



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING THURSDAY, FEBRUARY 20, 2025 6:30 PM

RECEIVED
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2025 JUL 28 A 9:07

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

CALL TO ORDER

Chairman Van Campen called the meeting to order at 6:30 PM.

ROLL CALL

Members Present

Guerline Alcy Jabouin, Darren Costa, Rosa DiFlorio, James Mastrocola, Kathleen Parker, 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 7 members present when the roll was called. A quorum was established for the transaction of the committee's business.

The committee received a communication from Member Capone that he was ill and would be unable to attend the meeting.

The City Clerk, Sergio Cornelio was also in attendance at the meeting.

Member Senatillaka joined the meeting at 6:45 PM; he had previously informed the committee that he would be late for the meeting as he had a prior commitment.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Charter Review Committee Meeting of 09/30/2024

The minutes of the Charter Review Committee meeting of 9/30/2024 were accepted as

submitted by voice vote.

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 8, 9 & 10

The committee continued its review of proposed charter changes starting with Article 8 of the Charter – Citizen Participation Mechanisms.

Section 8-1(a) Free Petition

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

Current Language

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it; which is signed by one hundred (100) or more voters, and which seeks the passage of a measure.

Proposed Language

The city council or the school committee shall hold a public hearing and act with respect to every petition which is filed with the city clerk and addressed to it; signed by one hundred (100) or more voters, and which seeks the passage of a measure.

Committee's Action

This change will require all free petitions to first be filled with the city clerk, who will have the signatures accompanying all free petitions verified before forwarding the petition to the appropriate body. This change was accepted by the committee on a voice vote.

Section 8-1(d) Free Petition

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

Current Language

The city clerk or the secretary of the school committee shall mail notice of the hearing to the ten (10) persons whose names appear first on the petition at least seven (7) days before the hearing.

Proposed Language

The city clerk shall by electronic or first-class mail provide to the person whose names is listed first on the petition notice of the time, date and place of the hearing.

Committee's Action

The proposed change, which is necessary if all free petitions are to be submitted first to the city clerk, also changes the number of petitioners who are notified of the

scheduling of the petition's public hearing and clarifies how they are to be notified. The proposed language was amended to the word "names" to "name". The committee accepted the change, as amended, on a voice vote.

Section 8-1(e) Free Petition

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

Current Language

Notice, by publication, of all such hearings shall be at public expense.

Proposed Language

Notice of the hearing generally shall be provided by posting on the city's official website no later than 7 days prior thereto the time, date and place of the hearing and the full text of the proposed measure and, at the discretion of the city clerk or city council, posted or published by any other means appropriate to inform the general public.

Committee's Action

The proposed change, which further clarifies how the public is to be notified of a free petition and its public hearing, was accepted by the committee on a voice vote.

Section 8-2(a)(1) Citizen Initiative Measures – Commencement

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

Current Language

Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee.

Proposed Language

Initiative procedures shall be started by the filing of a proposed initiative petition ("originating petition") with the city clerk.

Committee's Action

The change, which will require all citizen initiative petitions to be filled with the city clerk, who will have the signatures accompanying the petitions verified before forwarding the petition to the appropriate body, was accepted by the committee on a voice vote.

Section 8-2(a)(3) Citizen Initiative Measures – Commencement

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

Current Language

The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

Proposed Language

The originating petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address identifying the lead petitioner stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

Committee's Action

The proposed language, which makes some minor clarifications about who is responsible for the petition, was accepted by the committee on voice vote.

Section 8-2(b)(1) Citizen Initiative Measures – Referral to City Solicitor

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

Current Language

The city clerk or the secretary of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor.

Proposed Language

The city clerk shall, immediately following receipt of the originating petition, deliver a copy of the petition to the city solicitor.

Committee's Action

The proposed change, which is necessary if all citizen initiative petitions are to be submitted first to the city clerk, was accepted by the committee on a voice vote.

Section 8-2(b)(2) Citizen Initiative Measures – Referral to City Solicitor

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

Current Language

The city solicitor shall, within fifteen (15) days following receipt of a copy of the petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee.

Proposed Language

The city solicitor shall, within 15 days following receipt of a copy of the originating petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee.

Committee's Action

This change, which clarifies which version of the petition is submitted to the city solicitor for their review, was accepted by the committee on a voice vote.

