



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, March 21, 2023

7:05 PM

City Hall , Room #113
215 Pleasant Street

Roll Call

Present: 4 - Councillor at Large Craig Spadafora, Councillor Amanda Linehan, Stephen Winslow and Ron Hogan
Absent: 1 - Karen Anderson

Also Present: Councillors Murphy, Colon-Hayes, Crowe, McDonald, O'Malley, Sica, Simonelli
Alicia McNeil-Assistant City Solicitor
Maria Luise-Mayor's Office

Councillor Spadafora called the meeting to order at 7:13 PM.

Minutes to be Approved

[54-23](#) Minutes of February 7, 2023 to be approved.

A motion was made by Councillor Linehan, seconded by Councillor Winslow, that the Committee Minutes of February 7, 2023 be approved. The motion carried by a unanimous vote.

[113-23](#) Minutes of March 7, 2023 to be approved.

A motion was made by Councillor Linehan, seconded by Councillor Winslow, that the Committee Minutes of March 7, 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](#)
[Charter Review Handout 41823](#)
[Draft Charter SPW Version 5.16.2023](#)
[Malden Draft Admin Ordinance Apr 23 v1](#)

Ron recapped last weeks meeting was a discussion around the concept of the

administrative order and whether or not folks were struggling getting their arms around the role of the administrative order vs the ordinances. There was a suggestion made to see if we could still make the improvements to the Charter and pull back on the concept of a completely different administrative order but instead handle that through a cleaned up and more focused ordinances that would capture something that would have been captured through the administrative order. Councillor O'Malley said the challenge we have been facing he has seen is where is the line between admin order and ordinances. The discussion was a way to do functionally what we are looking to do in an admin order through the existing process of ordinances. In the original proposal the jest of it was wanting to divide executive management responsibilities from legislative role making and ordinance making but the admin order in itself is very legislative in nature. The other discussion was a way to formalize the fact that the Mayor can propose ordinances right now its functionally the Mayor proposed ordinances through a Councillor. We may want to allow the Mayor to propose ordinances directly to amend how we see fit the City to be run. It seems a less of a heavy lift to amend the existing system than to create an entirely new system. Ron said the conversation was does it all hang together or not. The current draft Charter you have all have represents a lot of clean up from the one that is in effect right now. There is only one section of it that deals with this particular piece that could pivot to something else which speaks to the administrative order. (Article 5) He said essentially what you would be talking about is in the current ordinances we have a section 2 called administration which needs cleaning up but you would be trying to take what we were heading down the path with the admin order and seeing if you could lift it in and replace most of that section 2. It still leaves you with the core question are folks still uncomfortable with the Charter saying the Boards and Commissions are still appointed by the Mayor along with Department Heads with the exception of the City Clerk, Clerk of Committees and the Controller. Councillor McDonald said there are three key parts of the admin order: the Mayor proposes, the Council has to have a super majority to approve all appointments and that the appointments all are retained with the Mayor. If everything is proposed centrally at the same time by the Mayor that is the opportunity to clarify how those things fit together reshape the charges of the committees and figure out who needs to go where and look at the system holistically. Councillor Winslow said the Mayor is the person who is trying to get the Boards and Commissions to work together so having some authority to reorganize and appoint people helps keep things in sync. He feels we are trying to streamline the Charter and basically rewrite section 5 and give the Mayor the authority to propose the ordinances in the same way but have the admin order be part of the ordinances in the process. Councillor Murphy likes the ability of the Council having control of some of the appointments. She is struggling with the Boards and Commissions. Councillor Winslow asked if there is a way to have the Council still have input but not run the whole process. Councillor Spadafora feels that the Council should be involved in the appointments and re-appointments. He is passionate about having the 8 vote from the Council that is a challenge and it gives the Council credit. The committee will not allow someone who is not standing up to their role to be appointed or re-appointed. Councillor Colon-Hayes said how are we going to know when someone comes before us if they are not doing a good job in their role. Are there any peer reviews? Councillor Sica is not necessarily sure that reviews are going on now. She agrees with the 8 vote. The person in the role will be sure to work harder to prove themselves to get appointed or re-appointed to the committee by the Council. Ron said he is a realist there is a group that has spent a lot of time and a long process to review the current Charter. If you do not make the changes now it is not happening. The one thing the Mayor has been clear about if you are going to take a current pile of garbage and replace it with a new pile of garbage he is not going for it. This is the byproduct of a couple years of work with a lot of intelligent people. If you stay on the path you are on now starting over he doesn't know who is doing that and he feels you will not end up with

anything. Councillor Sica feels it is a way to honor Karen Anderson this is one of her final projects she has done for the City. She feels if Karen thought this document is worth changing she trusts it fully. This was an accomplishment that she was proud to take. Councillor Sica feels if we don't take the opportunity we will miss the chance and she doesn't feel we will ever have anyone as intelligent as Karen to do it. Councillor Spadafora said as Chair he is going to ask for a vote sooner rather than later to send it off to the State. He will respectfully give us the month of April to take a vote. Councillor Winslow said he would be willing to work with Ron and try to work on Section 5 to better describe the process for department heads and separate for Boards and Commissions and come back with the information in the next couple of weeks. He feels if they can work through that they will take a big step forward. Ron said if we get into a new game of horse training with Boards or Commissions and Department Heads you are going to get anywhere you are either A. you are not going to reconcile it or B. the Mayor may say what is this it is just a different flavor.

Councillor Spadafora said he is happy to take Steve's input and everyone else's input and take votes and amendments then take votes and move forward.

Councillor McDonald said he is willing to support working on issues on this section if we are going to move in that direction of ordinance but he wanted to add we should one require the Mayor propose updates to that section on some kind of interval and secondly, he feels that all Boards and Commissions are not created equally but maybe there is a way to clarify Council's involvement is most important and prioritize our involvement.

Councillor Spadafora said we will come back in two weeks with the update from Ron and Steve. He said this is a decision that will be voted on by the group. If we cant agree he doesn't want to waste anyone's time and if they do he will move forward.

Other Business

Adjournment

Motion was made by Councillor Linehan, seconded by Councillor Winslow, that this meeting be adjourned at 8:19 PM. The motion carried unanimously.