



AGENDA PACKET

**COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS
MARCH 14, 2022 6:00 PM**

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



AGENDA

COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS MARCH 14, 2022 6:00 PM

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

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. **C0077-22** Resolution/s/ Councilor Anthony DiPierro

That the Legislative Affairs & Elections Committee discuss possible amendments to the Precious Metals Dealers license in response to an uptick in catalytic converter thefts.

2. **C0081-22** Ordinance/s/ Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

An ordinance revising Section 7-163 (Salaries – Amounts for mayor, city council and school committee)

3. **C0082-22** Order/s/ Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

An order revising Section 2-3 (City Council Prohibitions: Holding other City Office or Position) and Section 2-4 (City Council – Compensation & Expenses) of the City Charter

4. **C0083-22** Order/s/ Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

An order revising Section 4-3 (School Committee Prohibitions: Holding other City Office or Position) and Section 4-4 (School Committee – Compensation & Expenses) of the City Charter

5. **C0089-22** Ordinance/s/ Councilor Anthony DiPierro

Committee on Legislative Affairs & Elections 03/14/2022 6:00 PM

An ordinance pursuant to the implementation of a city-wide 25 MPH speed limit in the City of Everett on any road that is not a state highway.

6. **C0095-22** Resolution/s/ Councilor Stephanie Martins, Councilor Vivian Nguyen, Councilor Al Lattanzi

That the Everett City Council calls on the Federal Government to Cease Deportations Under Title 42

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

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

ADJOURNMENT



City of
Everett
Massachusetts

C0077-22

To: Mayor and City Council
From: Councilor Anthony DiPierro
Date: February 14, 2022

Agenda Item:

That the Legislative Affairs & Elections Committee discuss possible amendments to the Precious Metals Dealers license in response to an uptick in catalytic converter thefts.

Background and Explanation:

Attachments:

1.

ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCILNo. C01XX-22

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

AN ORDINANCE UPDATING THE PRECIOUS METALS DEALER LICENSE ORDINANCE TO USE THE STANDARDIZED PROCEDURES FOR LICENSES AND PERMITS APPROVED BY THE CITY COUNCIL

Councilor /s/ John F. Hanlon, as President

Whereas: In 2018, the Everett City Council adopted ordinances standardizing the procedures governing the licenses and permits issued by the City Council; and

Whereas: It makes sense, whenever possible, for all licenses and permits issued under the authority of the city council to use the same standard procedures; and

Whereas: The precious metal dealers license ordinance has not yet been updated to use the standardized procedures for licenses and permits approved by the city council.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances;

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett be amended as follows:

Article IV of Chapter 12 of the Revised Ordinances of the City of Everett are hereby deleted in its entirety;

Chapter 12, Article XI of the Revised Ordinances of the City of Everett is hereby further amended by adding a new Division 25 as follows:

DIVISION 25. PRECIOUS METALS DEALER LICENSES
(C01XX-22)

Section 12-550 Purpose

The city council may, by petition, grant precious metals dealer licenses, as the public good requires and subject to terms and conditions as it sees fit, to such parties deemed appropriate, subject to the provisions of these Revised Ordinances and applicable state statutes.

Section 12-551 **Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) “Precious metals” Any object made, constructed or electroplated with gold, silver or platinum, regardless of its form, weight or appearance.

Section 12-552 **Precious metals dealer license required**

- (a) No party shall operate as a precious metals dealer within the limits of the city unless such party has first obtained the required license for said purpose from the city council.
- (b) No owner of any property located in whole or in part within the limits of the city shall allow any party to operate as a precious metals dealer on such property unless such party has first obtained the required license for said purpose from the city council.
- (c) Any violations of this section shall be reported to the city clerk. After conferring with the city solicitor and/or the president of the city council, if necessary, the city clerk may:
 - (1) Issue fines in accordance with Section 1-8 of these Revised Ordinances to the party acting as an unlicensed precious metals dealer; and/or
 - (2) Issue fines in accordance with Section 1-8 of these Revised Ordinances to the owner of the property on which any party has been operating as an unlicensed precious metals dealer; and/or
 - (3) Issue a cease and desist order the party operating as an unlicensed precious metals dealer.

Section 12-553 **Precious metals dealer license qualifications**

All applicants for a precious metals dealer license shall meet the qualifications for all licenses and permits issued under the authority of the city council as prescribed in Section 12-302 of this Chapter.