Section 8-2(c)(1) Citizen Initiative Measures – Submission to City Clerk

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

Current Language

If the opinion of the city solicitor is that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first ten (10) voters who signed the originating petition.

Proposed Language

If the opinion of the city solicitor is that the originating petition is in a proper form, the city clerk shall provide blank petition forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition.

Committee's Action

This change, which clarifies which version of the petition that has been reviewed by the city solicitor for their review, was accepted by the committee on a voice vote.

Section 8-2(c)(2) Citizen Initiative Measures – Submission to City Clerk

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

Current Language

Within thirty (30) days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least ten percent (10%) of the total number of voters as of the date of the most recent city election.

Proposed Language

Within 30 days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least 10% of the total number of registered voters as of the date of the most recent biennial city election.

Committee's Action

This change clarifies which voters and which city election will be used to determine the number of signatures required to advance a citizen initiative petition.

The committee debated whether the voters used to determine the number of signatures required to advance a citizen initiative petition should be based on the number of registered voters as of the last biennial city election or the number of voters who voted at the last biennial election.

If the committee were to change to voters who voted in the last election, it was thought that it would be necessary to increase the percentage of voter signatures required as well.

As no one made a compelling argument one way or another, the committee decided to leave the type of voters and their percentage as is.

Mr. Flood proposed that the use of percentages in the charter be standardized by using the “%” sign in place of the words “per cent” or “percent”. The committee agreed to this change on a voice vote.

Section 8-2(e)(2) Citizen Initiative Measures – Supplementary Petitions

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

Current Language

The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least five (5) per cent of the total number of voters as of the date of the most recent city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least fifteen percent (15%) of the total number of voters in the city.

Proposed Language

The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least 5% of the total number of registered voters as of the date of the most recent biennial city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15% of the total number of registered voters as of the date of the most recent biennial city election.

Committee’s Action

This change, which clarifies the voters and the city election that will be used to determine the number of signatures that will be required for a supplemental petition, was accepted by the committee on a voice vote

Section 8-2(f) Citizen Initiative Measures – Publication

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

Current Language

(1) The full text of any initiative measure which is submitted to the voters shall be published in at least one (1) newspaper of general circulation in the city not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which the question is to be voted upon.

(2) Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.

Proposed Language

The full text of any initiative measure submitted to the voters shall be posted in full on the city's official website not less than 7 days preceding the date of the election at which the question is to be voted upon, copies of which shall be available in the office of the city clerk, and further, notice of the availability and locations at which copies of the full text may be accessed shall be printed in at least 1 newspaper of local circulation.

Committee's Action

The main change in the proposed language is to make the text of the initiative petition available on the city's official website; the rest of the changes are just shuffled words

The committee did amend the proposed language to make it consistent with changes made in other parts of the charter. The changes include replacing the phrase "city website" with "city's official website", deleting the phrase " at the discretion of the city council," and replacing the phrase "a newspaper" with the phrase "at least 1 newspaper".

The committee accepted the proposed language, as amended, on a voice vote.

Section 8-3(a)(1) Citizen Referendum Procedures – Petition, Effect on Final Vote

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

Current Language

If, within twenty-one (21) days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least twelve (12) per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended.

Proposed Language

If, within 21 days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least 12% of the total number of registered voters as of the date of the most recent biennial city election and addressed to the city council or to the school

committee as the case may be, protesting against the measure or any part of it is filed with the city clerk, the effective date of such measure shall be temporarily suspended.

Committee's Action

The proposed language includes changes which have all citizen referendum petitions submitted first to the city clerk, and other changes that clarify which voters and which city election will be used to determine the number of signatures required to advance a citizen referendum petition. The committee accepted the proposed language on a voice vote.

Section 8-3(b)(2) Citizen Referendum Procedures – Certain Initiative Provisions to Apply

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

Current Language

The measure or part protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part protested against at the election.

Proposed Language

The measure or part protested against shall be null and void if a majority of those voting on the question shall vote against the measure or part protested against at the election.

Committee's Action

The proposed language changes the word “unless” to “if” and the word “against” to the phrase “in favor”; but it has the same end result. The committee accepted the change anyways on a voice vote.

