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AGENDA

COMMITTEE ON LEGISLATIVE AFFAIRS WORK SESSION MARCH 23, 2022 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, JOHN CIOL COMMITTEE ROOM, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. **C0109-22** Order/s/ Councilor Stephanie V. Smith

That the City Council reviews and updates the Legislative Code of the City Council

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

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

on 3/21/22 at 11:34A

Attest:


Assistant City Clerk



C0109-22

To: Mayor and City Council
From: Councilor Stephanie V. Smith
Date: February 28, 2022

Agenda Item:

That the City Council reviews and updates the Legislative Code of the City Council

Background and Explanation:

Attachments:

1.



CITY COUNCILNo. C03561-18

IN THE YEAR TWO THOUSAND AND SEVENTEEN

**AN ORDER TO AMEND THE LEGISLATIVE CODE FOR THE EVERETT CITY COUNCIL AND
THEIR OFFICERS**

/s/Fred Capone

Be it ordered: By the City Council of the City of Everett, Massachusetts, as follows:

That the Everett City Council hereby accepts the following amendments to the
Legislative Code of the City of Everett City Council and City Council officers.

December 26, 2018

Passed in the City Council

11 yeas: 0 nays

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

Legislative Code of the City Council

Preamble:

Whereas: The Legislative Code for the City Council is to be used by the Everett City Council for their operation and management of their department and employees, and

Whereas: This Code may be amended or deleted in whole or in part by a two thirds vote of the entire membership of the City Council, therefore

The City Council of the City of Everett shall hereby create a legislative code to be used for all officers/employees and members of the City Council as herein provided.

1. Officers

A. The City Council shall employ no less than 4 persons, as per charter, ordinances and this Code unless the City Council chooses to add employees per their authority. The Officers of the City Council also known as (employees) are as follows:

1. City Clerk/Clerk of the City Council
2. Assistant City Clerk/Messenger
3. Clerk of Committees
4. Legislative Aide
5. Part-Time employee (PTE) as desired

2. Appointments

A. The City Clerk/Clerk of the City Council, Assistant City Clerk/Messenger and the Clerk of Committees shall be appointed by Charter, Ordinance and Council Rules. The Legislative Aid shall be appointed as follows:

- (i) Upon vacancy of the Legislative Aide for the Office of the City Council, the City Council shall use the appointment process

prescribed in Rule 2 of the City Council Rules. Anyone so appointed shall serve at the will of the City Council and perform all such tasks as assigned by the City Council and City Clerk.

3. Duties of Employees

- A. The City Clerk shall have all duties prescribed to him by Charter, Ordinances and State Law and all such lawful tasks as assigned by the City Council. The City Clerk shall in the absence of the President of the City Council or by order of the President delegate work to all officers of the City Council with respect to their duties and sign off on all purchases and payroll as necessary. The City Clerk may fill in for the Clerk of Committees at Committee meetings and/or Works Sessions and shall be paid a per diem amount of the Clerk of Committees, paid through the City Council personal services account.
- B. The Assistant City Clerk shall perform all duties prescribed to him by Charter, Ordinances and State Law. The Assistant City Clerk shall answer directly to the City Clerk and the President of the City Council. He shall fill in for the Clerk of the City Council when he is absent and shall be paid accordingly for his time by the City Council based on a per diem amount of the City Clerk, paid through the City Council personal services account.
- C. The Clerk of Committees shall perform all duties by Charter, Ordinances and City Council Rules. He shall work with the City Clerk and Legislative Aide on all laws, regulations and other legislative work, prescribed by the City Council or City Clerk.
- D. The Legislative Aide shall perform all duties prescribed in this Code or City Council Rules. The Legislative Aide will assist the President of the City Council and all members of the City Council, City Clerk and Clerk of Committees.
 - 1. Under general supervision of the President of the City Council or his designee, the Legislative Aide shall serve the Everett City Council/Legislative Branch under the general

direction of eleven members of City Council, Clerk of Committees, and Clerk of the City Council. The Legislative Aide shall be proficient in Microsoft office and have the ability to learn new municipal programs and software.

