an understanding and reading these documents.

Councillor Linehan agrees instead of diving into deeper subjects we could review what we have talked about. We have a meeting every week and we could break this down into sections and figure it out as we go.

Ron said a lot of what we are talking about is the current Charter. He suggests people go through his list and absorb and figure out where to drive each conversation. Ron said as you go through the thought process, please reach out to him if you need clarity on.

He also said the requirement to review in totality ordinances and charters on a ten-year basis is something we never had and is a good thing. Ron said we will do on a one-to-one basis each detail but to the extent you see anything reach out to me and he will look into it.

Councillor O'Malley mentioned that the current Charter is worded that the executive power of the City shall be shared between the City Council and the Mayor

Ron said when we first started this review of the current Charter one of the things, we

recognized that the current charter doesn't delineate who is the executive power. It states that then it doesn't support that.

Councillor Winslow mentions authority related to creation and destruction of Boards and commissions is there a way we distinguish those, who creates boards and commissions and the what roles the Council plays in that is something he would like to talk about next week.

Councillor Winslow said that is fine to propose for discussion next meeting.

Ron said there is a document boards and commissions simplified included in their packet. It also speaks to where a board is required by state statute. We have to figure out are there places where the function or where somebody can eliminate a board or commission. Some have a background to a state statute that requires them to exist. He will keep a running tally before we red-line things. He will add to the list he handed out and speak to the issues.

Other Business

Adjournment

Motion was made by Councillor Stephen Winslow, seconded by Councillor Amanda Linehan, that this meeting be adjourned at 8:10 PM. The motion carried unanimously.