




AGENDA PACKET

**SPECIAL MEETING OF THE CITY COUNCIL
FEBRUARY 03, 2022 6:30 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149**

Posted in accordance with the
provisions of Mass. General Laws
Chapter 30A - Sections 18-25

on 2/1/22 at 2:58 P
Attest:



ASSIST. City Clerk

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AGENDA

SPECIAL MEETING OF THE CITY COUNCIL FEBRUARY 03, 2022 6:30 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. **C0058-22** Order/s/ Councilor John F. Hanlon, as President

An order, pursuant to MGL Chapter 268A, requesting that the City Council vote to designate the position of City Council Legislative Aide as a special municipal employee.

2. **C0061-22** Order/s/ Councilor John F. Hanlon, as President

An order, pursuant to MGL Chapter 268A, requesting that the City Council vote to designate the position of Director of Veterans' Affairs as special municipal employee.

ADJOURNMENT

www.cityofeverett.com

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

Michael J. Mangan

**Legislative Aide
Everett City Council Office**



City of Everett, Massachusetts

City Solicitor

484 Broadway
Everett, MA 02149

To: Honorable Members of Everett City Council
From: Colleen M. Mejia, Esq., City Solicitor
Re: C0058-22
C0061-22
Date: January 31, 2022

I was asked to furnish an opinion of the above-referenced council orders. These orders are designations as special municipal employees for Michael Mangan and Jeanne Cristiano and their ability to serve in their capacity as Legislative Aide and Veterans' Commissioner respectively and as elected members of the School Committee.

MGL c. 268A allows for such designations for employees who have been elected to paid positions. The statute does not bar the individual from receiving compensation for both positions.

Additionally, the City of Everett Home Rule Charter Section 4-3 as amended states, "No member of the school committee shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or the state ethics commission." Further, here is no specific language in the Charter barring a School Committee member from collecting a stipend and a salary.

Mr. Mangan contacted the State Ethics Commission. He has shared the opinion from an attorney for the Commission. She opined, "the City Council would need to designate School Committee members as special municipal employees and you would need to complete and file a Section 20(c) disclosure with the City Clerk. You will need to follow this process regardless of whether you intend to decline the School Committee compensation. Assuming the School Committee position is designated as a special municipal employee position, and you file the disclosure, you may accept or decline the School Committee compensation."

The agenda items should read, "The City Council vote in accordance with General Laws Chapter 268A to designate the office of School Committee as "special municipal employees".

As always, my office is always available with any questions or concerns the council may have on this subject matter.

Michael Mangan

From: McDonald, TMichael (ETH) <tmichael.mcdonald@state.ma.us>
Sent: Wednesday, January 26, 2022 8:45 PM
To: Michael Mangan
Subject: Your Inquiry

Mr. Mangan,

This email confirms the advice that I provided you over the phone regarding the conflict of interest law, G.L. c. 268A.

As we discussed, in order for you to hold both the Legislative Aide position and the School Committee position, the City Council would need to designate School Committee members as special municipal employees and you would need to complete and file a Section 20(c) disclosure with the City Clerk. You will need to follow this process regardless of whether you intend to decline the School Committee compensation. Assuming the School Committee position is designated as a special municipal employee position, and you file the disclosure, you may accept or decline the School Committee compensation.

I hope this advice has been helpful. Let me know if you have any questions about this advice.

Confidentiality. Both this e-mail and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this e-mail.

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Honorable City Council Members,

1/31/2022

I would like to take this opportunity to clear up some confusion surrounding the order that I submitted on the last City Council agenda to be appointed as a special municipal employee.

On January 18, 2022, I made a call to the State Ethics Commission to discuss if there were any possible conflict of interest issues in my role as School Committee member as my daughter is an employee of the Everett Public Schools.

After I explained my situation as a full-time city employee who was duly elected to the School Committee, I was informed by an Ethics Commission lawyer that, in order to serve as a School Committee member, I would need to file a disclosure with the Everett City Clerk, which has been done, and that I would need a designation as a special municipal city employee in accordance with MGL Chapter 268A.

When I later researched the City Charter change that allowed city employees to run for the School Committee, I found that the updated charter states that a School Committee member cannot hold city employment "unless authorized by Chapter 268A of the General Laws or the state ethics commission."

It was not until a subsequent phone call with the Ethics Commission on January 26 that I was officially made aware that special municipal employee status would make me eligible to be paid for my School Committee position. When I was reviewing the charter change mentioned above, I also discovered a clause had been deleted which stated that School Committee members could not receive a second salary had been deleted as part of that same charter change, perhaps because it would have been in conflict with Chapter 268A.

When I decided to run for a School Committee seat, I was under the assumption that I could only be compensated for one city position. I stated many times during my campaign that I would not be receiving the salary for serving as a School Committee member. The State Ethics Commission requirement that I get special municipal employee status will NOT change my position on accepting a salary for my School Committee seat.

I want to state emphatically that, as long as I am a full-time city employee and a School Committee member, I will NOT accept the salary for a School Committee member willingly. If the Ethics Commission ever modifies their decision and determines that I must take the salary, I shall donate the salary to some school-related cause, such as the cost of band travel.

Further, I would like to apologize for not submitting any additional documentation with the order that would have identified myself as the person who submitted it and the reason for the submission. As we are entering a new era of transparency by providing the same City Council agenda packet that the councilors receive to the general public, we all must remember to include as much information as we can with the items that appear on the City Council agenda so that we can all be on the same page.

Sincerely,

Michael J. Mangano



City of Everett Home Rule Charter

SECTION 4-3: PROHIBITIONS

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Holding Other City Office or Employment Position

- (1) No member of the school committee shall hold any other city office or city employment ~~for which a salary or other emolument is payable from~~ unless authorized by chapter 268A of the city treasury General Laws or the state ethics commission.
- (2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until one (1) year thirty (30) days following the date on which the ~~member's~~ former member's service on the school committee has terminated.
 - a. This provision shall not prevent a city officer or other city employee who has vacated a position ~~in order to~~ serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until ~~at least one (1) year~~ thirty (30) days following the termination of service as a member of the school committee.

(b) Interference with Administration

No school committee or any member of the school committee shall give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.

~~(b)~~(c) Felony Conviction

- (1) Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for, or serve in, any elective or appointive office or position under the city.
- (2) Any school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.