



**AGENDA PACKET**

**CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS  
MONDAY, SEPTEMBER 12, 2022 6:00 PM**

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

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## AGENDA

### CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS

MONDAY, SEPTEMBER 12, 2022 6:00 PM

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

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### UNFINISHED BUSINESS

1. **C0233-22** Ordinance/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith

An ordinance establishing Paid Family Medical Leave for municipal employees in the City of Everett

2. **C0348-22** Order/s/ Councilor Michael K. Marchese, Councilor Wayne A. Matewsky, Councilor Richard J. Dell Isola, Jr.

An order recommending that the City Council explores options for a more structured usage of their meetings' public participation periods.

3. **C0377-22** Order/s/ Councilor Michael K. Marchese

An order to amend the City of Everett Charter Section 4-1, by giving the mayor a voice but no vote on the Everett School Committee

4. **C0378-22** Order/s/ Councilor Michael K. Marchese

An order to amend the City Council Rule 4, by creating a new sub-section (G)

#### ADJOURNMENT

[www.cityofeverett.com](http://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



C0233-22

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins, Councilor Stephanie V. Smith

**Date:** May 9, 2022

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**Agenda Item:**

An Ordinance Establishing Paid Family Medical Leave for Municipal Employees in the City of Everett

**Background and Explanation:**

**Attachments:**

**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 COUNCIL.....No. C0233-22**

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AN ORDINANCE ESTABLISHING PAID FAMILY MEDICAL LEAVE FOR MUNICIPAL  
EMPLOYEES IN THE CITY OF EVERETT**

Councilor/s/Stephanie Martins, Stephanie Smith

**Whereas:** As of June 2022, the City of Everett currently does not have paid family medical leave and employees have to use their accrued sick or vacation time while out on family medical leave

**Whereas:** The current parental leave policies, such as the Family and Medical Leave Act and Massachusetts Parental Leave Act, have focused on protecting parents' jobs during unpaid leave. The lack of income during periods of parental leave is a factor in the wage gap experienced by many women and forces employees to return to work sooner than their particular family may really need with their newborn or newly adopted child

**Whereas:** The City of Everett wants to continue to attract the best candidates and be competitive with benefits other municipalities and the private sector offer to their employees as well as being a first-mover for municipalities in granting paid time off of work for family or medical reasons

**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, and by the authority of the same as follows:

## SECTION I:

### 1. Eligibility, Purpose, and Pay Rate:

Employees who are not covered by a collective bargaining agreement OR are covered by collective bargaining units who have adopted the City of Everett's Paid Family Medical Leave policy AND who have been employed by the City in a benefits-eligible position for at least 12 months or 52 consecutive weeks without any break in service may be eligible for up to 12 weeks of paid time off due to family medical reasons as outlined below.

This applies to:

- (a) Births and adoptions that have occurred on or after the effective date for noted eligible employees. The paid leave shall apply equally to parents regardless of gender, or marital status, as well as to same-sex couples, in the event of a natural birth by any method, adoption, surrogacy, foster care placement, and stillbirths. The amount of pay is the same regardless of the number of children born or adopted at the same time.
- (b) A serious health condition that incapacitates eligible employees from work.
- (c) Eligible employees who are covered service members with a serious health condition
- (d) Eligible employees who care for a family member with a serious health condition

Eligible employees receive:

- 100 percent of base wages based on their regular work hours for the first four weeks;
- 75 percent of base wages based on their regular work hours for the following four weeks; and
- 50 percent of base wages based on their regular work hours for the remaining four weeks.

Employees may also use any accrued time (e.g., sick, vacation, or personal) as a supplement in order to receive compensation up to 100 percent of base pay during any of the weeks that Paid Family Medical Leave alone provides for less than 100% of base pay. The employee's supplementation choice(s) may also affect the timing or eligibility for vacation drop, step increases, or continued health insurance coverage, all of which should be addressed with the employee's personnel officer when requesting approval of Paid Family Medical Leave.

This pay may be utilized by day or week during the first year but it must be used concurrently and any unused time will be forfeited by the employee if the employee chooses to not use the full 12 weeks concurrently in the one-year time period.

Employees seeking to take advantage of paid family medical leave pursuant to this policy must contact the Office of Human Resources.

All PFML requires Human Resources approval.

#### Termination of Eligibility

Eligibility for Paid Family Medical Leave ends if an employee transfers to an ineligible position. Paid Family Medical Leave is not paid out upon separation from employment and cannot be donated to other employees.