Section 12-554 **Precious metals dealer license**

- (a) All applications for precious metals dealer licenses pursuant to this division shall be completed, reviewed and processed in accordance with the provisions of Sections 12-303 of this Chapter.
- (b) Petitions for precious metals dealer licenses shall be considered by the city council in accordance with the provisions of Section 12-309 of this Chapter.
- (c) License conditions and restrictions
 - (1) All precious metals dealer licenses shall be subject to the standard license and permit conditions and restrictions for licenses and permits issued under the authority of the city council as specified in Section 12-308(a) of this Chapter and the following additional conditions:
 - a. Additional inspections conditions

Precious metals dealers or other persons in charge of the licensed premises of such dealers shall allow any police officer or the city clerk, as the agent for the city council, to enter said premises, at any time, to

1. Upon demand, examine all items purchased, stored or kept in or upon said premises; and
 2. Upon demand, examine all records kept by the precious metals dealer.
- (2) Precious metals dealer licenses shall only allow the licensee to operate on the property address for which the license was granted.
- (3) All precious metals dealer licenses shall also be subject to the following conditions and restrictions:
- a. All holders of precious metal dealer licenses shall comply with the operating standards prescribed in Section 12-554 of this division.
- (4) The city council may impose other reasonable restrictions and conditions on individual precious metals dealer licenses as they deem necessary to protect the public safety and welfare. Such restrictions and conditions may include, but shall not be limited to, limitations on the days and hours of operation.
- (d) Petitions for approved precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-310 of this Chapter.
- (e) Petitions for denied precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-311 of this Chapter.
- (f) Renewals of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-312 of this Chapter.
- (g) The process used to monitor and ensure compliance with the conditions and restrictions placed on precious metals dealer licenses, as well as the possible penalties for such non-compliance are prescribed in Section 12-313 of this Chapter.
- (h) Reviews of existing precious metals dealer licenses shall proceed in accordance with the provisions of Section 12-314 of this Chapter.
- (i) The method used to file and process complaints regarding precious metals dealer licenses is prescribed in Section 12-318 of this Chapter.
- (j) Suspensions of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-315 of this Chapter.
- (k) Revocations of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-316 of this Chapter.

Section 12-555 Precious metals dealer operating standards

Every precious metals dealer licensed under the provisions of this division shall conform with the following operating standards.

(a) Identification required

- (1) No precious metals dealer shall purchase any item from any seller unless the seller can provide a valid method of identification.
- (2) Valid methods of identification shall include a driver's license, a liquor ID, a military ID, etc.
- (3) Precious metals dealers shall make a photocopy of each seller's method of identification, which will become a part of the transaction's record.

(b) Purchases from minors

No precious metals dealer shall, directly or indirectly, either purchase or receive, by way of barter or exchange, precious metals items from any person they know or have reason to believe to be a minor.

(c) Purchases to be held

All items purchased, over the counter, by precious metals dealers shall be held for a period of thirty (30) days in their original state before disposing of same.

(d) Records to be kept

- (1) Every precious metals dealer shall keep an accurate and complete transaction log, recording all purchases and sales made over the counter during each business day.
- (2) For purchases, said log shall contain an accurate description of all items purchased including:
 - a. All distinguishing marks and numbers of each item purchased;
 - b. The price paid for the items purchased;
 - c. The date and time when such purchase was made;
 - d. The name and address of the seller; and
 - e. A photocopy of the seller's provided method of identification.
- (3) The information contained in a precious metals dealer daily transaction log shall be delivered to the police department on a regular basis in a format and frequency to be determined by the police chief.

Secs. 12-556-12-559 Reserved

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

Committee on Legislative Affairs & Elections 03/14/2022 6:00 PM



City of
Everett
Massachusetts

C0081-22

To: Mayor and City Council

From: Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

Date: February 14, 2022

Agenda Item:

An ordinance revising Section 7-163 (Salaries – Amounts for mayor, city council and school committee)

Background and Explanation:

Attachments:

1.

An ordinance revising Section 7-163 (Salaries – Amounts for mayor, city council and school committee)

Section 7-163. Amounts for mayor, city council and school committee.