2. Shall perform varied and designated duties requiring continuing knowledge of municipal operations and the exercise of some judgment and initiative in responding to inquiries, particularly in situations not clearly defined by precedent or established procedures.
3. Provide assistance to the City Council Department and its members including, but not limited to, scheduling of appointments, committee meetings and regular meetings, neighborhood meetings, responsible for minutes of agendas, maintenance of agendas, typing of correspondence, filing and maintenance of filing system and taking over Clerk of Committees duties in his absence, taking notes and reports at committee meetings, as well as, the set-up of meetings and dates and posting notices. Create flyers, petitions and citations upon request.
4. Receive and screen calls and visitors; open, review and distribute department mail; through these procedures and regular communications with the department, maintain broad current knowledge of significant departmental issues and activities in order to serve as liaison between city council and other city and state officials, members of the public, etc. Maintain full confidentiality with respect to departmental and municipal operation except as required by the Freedom of Information Act. Provide research for City Council, other City Departments and inquiries from public, on matters regarding the City Council.

5. Performs aspects of the department's administrative, clerical and financial operations, such as assisting with the preparation of financial reports and budgets, assist with and support legal procedural interpretations, and support City Council members initiating legislation, and other such activities with potential impact on the City Councils overall operations, City Charter and Revised Ordinances of the City of Everett.
6. Assist in preparing and submitting City Council appropriation request (budget) to pay all salaries and expenses of the City Council, as approved by the City Council President or his designee.
7. Process department weekly and monthly payrolls, purchasing and ordering supplies, personnel and accounts payable documents, with responsibility to related filing of such documents, and monitoring of the office budget.

4. Confidentiality

All city Council officers shall maintain the strict confidentiality of all City Council matters, to the fullest extent permitted by law and should refrain from publicly discussing matters that may embarrass members of the City Council and its officers.

5. Compensation

- A. Increases for salaries and stipends of the City Council Officers shall be determined by a 2/3 vote of the City Council when it is above the total amount set in the Salaries line item for that department. All increases shall be allowed, following the 2/3 vote of the Council, once the President or City Clerk has signed an add change

form with current and new salaries and the City Auditor or Budget Director have signed the add change to inform the Council that sufficient funds exist in the Salaries account of the City Council or City Clerk's Office salary or stipend accounts. If the Auditor or Budget Director does not sign the add change form that there is or isn't enough funds within 10 days of receipt of an add change form provided by the City Council President, and the President states that sufficient funds exist in the account, the Salary shall be amended as requested and it will be ordered that the City pay the Salary as Ordered by the Council. The City Council President shall create an add change form that shall be used for all changes to salaries and positions under the control of the City Council. Any Salary increases above the amounts set in this code shall be voted on and passed by a two thirds (2/3) vote of the City Council.

B. There shall be a Salary Range for each City Council Officer, named below, and the full Salary Range shall be kept on file in the City Clerk's Office. This range shall change yearly, with the cola increases, in conjunction with other non-union employees of the City of Everett, and the amended versions will be available in the City Clerk's office.

1. City Clerk (CC1-CC5)
2. Assistant City Clerk (ACC1-ACC5)
3. Clerk of Committees (COC1-COC5)
4. Legislative Aide (LA1-LA5)
5. CCC Clerk of the City Council
6. Part Time Officer (s)

(i)Part time officer(s) as determined by the City Council shall work no more than 19.5 hours per week at a salary determined by the City Council. Part time officers may be temporary or seasonal in nature and not be represented by a collective bargaining unit.

C. There shall be Cola, (Cost of living allowances) for all officers of the City Council, salaries and stipends, in conjunction with other non-union employees of the City of Everett. The Cola allowance shall be 2.5% for the City Clerk and 2% for the Assistant City Clerk and Legislative Aide, Annually, which will be effective on July 1st of each year. The Clerk of Committees shall also receive a 2.5% Cola allowance biennially, beginning on July 1st 2018 and continuing each even year going forward on July 1st. These Cola increases shall not affect any other increases for increase of duties or other situations, such as reclassification, where the City Council may increase the Salary and stipends of Council officers in excess of the 2.5% Cola.

D. There shall be longevity given for all full-time officers of the City Council who have a minimum of 10 years of service. Full-time officers are any officer of the City Council who is required to work 30 or more hours per week.

1. With the completion of ten years of service a full-time officer, shall receive one thousand dollars in additional compensation, on their anniversary date. Thereafter, the annual rate of longevity compensation shall be increased by an additional one hundred dollars at the completion of each year of service through the Twenty-Ninth year of service, paid on the officer's anniversary date, yearly.

2. Beginning with the Thirtieth year of service and thereafter, the annual rate of compensation shall be increased by an additional two hundred dollars at the completion of each year of service through the Fortieth year of service, to be paid on the officer's anniversary date, yearly.

3. The words "years of service", as used herein shall mean total years of service as a member of the City of Everett and/or the Commonwealth of Massachusetts Contributory Retirement System.