Section 8-4(c) Ineligible Measures

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

Current Language

The city budget or the school committee budget as a whole;

Proposed Language

The city budget or the school department portion of the budget as a whole;

Committee's Action

The proposed language clarifies that the school budget is the school department's budget, not the school committee's budget. The committee accepted the change on a voice vote.

Section 8-5(b)(1) Recall – Recall Petition

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

Current Language

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the affidavit is signed by no fewer than five hundred (500) voters for any officer elected city-wide and no fewer than three hundred (300) voters for any officer elected by ward.

Proposed Language

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the affidavit is signed by no fewer than 500 voters for any officer elected city-wide and no fewer than 300 voters for any officer elected by ward, which affidavit shall identify a lead petitioner for purposes of the recall.

Committee's Action

The proposed language adds a clause at the end that the specifies the affidavit shall identify the petition's lead sponsor. The committee accepted the change on a voice vote.

Section 8-5(b)(2) Recall – Recall Petition

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

Current Language

The city clerk shall thereupon deliver to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.

Proposed Language

The city clerk shall thereupon make available to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.

Committee's Action

The proposed language changes the word "deliver" to the phrase "make available". The committee accepted the change on a voice vote,

Section 8-5(b)(2)b. Recall – Recall Petition

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

Current Language

Such blanks shall be dated, addressed to the city council and contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit.

Proposed Language

Such blanks shall be dated, addressed to the city council and contain the names of the first 10 signatories to the petition, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit.

Committee's Action

The proposed language changes the phrase "all the persons to whom they are issued" to the phrase "the first 10 signatories to the petition". The committee accepted the change on a voice vote.

Section 8-5(b)(4) Recall – Recall Petition

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

Current Language

The recall petition shall be returned and filed with the city clerk within twenty-eight (28) days after the filing of the affidavit, and shall have been signed by no fewer than twenty per cent (20%) of the voters of the city for offices elected city-wide by no fewer than twenty per cent (20%) of the voters of the ward for offices elected by ward. The city clerk shall immediately submit the petition to the election commissioners, and the commission shall, within five (5) working days, certify thereon the number of signatures that are names of voters

Proposed Language

The recall petition shall be returned and filed with the city clerk within 30 days after the filing of the affidavit and shall have been signed for offices elected city-wide by no fewer than 15% of the total number of the registered voters of the city as of the last biennial city election and for offices elected by ward, no fewer than 15% of the of the total number of registered voters of the ward as of the last biennial city election. The city clerk shall immediately submit the petition to the election commissioners, and the commission shall, within 5 working days, certify thereon the number of signatures that are names of voters.

Committee's Action

The proposed language changes to the section fall into two categories. The first category is clarification of the voters ("registered voters") and the election ("last biennial city election") that will be considered when determining if enough signatures have been collected to hold a recall election. The second set of changes involves changing the percentages of voter signatures required to initiate a recall.

The committee debated the first set of changes. There was not much support for

changing the type of voters needed to authorize for a recall from registered to voters who voted in the last city election. However, if the type of voters were to be changed, it was again recognized that the percentage of voters would need to be increased. In the end, the committee, on a voice vote, voted to accept these changes as written.

The committee also debated whether or not to decrease the percentage of registered voters needed to initiate a recall from 20% to 15%. Most members felt that a recall should not be easy. While there was some support for reducing the percentage, the majority of the committee voted not to decrease the percentage. Members Costa and Senatillaka were not in agreement.

Section 8-5(c)(1)

Recall – Recall Election

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

Current Language

If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five (5) working days, and the city council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) days thereafter, order an election to be held on a date fixed by them not less than sixty-four (64) days and not more than ninety (90) days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within one hundred fifty (150) days after the date of the certificate the city council shall postpone the holding of the recall election to the date of such other election.

Proposed Language

If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within 5 working days and provide written or actual notice of the certified petition to the officer sought to be recalled; if the officer does not resign within 5 days thereafter, the city council, following consultation with the board of election commissioners, shall order a special recall election to be held on a date fixed by it not more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 150 days after the date of the certificate the city council shall postpone the holding of the recall election to the date of such other election.

Committee's Action

The proposed language has the city clerk providing the officer sought to be recalled with notice of a sufficient recall petition instead of the city council and the city council consulting with the board of election commissioners to schedule a recall election if the officer does not resign. The committee accepted these changes on a voice vote.