- (a) In conformity with the provisions of Sections 2-4, 3-1 and 4-4 of the Charter, the salaries of the mayor, the city council and the school committee are established by ordinance.
(A0173-12; A0278-13)
- (b) In accordance with the provisions of Chapter 3, Section 1 of the City of Everett Charter, the salary for the position of mayor shall be one hundred eighty-five thousand dollars (\$185,000.00) annually effective January 1, 2020. Thereafter, and on January 1st of each ensuing year, the salary for the position of mayor shall be adjusted by applying the most recently reported three (3) year (calendar year) average of the un-adjusted Consumer Price Index ("CPI"). Said calculation shall be based on applying the aforementioned three (3) year average to the salary in effect as of December 31st of the immediately preceding calendar year.
(A0278-13, C0218-16, C0185-17)
- (c) In accordance with the provision of Chapter 2, Section 4 of the City of Everett Charter, the salary for all members of Everett City Council as eligible under Chapter 2, Section 3 shall be twenty-five thousand dollars (\$25,000.00) annually effective January 1, 2018. All members of the city council shall receive a two percent (2%) increase in the annual salary beginning on the first day of each calendar year ending in an even number effective January 1, 2020.
(A0278-13, C0217-16)

(The following version of sub-section (d) shall remain in effect through December 31, 2021.)

- (d) The members of the school committee shall receive an annual salary of eleven thousand and five hundred dollars (\$11,500.00) to take effect upon the organization of the city government following the 2015 municipal election.
(C0071-15)

(The following version of sub-section (d) shall become effective on January 1, 2022 and shall remain in effect through December 31, 2025)

- (d) School committee members
(C0071-15, C0523-20)
 - (1) In accordance with the provision of Article 4, Section 4-4 of the City of Everett Charter, the salary for elected members of Everett School Committee as eligible under Chapter 4, Section 3 shall be twelve thousand and five hundred dollars (\$12,500.00) annually effective January 1, 2022.
 - (2) Elected members of the school committee shall receive a two percent (2%) increase in their annual salary beginning on the first day of each calendar year ending in an even number.

- (3) The mayor shall be specifically excluded from receiving any such salary and/or increase as the mayor serves on the school committee in his/her capacity as mayor.

Charter reference – Article 3, Section 3-1(d)(1) Prohibitions – Other salary or emoluments

(The following version of sub-section (d) shall become effective on January 1, 2026)

(d) School committee members

(C0071-15, C0523-20)

- (1) In accordance with the provision of Article 4, Section 4-4 of the City of Everett Charter, the salary for* elected members of Everett School Committee as eligible under Chapter 4, Section 3 shall be fifteen thousand dollars (\$15,000.00) annually effective January 1, 2026.

(C0523-20)

- (2) Elected members of the school committee shall receive a two percent (2%) increase in their annual salary beginning on the first day of each calendar year ending in an even number.

- (3) The mayor shall be specifically excluded from receiving any such salary and/or increase as the mayor serves on the school committee in his/her capacity as mayor.

Charter reference – Article 3, Section 3-1(d)(1) Prohibitions – Other salary or emoluments



City of
Everett
Massachusetts

C0082-22

To: Mayor and City Council

From: Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

Date: February 14, 2022

Agenda Item:

An ordinance revising Section 2-3 (City Council Prohibitions: Holding other City Office or Position) and Section 2-4 (City Council – Compensation & Expenses) of the Revised Ordinances

Background and Explanation:

Attachments:

1.

An order revising Section 2-3 (City Council Prohibitions: Holding other City Office or Position)

SECTION 2-3: PROHIBITIONS

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

(a) Holding Other City Office or Position

(1) No member of the city council shall hold any other city office or city employment unless said office is under the school department jurisdiction and authorized by chapter 268A of the General Laws ~~or by the state ethics commission.~~

~~(1)~~(2) A member of the city council shall not hold any appointed school department office or school department employment unless said office or employment was held one hundred twenty (120) days prior to nomination papers being pulled for city council position.

~~(2)~~(3) No former member of the city council shall hold any compensated appointed city office or appointed city employment until ~~thirty (30)-ninety (90)~~ days following the date on which the former member's service on the city council has terminated

(C0113-18/Acts of 2018, Chapter 314)

- a. This provision shall not prevent a city officer or other city employee who has vacated a position to serve as a member of the city council 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 ~~thirty (30)-ninety (90)~~ days following the termination of service as a member of the city council.

(C0113-18/Acts of 2018, Chapter 314)

(b) Interference with Administration

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

(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 councilor who has been finally convicted of a state or federal felony shall be deemed to have vacated their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

An order revising Section 2-4 (City Council – Compensation & Expenses)

SECTION 2-4: COMPENSATION; EXPENSES

(a) Compensation

(1) The members of the city council shall receive such salary for their services as may, from time to time, be set by ordinance.

~~(2)~~ No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election

~~(2)(3)~~ If authorized by the city council as a special municipal employee under chapter 268A of the General Laws, a city council member may not collect compensation for the special municipal employee position if the member holds another compensated city employment or city office, including but not limited to employment or office under the school department jurisdiction.