E. Vacation Time

1. There shall be vacation given to all full-time officers of the City Council. Full-time officers shall mean any employee of the City Council, not represented by collective bargaining unit, who is required to work 30 hours or more per week. Vacation shall be accrued by consecutive years of service. The words "years of service", as used herein shall mean the total years of service as a member of the City of Everett and/or the Commonwealth of Massachusetts Contributory Retirement System. The City Council shall use the following incremental chart below to calculate the number of weeks of vacation an officer shall receive, unless the President of the City Council agrees to more vacation time, but in no case shall an officer receive more than 6 weeks of vacation time per year excluding carry over time from year to year, which is unlimited. All unused vacation time shall be paid to the City Council Officer at the time of separation from employment with the City.

a.	1-4 years as of anniversary date	2 weeks of vacation
b.	5-9 years as of anniversary date	3 weeks of vacation
c.	10-19 years as of anniversary date	4 weeks of vacation
d.	20-29 years as of anniversary date	5 weeks of vacation
e.	30+ years as of anniversary date	6 weeks of vacation

F. Sick Time

1. Every Full time officer shall be granted twelve (12) days of sick leave for a total of eighty-four (84) hours annually without the loss of pay, for absences caused by illness or injury. Full-time officers shall mean any full time employee of the City Council, not represented by a collective

bargaining unit, who is required to work 30 or more hours per week.

2. Full-time officers, who are eligible, shall be granted twelve (12) days for a total of eighty-four (84) hour of sick leave at the beginning of the calendar year (prorated for those who commence employment after January). Employees who call out sick or use sick time shall be charged actual hours of time used, not as days.
 - a. Officers should notify their Department at-least one hour prior to the start of their shift of any absence of work due to illness or injury.
 - b. Officers shall not carry over more than One Hundred Fifty days of sick time unless approved from the Department Head. Officers who, beginning any calendar year who have earned unused sick leave and personal days in excess of the One Hundred Fifty (150) day maximum accumulation will, at the employees option, be paid for such sick leave days in excess of One Hundred Fifty (150) at the rate of One-Third (1/3) of the hourly value of said employees pay, (based on 35 hours per week) for each sick leave/personal day.
 - c. At the time of separation from employment with the City of Everett, a full-time officer shall receive a one-time payment for One Third (1/3) unused sick leave/personal days at the pay rate at the time of separation from the City for said employee.

G. Personal Time

1. All full-time officers of the City Council shall be entitled to (3) days for a total of 24 hours of personal leave annually at the beginning of the Calendar year. Personal leave shall not be taken in increments of less than 1 hour.
2. Any unused personal time at the end of the calendar year will not be allowed to accumulate as personal days. However,

any unused personal days remaining unused at the end of the calendar year will be converted to unused sick leave.

H. Removal of City Council Officer:

1. Unless otherwise stated in M.G.L., Charter or Ordinance the City Council may remove, terminate or demote any employee under their direction and control. The City Council has sole authority in removing, terminating or demoting any of their employees from their position. The City Council may remove, terminate or demote an officer for just cause.

Examples of just cause may include but are not limited to: misconduct of an employee, or some other event relevant to the officer, which justifies the termination, removal or demotion of the officer.

Examples of just cause are but not limited to:

1. Insubordination.
2. Dereliction or maleficence of duty.
3. Conviction of any felony.
4. Inability to perform the essential functions of the job.
5. Unsatisfactory job performance

- A. After being brought to the City Council's attention in writing the City Council shall hold, in executive session, a meeting within 7-14 days, in the Legislative Affairs & Elections Committee to discuss the reputation, character, or abilities of the officer, or to discuss the discipline or dismissal of, or complaints or charges brought against, any officer under the control and direction of the City Council, excluding union employees. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48

hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

- B. The session may be extended to a later date if the committee feels that justice so requires but in no event shall the matter be extended for more than thirty (30) days. This procedure is designed to protect the rights and reputation of individuals. An executive session called for this purpose may trigger certain rights for the individual who is the subject of the discussion. The individual has the right to be present, though he or she may choose not to attend. The individual who is the subject of the discussion may also choose to have the discussion in an open meeting, and that choice takes precedence over the right of the public body to go into executive session. The individual may also have one representative attend the executive session to enable them to refute the individual claim or charge or to defend their position.
- C. Within 72 hours of the final meeting, after the Legislative Affairs Committee, the committee's decision on that matter, the decision, based on their findings, shall be sent to the employee, all members of the City Council and the Human Resources Department. After such notice is sent, the President shall call a special meeting within 14 days to address this item. To remove an officer it will require a two-thirds majority of the Entire City Council.
- D. Unless proscribed by statute, charter or ordinance, Progressive discipline of a City Council Officer may be used when appropriate. Progressive discipline may include the following:

Verbal warning: All verbal warnings must be noted and placed in the officer's personnel file.

