



# 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*

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Tuesday, February 7, 2023

6:00 PM

215 Pleasant Street, Room #113  
Malden, MA 02148

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### Roll Call

**Present:** 4 - Councillor at Large Craig Spadafora, Councillor Amanda Linehan, Stephen Winslow and Ron Hogan

**Absent:** 1 - Karen Anderson

Also Present: Council President Murphy, Councillors Condon, Colon-Hayes, Crowe, McDonald, O'Malley, Sica  
Carol Ann Desiderio-City Clerk  
Maria Luise-Mayor's Office

Councillor Spadafora called the meeting to order at 6:02 PM.

### Minutes to be Approved

[36-23](#)

Minutes of January 24, 2023 to be approved.

**A motion was made by Councillor Linehan, seconded by Councillor Winslow, that the Committee Minutes of January 24, 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](#)

*Councillor Spadafora asked Councillor Linehan to recap last weeks meeting. She said we walked through what our approach is going to be. Ron explained the Administrative Order is the thing we should get consensus around first as it deals with the set up of Boards and Commissions and separating that out. We talked about the time frame we are likely to face for filing the Home Rule Petition. Carol Ann suggested trying to take it in chunks so that we focus on one topic every week. Ron agreed to compile the notes that we take red line it and provide it to us for review so that we could keep track of our notes instead of going through the whole thing at one time. This week we were going to take up that Board and Commission piece.*

*Ron said he tried to track from the conversation last week and subsequent conversations he had with Councillors Winslow and McDonald from his perspective the things people wanted to talk about within them. He made an issues tracking document (see attached) which is on the share drive which in his works tries to capture and track*

those things that have come up as needing more discussion. On a macro level he had a call with the State Delegation to speak about the general process that they would go through. There is no statutory language that speaks to the type of change to go before the voters. He put together a summary for them of what it is that this approach addresses. We are not addressing the make-ups of Elected Officials and Terms we are focused on the organization of the City. Rep. Donato will have a conversation with the House Council and they will caucus and provide us some feedback and will get back to us in fairly short order. He talked to Rep, Ultrino who said from their perspective even if it is a bunch of changes individually, there is almost no reason for us to take the safe route and ask the voters what they think. We have been working with Mark Rumley, Legal Department who has worked on this type of thing in the past.

Councillor Murphy said in reading the Charter we should address over the years she has heard rumblings about the School Committee that we should go back to the old way that they were voted at large and not Ward specific. If we are redoing the Charter we should say we at least recognized that question and are not going forward in that direction. She feels its a discussion we should have and not ignore it a conversation worth having.

Councillor O'Malley said it is good Councillor Murphy brought that up. He said we are seeing a lot of the at large bodies are being shut down as unconstitutional because one neighborhood would represent the whole City and under represented cities are never in on the bounty.

Councillor Spadafora said even if you are not going to change the geographic representation, not the person the body the Mayor should not be on the Committee. It may be a conflict when the budget comes down. It would be the Superintendent he's guessing and there would be transparency.

Ron said we may get feedback from the delegation that says the totality of what we consider are smaller changes are enough they want to voters a bite and you may decide to throw something on the table because if you are going to do it you may as well do it all at once. He asked the City Clerk when she would need the information to put something on the ballot from a timing perspective

Carol Ann said they would need that information by August. If you are talking about changing the structure of the Wards that would have to come out before the nomination forms come out because it is an election year and the people would have to know what they are pulling papers for. The nomination papers come out in May.

Councillor Winslow said maybe we do it on the 2025 election

Councillor Spadafora suggested going through the issues one by one

Ron said the first one is what happens when an ordinance creates a responsibility that has to be carried out by a Board or Commission but that Board or Commission gets created by the admin code. He added language that states that: The administrative order shall provide for the establishments of agencies necessary to carry out requirements of state law(s) or local ordinance(s). The initial administrative order filed subsequent to the adoption of this charter shall become effective only after the affirmative vote of at least two thirds of the City Council.

Councillor Winslow said this is a good step forward there are some things that are very specific but he fully acknowledged they want to take out any descriptions of Boards and Commissions out of the Charter and didn't imagine a lot of that was out of the ordinances it's how that interface works. The Admin Order has to amend the ordinances in some cases too. He is generally supportive of giving the Mayor the ability to re-organize the key thing is departments but sometimes Boards are related to departments and the City Council put a lot of thought in when we were grading Boards and Commissions.

Ron said that is a key point it's such a change that people need to be comfortable with it. Where we are now with Ordinances and Charter that some things are in each places for that reason we didn't have a disciplined approach to say here's where we divide them. If you are not comfortable with it this approach is out the window the admin order isn't working.

Councillor O'Malley said he was thinking what you have here helps with existing looking backwards the things that we have already done but how do we do it looking forward. In the future we say the Historic Commission is responsible for this other thing can we do it by ordinance how does that interplay with the Admin Order or is it prohibited Ron said he doesn't think it would be the Councillors role continues to be to create ordinances that deal with the things that ordinances deal with which by necessity will create requirements on either city departments or Boards or Commissions the admin order deals with how they are created and who gets appointed. At the end of the day we are talking about paragraphs in a document. Going forward you can continue to adopt things because its the only way it can work

Councillor O'Malley asks if agencies is synonymous with multi membered bodies because we definitely define multi membered bodies.

