



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING THURSDAY, JANUARY 09, 2025 6:30 PM

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

CALL TO ORDER

ROLL CALL

Members Present

Guerline Alcy Jabouin, Fred Capone, David Pretti, David Senatillaka, Robert Van Campen

Chairman Van Campen instructed the committee's recording secretary to call the roll.

Mr. Flood called the roll. There were 5 members present. A quorum was established for the transaction of the committee's business.

PLEDGE OF ALLEGIANCE

Chairman Van Campen led the committee and audience members in the Pledge of Allegiance.

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 4, 5 & 6

The committee began its review of Article 4 of the Charter - School Committee.

Section 4-3(a)(2) Prohibitions - Holding Other City Office or Position

This change was proposed by Member Fred Capone.

Current Language

(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.

Proposed Language

(2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until 120 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 120 days following the termination of service as a member of the school committee.

Proposed Language

Member Capone proposed a change to increase the number of days that a school committee member needed to be out of office before they can accept a position of city employment from 30 to 120 days. This modification would match the change previously recommended for city councilors.

Member Capone and Chairman Van Campen agreed that 120 days may not be the correct time period to be out of office before assuming a position of city employment; but it was the number agreed upon in the previous committee discussions on the subject matter.

Member Senatillaka asked if the number of days a school committee member needed to be out of office prior to accepting a position of city employment should be less as school committee members are paid less than city councilors. Chairman Van Campen and Members Capone and Pretti all agreed that salary is not the issue in this case; it is more of question of service to the city.

On a voice vote, the committee accepted the change as proposed by Member Capone.

Chairman Van Campen reminded the committee that it did not have to consider the changes to number formats found throughout the charter as the committee had previously accepted those changes for the entire charter.

Mr. Flood noted that a few number format changes had been missed in the KP Law version of the charter; however, he stated that he had a pretty good eye for those type of issues and he would try his best to ensure that all of those changes were made.

Section 4-3(b) Interference with Administration

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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.

Proposed Language

No school committee or any member of the school committee shall give orders or directions to any officer or employee of the school department either publicly or privately; notwithstanding the previous clause, however, nothing herein shall be a limitation on the authority of the school committee to exercise its authority as a committee to adopt broad policy guidelines, supervise the superintendent, and take such other action as authorized by state law consistent with the provisions of section 4-5(a).

Committee's Action

The committee recognized that the proposed language is much more appropriate for the school committee than the current language of the section. The current language is nothing more than a copy of language used for the city council with the body name changed.

On a voice vote, the committee accepted the change.

Section 4-3(c) Felony Conviction

This change was proposed by KP Law, working with the City Clerk to review the charter. The recording secretary suggested a modification to the proposed change,

Current Language

(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 their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

Proposed Language

Eliminate

Alternate Proposed Language

(1) The impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of school committee member shall be in accordance with Section 9-14 (a) of this charter.

(2) The impact of a final state or federal felony conviction on a person serving in the office of school committee member shall be in accordance with Section 9-14 (b) of this charter.

Committee's Action

The change suggested by KP Law consolidates the charter's felony conviction language in one place in the charter, rather than repeating it in three sections of charter (city council, mayor and school department). Mr. Flood suggested, as he has previously with the city council and mayor sections of the charter, that rather than totally removing all references to felony convictions in each of these sections of the charter, references to where the felony convictions language will be located in the revised charter be inserted in place of the existing language.

On a voice vote, the committee accepted the hybrid change.

Section 4-5(b)(1) Powers and Duties – Superintendent

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

To elect a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.

Proposed Language

To appoint a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.

Committee's Action

The only change being proposed to this subsection of the charter is to change its second word from "elect" to "appoint". The committee agreed that this was a more appropriate word to describe the school committee's duty.

On a voice vote, the committee accepted the change.

Section 4-5(b)(5) Powers and Duties – School Building Maintenance

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law.

Proposed Language

The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law or by written agreement between the mayor and the school committee.

Committee's Action

The committee agreed with the change proposed by KP Law

On a voice vote, the committee accepted the change.

Member Alcy Jabouin inquired about the number of similar communities that have the mayor as a member of the school committee. While the committee felt that most similar cities do and the mayor is the chairman of the school committee in many of them. Mr. Flood recalled that Mr. Frank Parker had shared research on the subject matter during the committee's public hearing. Mr. Flood promised to get Member Alcy Jabouin that information.

Having completed its review of Article 4, the committee proceeded on to its review of Article 5 – Administrative Organization / Organization of City Agencies.

Section 5-1(a)

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council.

Proposed Language

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted by the mayor to the city council. No administrative order may originate with the city council.

Committee's Action

It was noted that the only change proposed in this subsection was to re-position the phrase "by the mayor."

On a voice vote, the committee accepted the change.

Section 5-1(c)

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.

Proposed Language

The mayor may from time to time prepare and submit to the city council, through its

clerk, administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.

Committee's Action

It was noted that the only change proposed in this subsection was to add the phrase “, through its clerk” to specify where an administrative order should be filed.

Mr. Flood informed the committee that items from the administration for the city council agenda are usually filed directly with the city council office. The committee decided that it was more appropriate to have this type of change filled with the clerk

On a voice vote, the committee accepted the change. However, further research should probably be done to determine if there is an impact on when the 45 day clock on addressing administrative orders begins. The clock on Items that are sent directly to the agenda usually begins after the first reading on an item; the clock on items that are sent to the clerk's usually begins when the clerk receives them.

Section 5-1(e)

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following said publication.

Proposed Language

Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal for which notice shall be provided no less than 14 days prior thereto by posting the full text of the proposal and a summary thereof on the official website, and, at the discretion of the council, publishing notice in a local newspaper of the date of the hearing with information about how to receive a copy of the full proposal.

Committee's Action

Member Van Campen suggested that the proposed language be amended by deleting the phrase “, at the discretion of the council,” so that a notice of such change and public hearing will continue to be published in a local newspaper.

Member Capone suggested that the word “city's “ be inserted before the phrase “official website”

Mr. Flood asked the committee to consider a change to the minimum number of days that a notice would have to appear in a newspaper before a public hearing on the order could be held from 14 to 10 days. With council meetings generally scheduled at the beginning of the week and the local newspapers published mid to late week, in

non-holiday weeks, a 10 day window would allow 2 opportunities to publish the required notice so that the item could be addressed at the next regular city council meeting. A 14 day window would most likely cause the item to be delayed to a subsequent meeting of the council. Because of the 45 day time limit to address an administrative order, unnecessary delays should be avoided. The committee agreed with Mr. Flood.

On a voice vote, the committee accepted all of the proposed amendments.

On a voice vote, the committee accepted the proposed language, as amended,

NEW BUSINESS

2. [Set date, time and agenda for the committee's next meeting](#)

Chairman Van Campen stated that, due to the number of committee members that were not in attendance, it would probably be best if he e-mailed all of the members with possible dates for the committee's next meeting to get a consensus rather than setting a date without everyone's input.

ADJOURNMENT

The meeting was adjourned at 7:30 PM.

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

Respectfully submitted:

David R. Flood

Charter Review Committee Recording Secretary
Everett City Council Office