Section 8-6(a)

Required Voter Participation

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

Current Language

For any measure to be effective under any initiative procedure and for any measure to be declared null and void under any referendum procedure, no fewer than twenty per cent (20%) of the voters as of the most recent regular city election shall vote at an election that includes on the ballot submission of at least one (1) initiative or referendum questions to the voters.

Proposed Language

For any measure to be effective under any initiative procedure and for any measure to be declared null and void under any referendum procedure, no fewer than 15% of the total number voters as of the most recent biennial city election shall vote at an election that includes on the ballot submission of at least 1 initiative or referendum questions to the voters.

Committee's Action

The proposed language replaces the word "regular" with the word "biennial".. The committee accepted this change on a voice vote. However, the committee did not accept the change to the voter percentage.

Section 8-6(b) **Required Voter Participation**

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

Current Language

For any recall election to be effective, no fewer than twenty per cent (20%) of the voters as of the most recent regular city election for those offices elected city-wide, and no fewer than twenty per cent (20%) of the voters as of the most recent biennial city election in the ward for those offices elected by ward, shall vote in such recall election.

Proposed Language

For any recall election to be effective, for those offices elected city-wide no fewer than 15% of the total number of voters as of the most recent regular city election, and for those offices elected by ward no fewer than 15% of the total number of voters as of the most recent biennial city election in the ward, shall vote in such recall election.

Committee's Action

The proposed language is mostly a reshuffling of words. Additional changes were made to use standardized terms for voters ("registered voters") and elections ("biennial city election" instead of "regular city election")

These changes were accepted by the committee by a voice vote. However, the committee did not accept the changes to the voter percentages.

Section 8-7 **Submission of Other Matters to Voters**

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

Current Title Submission of Other Matters to Voters

Proposed Title Submission of Other Measures to Voters

Committee's Action

The committee accepted the change of the word "Matter" to the word "Measure" in the section's title via a voice vote.

The committee debated briefly on whether they should adjourn or try to do a little more review; the committee decided via a voice vote to see if they could do a bit more.

The committee continued its review of proposed charter changes starting with Article 9 of the Charter – General Provisions.

Section 9-6(a) **Periodic Review of Charter**

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

Current Language

Not later than the first day of July, at ten (10) year intervals, in each year ending in a four (4), the mayor and city council shall provide for a review to be made of the city charter.

Proposed Language

Not later than the first day of July, at 10 year intervals, in each year ending in a 0, the mayor and city council shall provide for a review to be made of the city charter.

Committee's Action

The committee did not actually vote on this change at this meeting. The proposed change would change the year in which a charter is reviewed to years ending in 0. A vote on this change was postponed to the next charter review committee.

Section 9-6(b) **Periodic Review of Charter**

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

Current Language

This review shall be made by a special committee to consist of nine (9) members.

(1) Four (4) members shall be appointed by the city council president, two (2) of whom shall be members of the city council and two (2) of whom shall be voters of the city but

shall not be elected or appointed officers or employees of the city.

(2) Five (5) members shall be appointed by the mayor, all of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.

Proposed Language

This review shall be made by a special committee to consist of 7 members.

(1) 3 members shall be appointed by the city council president from amongst the registered voters of the city, one of which may be a city councilor and one of which shall not be an elected or appointed officer or employee of the city.

(2) 4 members shall be appointed by the mayor, all of whom shall be voters of the city of which no more than 2 may be elected or appointed officers or employees of the city

Committee's Action

The committee began a discussion on the composition of the charter review committee. They felt that it was unnecessary to reduce the membership of the committee from 9 to 7 members as this version of the committee had been fully staffed at 9 and were able to establish a quorum at all of its meetings so far.

The committee was willing to consider a proposal allowing a limited number of city employees to serve on the committee as the knowledge that certain employees possess could be very helpful when reviewing and amending the charter.

As they began to review the proposed charter language to implement this proposed change, the committee found the current proposed language regarding the composition of the committee's membership to be confusing. Mr. Flood offered to try to provide some simplified language for the next meeting.

As the hour was getting late and the committee's progress had slowed, a motion was made for adjournment.

NEW BUSINESS

2. Set date, time and agenda for the committee's next meeting

The next meeting of the Charter Review Committee had already been set for Thursday, February 27 at 6:30 PM.

ADJOURNMENT

The meeting was adjourned at 8:10 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