Ron said agency is intended to be all encompassing. We have defined it as a department, board or commission a multitude of anything

Craig said the ordinance would stand in the admin order. We control the ordinances and the Board enforces such actions based on the ordinance

Councillor McDonald asked if there is an administrative order in place and Council creates a new section of the ordinance that needs to be dealt with in the admin order does the Mayor have to submit an update to the admin order that then the Council has to approve

Ron said yes for example something that requires a creation of a new body to address something. There is a section that the Council may request the Mayor to update the admin order.

Councillor McDonald said at that point the Mayor has to submit it back to us and we approve that change

Councillor O'Malley said if we pass an ordinance and we send a change of make-up of a board to the Mayor and he/she veto's that and the Council then overrides the veto then what happens

Ron said if its a body that's required to carry out an ordinance that you created you need the body. If we need to strengthen that language by adding; the admin code must meet requirements of the State and the local ordinance. You can't eliminate a body that has a role.

Councillor Colon-Hayes said while looking at commissions and committees is this the place where we look at which ones get compensation and which don't

Ron said that would be in the budget. The ordinance is where most of it should be outlined. The ordinances should deal with compensation and the budget should appropriate the money.

Councillor McDonald said that is something we could add into the admin order of we feel something is not sufficient

Ron said if this cleans up what it should clean up then your ordinances will deal more holistically with compensation for boards and commissions. Some are in it and a bunch aren't they are not really all in one place.

Councillor Spadafora makes reference to the Melrose Charter. For example: Liquor Board lists composition and what ever Mass General Law is not listing pay.

Ron said they should be all in one place.

Councillor Linehan asks about staff stipends on boards and should they be in collective bargaining

Ron said any position named through an ordinance and gets a stipend is not subject to collective bargaining.

The committee moved onto the second item on Ron's handout from Councillor McDonald. He handed out a second paragraph that he added in. (see attached). Aside from the language in before he added to abolish and consolidate any city agency it requires a higher threshold. (section 5) The language on holding two positions needs to be edited. You can hold two but you have to pick one to be paid and the other one you don't Councillor Condon asked about on the two positions what if you are retired?

Ron talked about the language right now says that you can't hold two positions paid

from City Treasury but when you are retired your pay comes from a different source of money so it wouldn't count of one of two positions. We have some exceptions in there which we need to look closer at the language.

Councillor Spadafora said you are asking about Special Municipal status and it is referenced in the Melrose Charter also. He references Melrose as an example because it's and easy read they are smaller than us but it puts all the pieces of the puzzle together when you read it.

Ron speaks to the question of Councillor McDonald to setting up a policy such as complete streets

Councillor McDonald said this is a concern right now but as we trying define powers and responsibilities it is very clear the Mayor is the executive, the City Council is the legislative. He wanted to have some positive language of what our legislative power actually means. Right now a lot of boards and commissions exercise quasi legislative power and he wants it to be clear that if we set a policy that all the boards and commissions are required to follow the policy. He feels it needs to be better defined.

Ron said he will add to the description it is good to figure out how to make sure that things that are adopted are reflected in the work of the underlined body and recognizing there are some things that can't be. Ron said its like they are all part of a team and someone has to set the rules for the team but there are times when there are individual contributors that need to do their thing too.

Councillor Colon-Hayes asked if there is an evaluation of Boards and Commissions. How do we know if we are accomplishing what we are trying to do in each Board and Commission. She feels there is no policy or structure to be checking in on Boards and Commissions and we need to.

Councillor O'Malley said right now it is Personnel/Appointments

Councillor Linehan said for example for CPC if you bring the Chair into Pers/Appts you could ask questions

Councillor Spadafora said some are volunteers and some are employees. It is made up of multiple factors there. If they are an employee you could go through HR but if it is a volunteer you could say we want you off the body.

Councillor O'Malley asked about term limits

Ron said term limits should be in the Charter. You should have a general statement when you are dealing with re-appts and appointments and removal it should be in the Charter.

Councillor O'Malley asked where does the terms and term limits such as some are 1 year or 5 years where should that be

Ron said that is in the admin order.

Carol Ann said she is not sure it is wise to set term limits. It is very hard to fill some positions on boards and commissions. Why put a term limit on someone who wants to serve on the committee.

Ron said in between making sure you are addressing the importance sometimes it is making sure the person leading it, such as the Chair rotates enough so the different person driving it is enough

Councillor Linehan said some are out of our control they are state mandated

Councillor Winslow said he is in favor of people serving a long time but at some point it is good to give people a rest.

Councillor Spadafora said this was great discussion and Ron explains he will keep everyone updated.

## Other Business

## Adjournment

**Motion was made by Councillor Amanda Linehan, seconded by Councillor Stephen Winslow, that this meeting be adjourned at 7:01 PM. The motion carried unanimously.**