## **2. Paid Family Leave:**

*Spouses Both Employed by the City:* If both parents are employed by the City and meet the eligibility requirements above, each is entitled to up to twelve weeks of paid leave, and they may take advantage of such paid time off concurrently or consecutively of each other's leave within the first year following the birth or placement for adoption.

## **3. Concurrent Leave:**

Many employees will want to use the paid family or medical time off immediately and consecutively following the birth, placement for adoption of the child, medical, or family medical event. In such circumstances, the paid time off under this policy will run concurrently with leave under the City's parental leave policy, the Family & Medical Leave Act ("FMLA").

The employee will be expected to comply with the notice and documentation requirements necessary for FMLA leave. Employees may also use their other accrued paid time off consistent with the requirements of the City's paid family medical leave policy.

Alternatively, for employees who are not eligible to take time off under the City's paid family medical leave policy, or the FMLA, such as when the employee utilizes parental time off intermittently, then only the twelve weeks set forth in this policy will apply and such time off will not be counted against the employee's annual FMLA entitlement.

## **SECTION II**

### **1. Advance Notice:**

A 30-day advance notice of the request to use paid family medical time off is required when the need is foreseeable and the employee is using the time off on a continuous basis. Intermittent use is not available. If the need for the time off is not foreseeable because of a lack of knowledge of approximately when time off will commence or there is a change in circumstances, then the employee must give as much notice as is possible under the particular circumstances involved, and this must always be prior to the birth/adoption.

### **2. Effective Notice:**

Notice is given when the employee submits a written request for paid family medical leave with appropriate documentation to his/her supervisor and the Human Resources Office.

### **3. Failure to Provide Documentation:**

An employee must inform Human Resources in writing whether s/he will be using Paid Family Medical Leave at the time of birth, adoption, care for a family member or medical leave or at a later date. Failure to do so will result in paid family medical leave automatically being used at the time of birth, adoption, family, or medical leave.

The Office of Human Resources may request appropriate supporting documentation to determine whether the leave can be approved. In these circumstances, Paid Parental Leave will not be approved until the employee submits the requested information.

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

A true copy attest



A handwritten signature in black ink that reads "Sergio Cornelio". The signature is written in a cursive, flowing style.

Sergio Cornelio, City Clerk





C0348-22

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**To:** Mayor and City Council

**From:** Councilor Michael K. Marchese, Councilor Wayne A. Matewsky, Councilor Richard J. Dell Isola, Jr.

**Date:** July 11, 2022

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**Agenda Item:**

An order recommending that the City Council explores options for a more structured usage of their meetings' public participation periods.

**Background and Explanation:**

**Attachments:**

Option 1RULE 10: **Public participation.**

- A. Each formal session of the city council shall include a period of public participation not to exceed twenty (20) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.  
(C0240-22)
- B. At regular or special meetings of the city council, the subject ~~matter of matters~~ spoken on during the meeting's public participation period shall ~~not~~ be limited to ~~the only those~~ items before that are on the city council at the present regular published agenda for said meeting. ~~At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.~~  
(C0348-22)
- C. For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.
- D. Each member of the public wishing to speak during public participation shall place their name, address and ~~brief description of their topic~~ the agenda item number(s) on which they would like to speak on the public participation sign in sheet prior to the start of the formal session of the city council.  
(C0348-22)
- E. Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- F. This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- G. Participants shall address all comments to the president.
- H. Participants shall not promote or oppose any candidate running for office.
- I. Participants shall not use public participation for political purposes.
- J. Participants shall not advertise for commercial purposes or private gain.
- K. Participants shall not make personal attacks on or make any accusatory statements against any city council members or other elected or appointed city officials.
- L. With the president as the sole judge, any participant who speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.

**Option 1**

(C0348-22)

~~L.~~M. Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting.

~~M.~~N. This rule shall be posted in the chambers for public viewing and understanding of rules.

Option 2RULE 10: **Public participation.**

- A. Each formal session of the city council shall include a period of public participation not to exceed twenty (20) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.

(C0240-22)

**B. Types of Public Participation Allowed at Different Meeting Types**

1. At regular meetings of the city council, the subject matter of public participation shall not be limited to the items before the city council at the present ~~regular meeting.~~ meeting. However, public participation shall be split into two separate sections.

i. The first section of public participation shall be limited to those speakers wishing to speak on items that appear on that meeting's agenda. Those speakers shall be heard first.

ii. The second section of public participation shall include any speakers who wish to speak on items that do not appear on that meeting's agenda.

(C0348-22)

- ~~1.2.~~ At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.

- ~~B. C.~~ For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.

- D.** Prior to the start of the formal session of the city council, each member of the public wishing to speak during public participation shall ~~place their~~ sign-in using the correct sign-in sheet for the topic(s) upon which they wish to speak.

1. Both sign-in sheets shall require the speaker's name, and address ~~and~~.

~~1.2.~~ The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of ~~their topic(s) on the public participation sign in sheet prior to the start of the formal session of the city council~~ the agenda item(s) on which the speaker wishes to speak.

3. The sign-in sheet for topics that do not appear on the agenda shall require a brief description of the topic(s) on which the speaker wishes to speak.

4. If a speaker wishes to speak on both items that appear on the agenda and on other topics, they should sign-in on both public participation sign-in sheets.

(C0348-22)

Option 2

- ~~C. E.~~ Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- ~~D. F.~~ This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- ~~E. G.~~ Participants shall address all comments to the president.
- ~~F. H.~~ Participants shall not promote or oppose any candidate running for office.
- ~~G. I.~~ Participants shall not use public participation for political purposes.
- ~~H. J.~~ Participants shall not advertise for commercial purposes or private gain.
- ~~I. K.~~ Participants shall not make personal attacks on or make any accusatory statements against any city council members or other elected or appointed city officials.
- ~~L.~~ With the president as the sole judge, any participant who during the agenda only section of public participation speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such and will be asked to add their name to the sign-in sheet for the other section of public participation. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.  
(C0348-22)
- ~~J. M.~~ Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting.
- ~~K. N.~~ This rule shall be posted in the chambers for public viewing and understanding of rules.

## **Public Participation across surrounding Cities with City Council Governments**

*Research performed by Councilor at Large Stephanie Smith  
September 2022*

## **Cambridge**

*Full Time City Councilor \$89K + benefits, everyone has their own full-time aide as well*

Public comment is open to anyone wishing to speak to an item on the City Council agenda,

### **RULE 24C. Public Comment.**

#### **1. Regular business meetings**

- a. Under the provisions of Chapter 43, Section 98 of the General Laws, Tercentenary Edition, individuals and employees of the city shall have reasonable opportunity to be heard at any meeting of the City Council in regard to any matter considered thereat. Opportunities for individuals and employees of the City to be heard at all regular meetings, except for roundtable/working meetings, shall be provided directly after the reading of the record, if requested by the City Council (submission of the record of the previous meeting). Members of the public may comment upon items in the following categories of business: Motions for reconsideration, City Manager's consent agenda, Unfinished business from preceding meetings, Applications and Petitions requiring approval or referral by the City Council, Consent resolutions, Consent Policy orders and resolutions relating to policy analysis or development, Committee Reports, Roundtable/Working Meeting Minutes, Communications and Reports from Other City Officers and Late Policy Orders and Resolutions. Each speaker shall limit his or her comments to no more than three minutes.
- b. Procedure: An individual may signup to speak before the City Council via telephone to the City Council office on Mondays from 9:00 a.m. to 3:00 p.m., or on-line via the City's website, starting at 9:00 a.m. on the Friday before the meeting. On Mondays, between 5:00 p.m. and 6:00 p.m. a computer terminal will be available to the public in the City Council Office for on-line signup. The individual must indicate on the signup sheet which item(s) he or she is planning to address.

<https://www.cambridgema.gov/Departments/citycouncil/publiccommentsignupform>

## **Malden**

*Part time City Councilor \$17,500*

*Information provided via Councilor Ryan O'Malley*

Allow up to 15 people speak at our regular city council meetings for up to 2 minutes (max 30 mins total). The topic must be related to something on the agenda and the public must follow the rules of decorum. We also allow letters to be submitted for public comment in lieu of in person speaking; these count towards the 15.

A couple of times speakers have been asked to stop or encouraged to pivot to an agenda item in order to comply with those provisions.

15-person limit becomes a problem when controversial items are on the agenda and groups on either side of an issue will try and flood the 15 spots early to prevent the opposing viewpoint any airtime



## **Medford**

*Part time City Councilor \$29,000*

### **Rule 16 - Public Participation**

Any resident, petitioner, or interested party shall be able to speak on any item included on the agenda once for no more than 5 minutes.

Any resident shall be able to speak once for no more than five minutes during the Public Participation section of the agenda.

All petitions filed by members of the public shall either be sponsored by a member or reviewed by the City Clerk and Council President prior to placement on the Public Participation section of the agenda.

All residents, petitioners, and interested parties participating shall provide their address for the record, except any resident participating in-person may provide their residential address to the City Messenger and any resident participating virtually may provide their residential address to the City Clerk prior to speaking and their address shall not be included in the Council Records.

<https://medfordma.org/wp-content/uploads/2022/04/Rules-of-the-Medford-City-Council-CLEAN-4.19.22.pdf>

*Information provided by Nicole Morell, City Council President*

Residents can talk for up to 5 minutes on an agenda piece. They may only speak on one agenda item and must speak on the item after the City Council debates the item.

At the end of the meeting is the General Public Participation period where residents can talk on any topic related to the City Council (i.e. items the City Council has control over) for 5 minutes

If there are a lot of residents that want to talk on a topic, the President has discretion and has enforced a shorter time limit per person

## **Chelsea**

*Part time City Councilor FY23 \$14,000 FY24 \$28,000*

*Information provided by Roy Avellaneda, City Council President*

There is a portion of City Council regular meetings where any member of the public is allowed to speak in any matter for a limited time period of 4 minutes. During this portion of the meeting, the council nor city manager is allowed to rebut or address any questions posed.

This segment is for only the public to speak and may be on a wide range of topics from an item on the agenda, past agenda, or community issue.

The only guidelines we have is that the speaker must state name and address first for our records, and not use vulgar, violent, racist, or defamatory language.

We do not have a limit as to number of people who can speak. But we do have a limit as to not allowing a City Council meeting run past 11 pm without a majority vote.

## **Revere**

*Part time City Councilor \$26,220 to \$33,020*

*Information provided by Gerry Visconti, City Council President*

There is no set public participation period, there was an ordinance passed years ago that any person attending the meeting can talk on any item on the agenda.

Any person can come up to podium, state their name and address and speak on the agenda topic that is being discussed at that time. Typically 3 minutes is given per person. Councilors speak first and then input from the audience on the agenda item.

The public can only speak on items on the agenda and nothing else.



C0377-22

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**To:** Mayor and City Council

**From:** Councilor Michael K. Marchese

**Date:** August 8, 2022

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**Agenda Item:**

An order to amend the City of Everett Charter Section 4-1, by giving the mayor a voice but no vote on the Everett School Committee

**Background and Explanation:**

**Attachments:**



**CITY COUNCIL .....No.C0377-22**

**IN THE YEAR TWO THOUSAND AND TWENTY-TWO**

**An order to amend the City of Everett Charter by giving the mayor a voice but  
no vote on the Everett School Committee**

/s/Councilor Michael K. Marchese

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

**SECTION 4-1: COMPOSITION, TERM OF OFFICE**

(a) Composition - There shall be a school committee which shall consist of 9 elected members. Three (3) of these members, to be known as school committee members-at-large shall be nominated and elected by and from the voters at large. Six of these members, to be known as ward school committee members, shall be domiciled in the ward from which elected and shall be nominated and elected by and from the voters of that ward only, with one (1) such ward school committee member to be elected from each of the six (6) wards into which the City is divided. The mayor shall also serve as another member of the school committee and shall serve as an ex-officio non-voting member and his attendance shall not constitute as a part of the quorum.

This act shall take effect upon its passage.

A true copy attest



*Sergio Cornelio*

Sergio Cornelio, City Clerk



C0378-22

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**To:** Mayor and City Council  
**From:** Councilor Michael K. Marchese  
**Date:** August 8, 2022

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**Agenda Item:**

An order to amend the City Council Rule 4, by creating a new sub-section (G)

**Background and Explanation:**

**Attachments:**



**CITY COUNCIL .....No.C0-22**  
**IN THE YEAR TWO THOUSAND AND TWENTY-TWO**

**An order to amend the City Council Rule 4**

/s/Councilor Michael K. Marchese

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

NEW SUB SECTION 4 (G)

(G) In no event shall a meeting of the City Council extend beyond 10 P.M. unless 2/3 of the Council present vote in the affirmative. Votes will then be taken hourly.

This act shall take effect upon its passage.

A true copy attest



*Sergio Cornelio*

Sergio Cornelio, City Clerk