Written warning: All written warnings must be in writing and placed in the officer's personnel file.

Suspension: All suspensions must be in writing and placed in the officer's personnel file.

Termination: All terminations must be in writing and placed in the officer's personnel file.

Any officer, who so wishes, may place in his or her personnel file anything that, refutes any discipline taken against him or her, within 45 days. All personnel files must be handled in a manner proscribed by law.

6. Reappointment of City Council Officer(s):

Six months prior to the expiration of the term of office for an appointed officer of the city council; the city council may reappoint the officer after a recommendation from the Committee on Legislative Affairs. If the Committee chooses to recommend re-appointment the re-appointment shall take place after a majority of the entire City Council votes favorably on the recommendation. The re-appointment shall be made at the closest formal meeting, of the City Council, to the end of the officer's term.

7. Officers and City Councilors Dress Code

- a. The dress code for all employees of the City Council shall be business formal at meetings of the City Council. Business Casual at Council Committees and casual dress

at committee works sessions. In the office a minimum attire of business casual shall be maintained unless working in archives or a special event which allows City Hall staff to dress in jeans or less formal wear, but never shall an employee dress in anything but formal wear at meetings of the City Council.

- b. City Council members' Dress Code shall be as follows:
 - 1. Regular and special meetings of the Council: Business Formal attire
 - 2. Committee meetings: Business Casual attire
 - 3. Committee works sessions: Casual attire
 - 4. Inaugural: Black Tie

I. Rules of Conduct

- 1. In recognition that the position of city council member is a matter of public trust; and that in such capacity, city council members are the virtual face of the City of Everett, and notwithstanding or waiving the fundamental Constitutional right to free speech and expression, we acknowledge that public comments and/or actions made by individual city council members may affect the reputation of the entire city council membership, the reputation of the City of Everett, and the reputation of the residents of Everett, and therefor hold ourselves to the following standards:
 - a. Members of the city council and its employees should always conduct themselves with proper decorum when in public
 - b. Members of the city council and its employees should always treat others with the appropriate level of respect and courtesy

- c. Members of the city council and its employees should refrain from making any derogatory or demeaning comments or statements about others based on creed, faith, national origin, sexual orientation, physical or mental disabilities or family heritage.

Postings or entries made by any member via social media outlets shall constitute public comments that are subject to this rule.

J. Severability

- 1. This Code, as amended from time to time, shall be fully enforced by the City Council and or the President of the City Council. All provisions are to be presumed to be lawful. If this Code shall be declared unconstitutional or unlawful, only so much of the provision as is necessary to ensure compliance shall be stricken and the balance of the Code shall remain intact and fully enforceable.

8. Acknowledgement

- A. All Officers of the City Council shall be given a copy of this Legislative Code on their first day of employment and sign last page acknowledging they received a copy of the Legislative Code. The signed acknowledgement shall be given to the City Clerk or Assistant City Clerk and shall be filed permanently in the City Clerk's office.

Legislative Code Acknowledgement sign off sheet

I, _____, an employee of the Everett City Council,
(First and last name)
hereby acknowledge that I received a copy of the Legislative Code of the City of
Everett City Council, adopted December 11, 2017 and amended on December
26, 2018.

Date:

Signature:



OFFICE OF THE CITY COUNCIL
 484 BROADWAY
 EVERETT, MA. 02149
 617-394-2237

SALARY RANGE FOR EXEMPTED CITY COUNCIL OFFICERS

(All Salaries and Stipends (even ones not included in this code but are received by City Council Officers) are not including the 2.5% cola increases to be added, beginning July 1st, 2018 as proscribed in the legislative code)

	1	2	3	4	5
City Clerk	\$102,190	\$105,546	\$108,980	\$110,590	\$113,850

Assistant City Clerk	\$75,734-\$89,097 Salary Range
Legislative Aide	\$51,250-\$61,500 Salary Range
Clerk of Committees	Salary may be changed to reflect the same amount as a City Councilor Stipend at the separation from the City of the current Clerk of Committees
Part Time(as needed)	\$20.00-\$25.50 per hour: Hourly Range
Clerk of Council	\$14,000