~~(3)(4)~~ No member of the city council shall be eligible to participate in the city's group health or life insurance programs.

(b) Expenses

(1) Subject to appropriation, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

(2) Actual and necessary expenses shall be defined within the council's rules and regulations.

An order revising Section 4-3 (School Committee Prohibitions: Holding other City Office or Position)

SECTION 4-3: PROHIBITIONS

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

(a) Holding Other City Office or Position

(1) No member of the school committee shall hold any other city office or city employment unless said office is under the jurisdiction of the Administration or the Legislature and authorized by chapter 268A of the General Laws ~~or the state ethics commission.~~

(2) A member of the school committee shall not hold any appointed city office or city employment unless said office or employment was held one hundred twenty (120) days prior to nomination papers being pulled for school committee position.

~~(1)~~

(2)(3) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until ~~thirty (30)~~ ninety (90) days following the date on which the 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 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 ~~thirty (30)~~ ninety (90)-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.

(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.

An order revising Section 4-4 (School Committee – Compensation & Expenses)

SECTION 4-4: COMPENSATION; EXPENSE

(a) Compensation

(1) The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance.

~~(2)~~ No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the school committee is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.

~~(3)~~ If authorized by the city council as a special municipal employee under chapter 268A of the General Laws, a school committee member may not collect compensation for the special municipal employee position if the member holds another compensated city employment or city office.

~~(2)~~

~~(3)~~(4) No member of the school committee shall be eligible to participate in the city's group health or life insurance programs.

(b) Expenses

(1) Subject to appropriation, school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

(2) Actual and necessary expense shall be defined in the school committee's rules and regulations.



City of
Everett
Massachusetts

C0083-22

To: Mayor and City Council

From: Councilor Stephanie V. Smith, Councilor Stephanie Martins, Councilor Jimmy Le, Councilor Wayne A. Matewsky

Date: February 14, 2022

Agenda Item:

An order revising Section 4-3 (School Committee Prohibitions: Holding other City Office or Position) and Section 4-4 (School Committee – Compensation & Expenses) of the Revised Ordinances

Background and Explanation:

Attachments:

1.

SECTION 4-3: PROHIBITIONS

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

(a) Holding Other City Office or Position

- (1) 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.
- (2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until thirty (30) days following the date on which the 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 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 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.

(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.

SECTION 4-4: COMPENSATION; EXPENSE

(a) Compensation

- (1) The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance.
- (2) No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the school committee is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.
- (3) No member of the school committee shall be eligible to participate in the city's group health or life insurance programs.

(b) Expenses

- (1) Subject to appropriation, school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.
- (2) Actual and necessary expense shall be defined in the school committee's rules and regulations.



City of
Everett
Massachusetts

C0089-22

To: Mayor and City Council
From: Councilor Anthony DiPierro
Date: February 14, 2022

Agenda Item:

An ordinance pursuant to the implementation of a city-wide 25 MPH speed limit in the City of Everett on any road that is not a state highway.

Background and Explanation:

Attachments:

1.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XIV	PUBLIC WAYS AND WORKS
Chapter 90	MOTOR VEHICLES AND AIRCRAFT
Section 17C	ESTABLISHMENT OF 25-MILES-PER-HOUR SPEED LIMIT IN THICKLY SETTLED OR BUSINESS DISTRICT IN CITY OR TOWN; VIOLATION

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

That the Everett City Council hereby adopts MGL c. 90 § 17C to create a City-wide 25 mph speed limit on any road that is not a state highway.

Language like this could be added to section 18:

No person shall operate a motor vehicle on a public way in the City of Everett in excess of twenty-five (25) miles per hour, unless on a State Highway.

It shall be the duty of the chief of police to enforce the provisions of this chapter. Such officers as may be designated by him are hereby authorized and shall be empowered to enforce this regulation on any public way meeting these requirements.

The City of Everett shall post this speed limit on all public ways entering the city which are under the jurisdiction of the city, or at a location as near to an entry point that is under jurisdiction of the city to alert motorists of the speed limit.

Whoever violates the provisions of this section shall be fined in accordance with section [1-8](#).



City of
Everett
Massachusetts

C0095-22

To: Mayor and City Council
From: Councilor Stephanie Martins, Councilor Vivian Nguyen
Date: February 17, 2022

Agenda Item:

That the Everett City Council calls on the Federal Government to Cease Deportations Under Title 42

Background and Explanation:

Attachments:

1.



City of
Everett
Massachusetts

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: