



**AGENDA PACKET**

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

**EVERETT CITY HALL, 484 BROADWAY, MAYOR'S CONFERENCE ROOM, 3RD FLOOR  
EVERETT, MA 02149**

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EVERETT CITY CLERK'S OFFICE  
REC'D 2025 MAR 18 PM 2:00

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

on 3/18/2025 at 2:00 p.m.

Attest:

  
\_\_\_\_\_  
Sergio Cornelio City Clerk



## AGENDA

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

EVERETT CITY HALL, 484 BROADWAY, MAYOR'S CONFERENCE ROOM, 3RD FLOOR  
EVERETT, MA 02149

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#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Charter Review Committee of February 20, 2025 (Draft)

#### COMMUNICATIONS

Communications from JP Beckta (4)

Communication from Stephanie McColaugh

#### UNFINISHED BUSINESS

1. Section 9-15 Felony Conviction

#### NEW BUSINESS

2. Remaining Issues – Public Participation – Member DiFlorio
3. Remaining Issues – Various – Member Alcy Jabouin
4. Remaining Issues – Article 7 / Elections – Flood/Cornelio/Goldberg
5. Remaining Items – Various – Member Costa

#### ADJOURNMENT

(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



**MEETING MINUTES**

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

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

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**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 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 filed 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 r 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 official website no later than 7 days prior to 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 filed 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 is submitted to 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 will be 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 at the last biennial election:

If the committee were to change to voters as of 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 decide 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 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, at the discretion of city council, notice of the availability and locations at which copies of the full text may be accessed shall be printed in a 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 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 "further, at the discretion of the city council," and replacing the phrase "a newspaper" with the phrase "at least one 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 will be 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 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 anyways 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 anyways 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 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 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%. 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 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 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 adds giving a copy of the certified petition to the officer sought to be recalled and city council consulting with the election commission to schedule 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 20% 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 Inserts the word "registered" between the words "the" and "voters" and replaces the word "regular" with the word "biennial".. The committee accepted the changes on a voice vote

**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 regular city election the word 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 change to the 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 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 zero, 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 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 possessed 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 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***

Item Number {{item.number}}

Charter Review Committee Recording Secretary  
Everett City Council Office

Charter Review Committee Meeting 02/20/2025 6:30 PM  
Page 15

**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Wednesday, March 12, 2025 7:14 PM  
**To:** chartercommittee  
**Subject:** OK, I admit to being a little peculiar

I'm actually reading the minutes of the commission's meetings. So far, so good, as long as you correct one teeny typo in the proposed Section 2-11, p. 9 of the 9/30/2024 meeting, subsection (c).

it should be "If there is no other candidate for said office, the defeated candidate..."

Power on and Peace Out!  
JP

**PEOPLE FIRST!**

**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Thursday, March 13, 2025 5:20 PM  
**To:** chartercommittee  
**Subject:** ???

I'm reading the minutes of the meetings. Is this a Charter for the city of Everett or is this a Charter for the mayor?  
JP

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**PEOPLE FIRST!**

**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Sunday, March 16, 2025 5:59 PM  
**To:** chartercommittee  
**Subject:** Just part of my "issues"  
**Attachments:** Response 2021-0193 certify temp appt Lattanzi to P and D.pdf; Response 2021-0194 certifying temp appt Lattanzi to library-did not.pdf; Response 2021-0195 certifying Navarra temp head of HHS. No docs.pdf; 4\_20\_20 Mayoral Order signed by JN.pdf

I will just send you guys my list before Mar. 20th but this is an issue the Comm. totally disregarded when it went through Article 3 and it's sticking in my craw: temporary appointments.

There is a process for appointing someone to head a dept temporarily when that position becomes vacant. If the mayor wants to put someone in there temporarily while the search is conducted, he's supposed to choose someone qualified and he's supposed to file paperwork with the Clerk's office. As you can see from the attached, he just blows that, and the Charter off. I don't like that.

Do you think it's a JOKE that he had Jerry Navarra sign the Emergency lockdown declaration as head of HHS? I'm not laughing. He could have put Sabrina Torra, who was second in HHS at that time but no, he put the head of the DPW. I know the whole story and I'm still not impressed.

JP Beckta

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**PEOPLE FIRST!**



In accordance with the authority conferred upon them pursuant to the Charter and Ordinances of the City of Everett, and the Massachusetts General Laws, including but not limited to Massachusetts General Laws, Chapter 111, Sections 30, 31, 122 and 310 CMR 11.05, and any other applicable law, the Honorable Mayor Carlo DeMaria and Executive Director of Health and Human Services, hereby issue the following temporary closure of nonessential businesses, a temporary ban on all non-essential gatherings of any activity, and a curfew advisory in the City of Everett, so as to prevent the spread of a COVID-19 and for the protection of public health, safety and welfare.

#### **DECLARATION**

**WHEREAS**, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

**WHEREAS**, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

**WHEREAS**, because there is no known vaccine to immunize individuals from COVID-19, the only effective method from preventing the spread of the disease is to isolate known carriers until they are no longer contagious. It has been determined that a period of at least fourteen days is necessary to protect the public from an infected individual.

**WHEREAS**, because it is so highly contagious and dangerous, on March 10, 2020, Governor Charles Baker declared a State of Emergency in the Commonwealth of Massachusetts. As a result of this declaration, numerous orders have been issued to limit the spread of the disease, including but not limited to the closure of non-essential businesses, the closure of schools and requirements for social distancing.

**WHEREAS**, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

**WHEREAS**, the City of Everett has only one hospital, Cambridge Health Alliance ("CHA") Hospital. While the doctors, nurses and staff have done and continue to perform outstanding work in the face of this crisis, they have limited resources and cannot handle an influx of workers from other communities. In fact, CHA hospital is the only area hospital available to serve the more than 200,000 residents of Everett, Chelsea, Malden, Revere, Saugus and Winthrop. Although there may be other hospitals in the metro-

Boston area relatively close to the City, those hospitals are also likely to experience difficulties in serving their current populations, let alone additional patients from other locations.

**WHEREAS**, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of the hospital's resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

**WHEREAS**, during a state of emergency, Everett does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to area residents during this unusual period.

**WHEREAS**, during a state of emergency, Everett does not have sufficient staffing to ensure that job sites are safe, insofar as it cannot commit emergency first-responders to performing construction detail work, it cannot monitor job sites to ensure that physical distancing requirements are met, and it cannot provide adequate support in the event of an emergency.

**WHEREAS**, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

**NOW THEREFORE**, based on the conditions cited above, and other well-known adverse effects of the COVID-19 crisis, Honorable Mayor Carlo DeMaria and Executive Director of Health and Human Services, upon the recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the City of Everett, issues the following Emergency Order imposing a temporary ban on all non-essential gatherings of any activity, and a curfew advisory.

#### EMERGENCY ORDER

As of Monday, April 20, 2020 at 9:00PM and continuing for the duration of the State of Emergency in the Commonwealth, in an effort to ensure the health and safety of the residents of Everett the following goes into effect:

A curfew for all non-essential employees to stay at home from 9 PM to 6 AM is in effect.

All in-person services being provided by the Everett Public Schools will be postponed. This means that homework packets and lunch distribution sites are closed and deliveries of Chromebook will be postponed. Online learning will still be available, and employees will be working remotely to the extent possible.

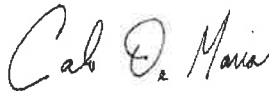
- Everyone should remain indoors from 9 PM to 6 AM;
- Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) shall be canceled or postponed at this time;
- Any concentration of individuals outside their home must be limited to workers providing essential services or individuals who are undertaking essential tasks, such as picking up pharmaceutical drugs, grocery shopping, or visiting a physician, under which social distancing must be practiced;
- When outside of your home and in public, individuals must practice social distancing of at least six feet from others and **must wear a face covering (i.e. a medical mask, a homemade mask, a scarf, bandana or handkerchief)**;
- Individuals should limit outdoor recreational activities to non-contact, and avoid activities where they come in close contact with other people;
- Sick individuals should not leave their home unless to receive medical care;
- Business Closures: Professional services open to the public must cease. As taxes are now not due until July, there should be no reason for in-person tax accounting, legal services, or other

professional businesses to remain open, with the one possible exception of the real estate closings that are on the verge of completion.

- Department of Public Works and the City Facilities Department will only perform essential work;

I have ordered the Everett Police Department, the Health Department, and Inspectional Services to strictly enforce these guidelines and issue warnings and/or violations to those who are not adhering to the Order can be fined up to \$300 per violation. I know these measures may seem extreme; however, this virus is extreme. As we grapple with the spread of the coronavirus, the response to mitigate the current pandemic and flatten the curve has to be more vigorous. We must all understand the seriousness of the virus and work with one another as we get through this period of time together.

Respectfully,



Carlo DeMaria  
Mayor

Jerry Navarra

Jerry Navarra  
Director of Health and Human



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## Request Details

### Requestor Details

First Name	<b>Joan</b>	Last Name	<b>Beckta</b>
House No.		Street	<b>P.O. Box 490221</b>
City	<b>Everett</b>	State	<b>MA</b>
Zip	02149-__	Email	<b>jpbeckta@gmail.com</b>
Phone		Organization Name	
Mode of Delivery	<b>Email</b>		

### Description of Request

Request Number	<b>2021-0193</b>	Department	<b>City Clerk</b>
Request Sent Date	<b>05/10/2021 05:13 PM</b>	Request Received Date	<b>05/11/2021 08:30 AM</b>
Response Due By	<b>05/25/2021</b>	Response Sent On	<b>05/25/2021 06:09 PM</b>
Request Detail	<b>Certification of Matt Lattanzi-Planning Board</b>		

### Request Documents

Document Name

Public records temporary appointments certificates Matt Planning.doc

### Response Details

Response **Attorney Lattanzi was hired in 2019 where part of his duties were to administer the Planning Board. This was not a temporary appointment. Therefore, there are no responsive documents**



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[Beck](#)

## Request Details

### Requestor Details

First Name	<b>Joan</b>	Last Name	<b>Beckta</b>
House No.		Street	<b>P.O. Box 490221</b>
City	<b>Everett</b>	State	<b>MA</b>
Zip	02149-__	Email	<b>jpbeckta@gmail.com</b>
Phone		Organization Name	
Mode of Delivery	<b>Email</b>		

### Description of Request

Request Number	<b>2021-0194</b>	Department	<b>City Clerk</b>
Request Sent Date	<b>05/10/2021 05:17 PM</b>	Request Received Date	<b>05/11/2021 08:30 AM</b>
Response Due By	<b>05/25/2021</b>	Response Sent On	<b>05/25/2021 06:08 PM</b>
Request Detail	<b>Certification Matt Lattanz-Library</b>		

### Request Documents

Document Name

Public records temporary appointments certificates Matt Library.doc

### Response Details

Response **The City no responsive documents**

Response Documents  
No Document



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## Request Details

### Requestor Details

First Name	<b>Joan</b>	Last Name	<b>Beckta</b>
House No.		Street	<b>P.O. Box 490221</b>
City	<b>Everett</b>	State	<b>MA</b>
Zip	02149-____	Email	<b>jbeckta@gmail.com</b>
Phone		Organization Name	
Mode of Delivery	<b>Email</b>		

### Description of Request

Request Number	<b>2021-0195</b>	Department	<b>City Clerk</b>
Request Sent Date	<b>05/10/2021 05:19 PM</b>	Request Received Date	<b>05/11/2021 08:30 AM</b>
Response Due By	<b>05/25/2021</b>	Response Sent On	<b>05/25/2021 06:07 PM</b>
Request Detail	<b>Certification of Jerry Navarra-Public Health</b>		

### Request Documents

Document Name

Public records temporary appointments certificates Navarra.doc

### Response Details

Response **Mr. Navarra was not appointed on a temporary basis as Director of Health. There are no responsive documents.**

### Response Documents

No Document.



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**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Monday, March 17, 2025 4:29 PM  
**To:** chartercommittee  
**Subject:** Where's the language? What section?  
**Attachments:** pp 92-93.pdf

Hi, I get really frustrated when reading the City Council Agenda packet that items sent by the mayor are a single sheet of letterhead asking for something. Granted, I'm only up to Section 5 in reviewing the Charter Comm. minutes but is there a section somewhere in the Charter that says the mayor must, at the very least EXPLAIN the request, if not document it, not simply say "I want this."? Thanks.  
JP Beckta

**PEOPLE FIRST!**

Item Number 6



**CARLO DeMARIA**  
**MAYOR**

**CITY OF EVERETT - OFFICE OF THE MAYOR**

484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

January 8, 2025

The Honorable City Council  
City Hall  
484 Broadway  
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby submit for your consideration an order to appropriate \$35,000 from Budgetary Fund Balance (Free Cash) to the Human Resources professional services account to cover additional costs related to workers compensation.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor





January 8, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Councilor Stephanie Martins, as President

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

That the sum of \$35,000 be appropriated from the General  
Fund Budgetary Fund Balance (Free Cash) to the Human  
Resources professional services account.

This appropriation is necessary to cover additional costs  
related to workers compensation.

Sergio Cornelio <sergio.cornelio@ci.everett.ma.us>

3/13/2025 6:17 PM

## FW: Upcoming amendments to charter

To David Flood <david\_flood@comcast.net> • David Flood <david.flood@ci.everett.ma.us>

### Sergio Cornelio

City Clerk

President of the Massachusetts City Clerk's Association

City of Everett

484 Broadway, Everett MA 02149

(617) 394-2229



Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal officials are public records. FMI please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>. Please consider the environment before printing this email.

**From:** Stephanie McColaugh <smccolaugh@gmail.com>

**Sent:** Thursday, March 13, 2025 3:25 PM

**To:** [darrencosta@icloud.com](mailto:darrencosta@icloud.com); [fred@caponelaw.net](mailto:fred@caponelaw.net); Robert VanCampen <[Rob.VanCampen@ci.everett.ma.us](mailto:Rob.VanCampen@ci.everett.ma.us)>; Guerline AlcyJabouin <[Guerline.AlcyJabouin@ci.everett.ma.us](mailto:Guerline.AlcyJabouin@ci.everett.ma.us)>; Sergio Cornelio <[Sergio.Cornelio@ci.everett.ma.us](mailto:Sergio.Cornelio@ci.everett.ma.us)>

**Subject:** Upcoming amendments to charter

Hello,

Writing to request Everett's charter be amended to include guidelines prohibiting people from holding office or running for reelection if they:

- resigned due to scandal
- were voted "no confidence"
- were convicted of any crimes while holding office

Thank you,  
Stephanie McColaugh

- image001.jpg (12 KB)

Sergio Cornelio <sergio.cornelio@ci.everett.ma.us>

3/13/2025 10:05 AM

## FW: Felony and Public Trust Information

To David Flood <david\_flood@comcast.net> • David Flood <david.flood@ci.everett.ma.us> Copy  
Robert VanCampen <rob.vancampen@ci.everett.ma.us>

---

Please see the information about the felony charter section below from Lauren Goldberg of KP Law.

Best,

### Sergio Cornelio

City Clerk

President of the Massachusetts City Clerk's Association

City of Everett

484 Broadway, Everett MA 02149

(617) 394-2229



Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal officials are public records. FMI please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>.

Please consider the environment before printing this email.

**From:** Lauren F. Goldberg <[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)>

**Sent:** Wednesday, March 12, 2025 6:15 PM

**To:** Sergio Cornelio <[Sergio.Cornelio@ci.everett.ma.us](mailto:Sergio.Cornelio@ci.everett.ma.us)>

**Cc:** Colleen Mejia <[Colleen.Mejia@ci.everett.ma.us](mailto:Colleen.Mejia@ci.everett.ma.us)>

**Subject:** Felony and Public Trust Information

Sergio, as we discussed, G.L. c.274, §1 defines a felony as, "crime punishable by death or imprisonment in the state prison is a felony." The law provides further that all other crimes are misdemeanors. The following is a non-exclusive list of felonies, many of which require particular "elements" to be proved before a conviction:

Murder of any degree or felony murder

Rape

Stalking

Armed Robbery

Larceny

Kidnapping

Arson

Vehicle Manslaughter

A violation of the public trust is not defined by statute. However, without doing extensive research, in my opinion, it is fair to say that violation of the public trust would include a crime committed by an elected official or employee of the government which would put their personal interests or desires, or someone else's, ahead of their obligation to the city, particularly when the public official or a private individual is unjustly enriched by that action. Examples would include an official using their position to obtain financial or other significant benefits for themselves or others, failing to act in a manner in which they are required to act, making false statements, obstructing justice, violating the Campaign Finance Law by misrepresenting campaign funds or filing incomplete disclosures, engaging in mail and wire fraud, violating laws relative to elections, taking kickbacks, and engaging in perjury, bribery, extortion, fraud, embezzlement, and theft of public monies.

Please let me know if you would like me to conduct further research or have additional questions about this.

Very truly yours,

Lauren

**Lauren F. Goldberg**  
Managing Attorney

, Esq.

**KP | LAW**

101 Arch Street, 12th Floor  
Boston

, MA

02110

617-654-1759

[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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  - image003.jpg (2 KB)

**SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES****(a) Exercise of Powers**

Except as otherwise provided by general law or by this charter, the legislative powers of the city council may be exercised in a manner determined by it.

**(b) Quorum**

- (1) The presence of six (6) members shall constitute a quorum for the transaction of business.
- (2) Except as otherwise provided by general law or by this charter, the affirmative vote, taken by roll call vote, of eight (8) members shall be required to adopt an appropriation order.
- (3) Except as otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a majority of the full city council shall be required to adopt any ordinance.

**(c) Rules of Procedure**

The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

**(1) Regular meetings**

- a. Regular meetings of the city council shall be held at a time and place fixed by ordinance.
- b. All regular meetings of the city council shall provide for a period of public comment, provided however, the city council may promulgate rules that regulate such period of public comment as deemed appropriate.

**(2) Special meetings**

- a. Special meetings of the city council shall be held at the call of the president or at the call of any five (5) or more members by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon.
- b. Except in case of an emergency, of which the president shall be the sole judge, this notice shall be delivered at least forty-eight (48) weekday hours in advance of the time set for such meeting.
- c. A copy of the notice shall immediately be posted in accordance with law.

(3) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless another provision is made by law.

(4) A full, accurate, up-to-date account of the proceedings of the city council shall be kept by the city clerk, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. Unless otherwise provided by law, the minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

## CITY COUNCIL RULES

### RULE 10: **Public participation.**

- A.** Each regular and special meeting of the city council shall include a period of public participation not to exceed thirty (30) 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, C0348-22)

**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 meeting. However, public participation shall be split into two separate sections.

1. 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.

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

1. The topics for discussion under this general public participation shall be limited to those items within the city council's scope of authority.

2. Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the city council's scope of authority.

(C0348-22)

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.

- 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 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.
2. The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of the agenda item(s) on which the speaker wishes to speak.

## CITY COUNCIL RULES

Item Number 2

**RULE 10:**  
**(Continued)**

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)
- 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.** Public participation shall be conducted in an orderly and peaceable manner. While all public comments made may be uninhibited, robust and wide-open, civility is encouraged.  
(C0348-22, C0059-24)
- 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)
- M.** With the president as the sole judge, no member of the public shall be allowed to disrupt any public participation speaker. Anyone continuing to disrupt a public participation speaker may be removed from the meeting after one (1) or more verbal warnings from the president.  
(C0059-24)
- N.** This rule shall be posted in the chambers for public viewing and understanding of rules.



NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCRreporter@sjc.state.ma.us

SJC-13284

LOUISE BARRON & others<sup>1</sup> vs. DANIEL L. KOLENDA<sup>2</sup> & another.<sup>3</sup>

Worcester. November 2, 2022. – March 7, 2023.

Present: Budd, C.J., Gaziano, Lowy, Cypher, Kafker,  
& Wendlandt, JJ.

Open Meeting Law. Municipal Corporations, Open meetings, Selectmen, Governmental immunity. Constitutional Law, Right to assemble, Right to petition government, Freedom of speech and press. Governmental Immunity. Massachusetts Civil Rights Act. Civil Rights, Availability of remedy, Immunity of public official. Declaratory Relief.

Civil action commenced in the Superior Court Department on April 3, 2020.

The case was heard by Shannon Frison, J., on a motion for judgment on the pleadings.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Ginny Sinkel Kremer for the plaintiffs.  
John J. Davis for the defendants.

---

<sup>1</sup> Jack Barron and Arthur St. Andre.

<sup>2</sup> Individually and as a member of the board of selectmen of Southborough.

<sup>3</sup> Town of Southborough.

The following submitted briefs for amici curiae:  
John Foskett for Massachusetts Association of School Committees.  
Ruth A. Bourquin for American Civil Liberties Union of Massachusetts, Inc.  
Maura E. O'Keefe, Town Counsel, & Rosemary Crowley for Massachusetts Municipal Lawyers Association.  
Frank J. Bailey, Selena Fitanides, & John C. La Liberte for PioneerLegal, LLC.

KAFKER, J. After objecting to open meeting law violations and other municipal actions in a public comment session at a meeting of the board of selectmen of Southborough (board), the plaintiff Louise Barron was accused of violating the board's "public participation at public meetings" policy (public comment policy or civility code) and eventually threatened with physical removal from the meeting. Thereafter, she and two other plaintiffs brought State constitutional challenges to the policy, claiming in particular that she had exercised her constitutionally protected right under art. 19 of the Massachusetts Declaration of Rights "to assemble, speak in a peaceable manner, and petition her town leaders for redress."

In the plaintiffs' request for declaratory relief, seeking to have the public comment policy declared unconstitutional, they also used terminology associated with free speech claims brought under art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution, and the First Amendment to the United States Constitution, although they voluntarily withdrew their First

Amendment and other Federal claims, eliminating the Federal constitutional basis that had justified removal of the case from State to Federal court. Finally, Barron claims that the threat to remove her from the meeting for exercising her State constitutional rights violated the Massachusetts Civil Rights Act (MCRA), G. L. c. 12, §§ 11H-11I.

For the reasons set forth infra, we conclude that the public comment policy of the town of Southborough (town) violates rights protected by art. 19 and, to the extent it is argued, art. 16. Under both arts. 19 and 16, such civility restraints on the content of speech at a public comment session in a public meeting are forbidden. Although civility, of course, is to be encouraged, it cannot be required regarding the content of what may be said in a public comment session of a governmental meeting without violating both provisions of the Massachusetts Declaration of Rights, which provide for a robust protection of public criticism of governmental action and officials. What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do. We have concluded that such time, place, and manner restrictions do not violate either

the right to assembly under art. 19 or the right to free speech under art. 16. See Desrosiers v. Governor, 486 Mass. 369, 390-391 (2020), cert. denied, 142 S. Ct. 83 (2021) (permitting time, place, and manner restrictions under art. 19); Mendoza v. Licensing Bd. of Fall River, 444 Mass. 188, 197-198 (2005) (discussing time, place, and manner restrictions under art. 16).

Furthermore, when Barron alleged that the chair threatened to have her physically removed from a public comment session of a public meeting after she criticized town officials about undisputed violations of the open meeting laws, she properly alleged that he threatened to interfere with her exercise of State constitutional rights protected by arts. 16 and 19 in violation of the MCRA. There is also no qualified immunity, as there is a clearly established State constitutional right under arts. 16 and 19 to object (and even to do so vigorously) to the violation of the law by government officials in a public comment session of a public meeting. We therefore reverse the Superior Court judgment entered in favor of board member Daniel L. Kolenda. We also direct the Superior Court to enter a judgment declaring the town's public comment policy unconstitutional in violation of arts. 19 and 16.<sup>4</sup>

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<sup>4</sup> We acknowledge the amicus briefs submitted by the Massachusetts Association of School Committees; American Civil Liberties Union of Massachusetts, Inc.; Massachusetts Municipal Lawyers Association; and PioneerLegal, LLC.

Background. 1. Public meeting. We draw the facts from the plaintiffs' complaint, while also considering the board's public comment policy and the video recording of the board's December 4, 2018 meeting, both of which were included in the record and considered by the judge below. See Mullins v. Corcoran, 488 Mass. 275, 281 (2021), quoting Schaer v. Brandeis Univ., 432 Mass. 474, 477 (2000) ("In deciding [a motion for judgment on the pleadings], all facts pleaded by the nonmoving party must be accepted as true. . . . We also may rely on 'matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint'"); Rosenberg v. JPMorgan Chase & Co., 487 Mass. 403, 408 (2021) (in reviewing motion to dismiss, we may consider extrinsic documents plaintiff relied on in framing complaint).

Barron is a town resident and a longtime participant in local government. The board consists of five elected members. Kolenda was a longtime member of the board. The board is subject to "the Massachusetts open meeting law, G. L. c. 30A, §§ 18 and 20 (a), which generally requires public bodies to make their meetings, including 'deliberations,' open to the public." Boelter v. Selectmen of Wayland, 479 Mass. 233, 234 (2018). The board's public comment policy outlines the public comment portion of its meetings where town residents may address the

board.<sup>5</sup> In 2018, the Attorney General determined that the board had committed dozens of open meeting law violations and ordered

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<sup>5</sup> The public comment policy states in full:

"The [board of selectmen] recognizes the importance of active public participation at all public meetings, at the discretion of the [c]hair, on items on the official agenda as well as items not on the official agenda. All comments from the public should be directed to or through the [c]hair once the speaker is recognized, and all parties (including members of the presiding [b]oard) act in a professional and courteous manner when either addressing the [b]oard, or in responding to the public. Once recognized by the [c]hair, all persons addressing the [b]oard shall state their name and address prior to speaking. It is the role of the [c]hair to set time limitations and maintain order during public meetings, as it is important that the [b]oard allow themselves enough time to conduct their official town business.

"If included on the meeting agenda by the [c]hair, '[p]ublic [c]omment' is a time when town residents can bring matters before the [b]oard that are not on the official agenda. Comments should be short and to the point, with the [c]hair ultimately responsible to control the time available to individual speakers. Except in unusual circumstances, any matter presented under '[p]ublic [c]omment' will not be debated or acted upon by the [b]oard at the time it is presented.

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting.

"Finally, while it true that State law provides that the [c]hair may order a disruptive person to withdraw from a meeting (and, if the person does not withdraw, the [c]hair may authorize a constable or other officer to remove the person from the meeting), it is the position of the [board] that no meeting should ever come to that point."

each member of the board to attend in-person open meeting law training.

Barron attended the board's meeting on December 4, 2018, where Kolenda was acting as the chair. The board members discussed a number of topics, including the town budget, which, if approved, would result in increased real estate taxes for town residents. The board also discussed the possibility of elevating the town administrator to the position of town manager. The board also briefly addressed the open meeting law violations. During the discussion on this point, Kolenda stated that the board is "a group of volunteers," and further characterized its members as "public servants" who "do their best."

After approximately two and one-half hours of business, Kolenda announced that the board would be moving to public comment. Kolenda then stated, paraphrasing from the public comment policy:

"And before we go to public comment, just a reminder for anyone who wants to make public comment. It's a time when town residents can bring matters before the board of selectmen that are not on the official agenda. We do have these posted for all boards and committees. Comments should be short and to the point and remarks must be respectful and courteous, free of rude, personal, or slanderous remarks, and the guidelines go on for a couple of pages, but if anyone has any questions on that feel free to ask us. If not, public comment please."

Barron then approached the podium holding a sign that stated "Stop Spending" on one side and "Stop Breaking Open Meeting Law"

on the other. Barron began her comments by critiquing the proposed budget increases, opining that the town "ha[d] been spending like drunken sailors" and was "in trouble." She argued for a moratorium on hiring and inquired about the benefits of hiring a town manager as opposed to a town administrator. Kolenda responded that questions would not be answered as the board was "not going to have a back and forth discussion during public comment." Barron began moving to her next topic of concern but another board member responded to her question, indicating that the issue of a town manager would be considered by a committee and "ha[d] nothing to do with [the] upcoming town meeting."

After the board member's response, Barron began to critique the board for its open meeting law violations. Barron and Kolenda then had the following exchange:

Barron: "And the next thing I want to say is you said that you were just merely volunteers, and I appreciate that, but you've still broken the law with open meeting law, and that is not the best you can do. And . . . when you say that . . . this is the best we could do, I know it's not easy to be volunteers in town but breaking the law is breaking the law and --"

Kolenda: "So ma'am if you want to slander town officials who are doing their very best --"

Barron: "I'm not slandering."

Kolenda: "-- then then we're gonna go ahead and stop the public comment session now and go into recess."



When Kolenda said the word "now," Barron interjected and, simultaneously to Kolenda saying, "go into recess," Barron stated, "Look, you need to stop being a Hitler." Barron continued: "You're a Hitler. I can say what I want." After Barron's second reference to Hitler, Kolenda said: "Alright, we are moving into recess. Thank you."

The audio recording on the public broadcast then stopped. A message on the screen stated, "The Board of Selectmen is taking a brief recess and will return shortly," but the video recording continued to show the board members for approximately thirteen seconds.

Kolenda turned off his microphone, stood up, and began pointing in Barron's direction, repeatedly yelling at her, "You're disgusting!" Kolenda told Barron that he would have her "escorted out" of the meeting if she did not leave. Concerned that Kolenda would follow through with his threat, Barron left the meeting.

2. Procedural history. In April 2020, Barron, her husband, and a third resident of the town filed a complaint in the Superior Court alleging both Federal and State causes of action relating to the board's December 4, 2018 meeting. The defendants removed the case to Federal court, but it was remanded to the Superior Court after the plaintiffs withdrew the Federal claims. The plaintiffs' amended complaint sought a

judgment declaring that a portion of the policy was unconstitutional under the Massachusetts Declaration of Rights to the extent that the policy disallows criticism of the board members and their decisions. They also sought relief against Kolenda in his individual capacity under the MCRA, G. L. c. 12, §§ 11H-11I, for violation of art. 19.<sup>6</sup> Article 19 is the only provision of the Declaration of Rights that is expressly referenced in the complaint, although the request for declaratory relief is more open-ended and uses the terminology associated with free speech claims.

Prior to discovery, the defendants filed a motion for judgment on the pleadings. The motion was allowed as to all counts, and the plaintiffs appealed. We transferred the case here on our own motion.

Discussion. In the instant case, we are confronted with a State, not a Federal, constitutional challenge. It is also a

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<sup>6</sup> The plaintiffs also brought an MCRA claim against Kolenda in his official capacity; MCRA claims against two other board members in their official and individual capacities; and claims against the board members for violating the open meeting law. Barron individually brought several common-law claims against Kolenda. The judge dismissed all of Barron's and the plaintiffs' claims. On appeal, the plaintiffs challenge only the dismissals of their claim for a declaratory judgment and the MCRA claim against Kolenda. The plaintiffs do not argue against the dismissal of the MCRA claim against Kolenda in his official capacity. Consequently, we do not review the dismissal of the other claims. See Lyons v. Secretary of the Commonwealth, 490 Mass. 560, 593 n.42 (2022) (claims not argued in brief are waived).

challenge expressly premised on art. 19, a provision that has not been the focus of much attention in recent case law, despite its illustrious past. Notably, this provision has served an important, independent purpose for much of the history of Massachusetts government, as there was no free speech provision in the original Declaration of Rights. In fact, such a provision was not added to the Massachusetts Constitution until 1948, when it was amended to include express free speech protections. See art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution.

As the text of art. 19, which was drafted by John Adams with some assistance from his cousin Samuel Adams,<sup>7</sup> along with its illuminating constitutional history, is directly applicable and dispositive of the claims here, we focus on art. 19 first. Because the request for declaratory relief is more open-ended and uses the terminology associated with art. 16 and First Amendment claims, we address art. 16 as well.

1. Standard of review. "We review the allowance of a motion for judgment on the pleadings de novo." Mullins, 488 Mass. at 281. We accept as true "all facts pleaded by the

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<sup>7</sup> The Adams cousins were two of the three members of the subcommittee at the constitutional convention charged with drafting the Massachusetts Constitution. See S.E. Morison, *History of the Constitution of Massachusetts* 20 (1917).

nonmoving party" and "draw every reasonable inference in [that party's] favor" to determine whether the "factual allegations plausibly suggest[]" that the nonmoving party is entitled to relief. Id., quoting UBS Fin. Servs., Inc. v. Aliberti, 483 Mass. 396, 405 (2019). This standard applies to our review of the allowance of the motion for judgment on the pleadings with regard to the claim of a violation of the MCRA. Our review of the request for a declaratory judgment, however, differs. The plaintiffs seek a declaration that the town's public comment policy is unconstitutional. We review this as a facial challenge based on the uncontested language of the policy itself. This presents a question of law for the court requiring de novo review. See Commonwealth v. McGhee, 472 Mass. 405, 412 (2015) (facial challenge to statute "present[s] questions of law that we review de novo").

2. Article 19. The text of art. 19 provides: "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." As written, this provision expressly envisions a politically active and engaged, even aggrieved and angry, populace.

The text of art. 19 thus encompasses the plaintiffs' complaint here. Barron assembled with others at the public comment session of the board meeting to request redress of the wrongs they claimed had been done to them and the grievances they claimed to have suffered by town official actions, including the town's noncompliance with the open meeting law.

The text of this provision has also not been interpreted to be limited to State representatives or legislative bodies, despite some wording to that effect, but rather has been interpreted to be directed at the people's interaction with government officials more generally, including in particular town officials. See Kobrin v. Gastfriend, 443 Mass. 327, 333 (2005) (statutory right to petition is coextensive with art. 19 and applies where "a party seeks some redress from the government"); MacKeen v. Canton, 379 Mass. 514, 521-522 (1980) (evaluating whether town meeting procedures were consistent with art. 19); Fuller v. Mayor of Medford, 224 Mass. 176, 178 (1916) (right to assemble under art. 19 "enable[s] the [town] voters to have full and free discussion and consultation upon the merits of candidates for public office and of measures proposed in the public interests").

The provision also has a distinct, identifiable history and a close connection to public participation in town government that is uniquely informative in this case. As more fully

explained infra, art. 19 reflects the lessons and the spirit of the American Revolution. The assembly provision arose out of fierce opposition to governmental authority, and it was designed to protect such opposition, even if it was rude, personal, and disrespectful to public figures, as the colonists eventually were to the king and his representatives in Massachusetts.

Our interpretation of the text, history, and purpose of art. 19 is further informed by the words and actions of Samuel and John Adams, who not only theorized and commented upon the right, but were historic actors well versed in its application during the revolutionary period, particularly in the towns. Both Adams cousins emphasized in their correspondence and their actions the importance of the right to assemble. See Bowie, *The Constitutional Right of Self-Government*, 130 *Yale L.J.* 1652, 1727-1728 (2021). Samuel Adams wielded it to great effect in his attempt to "procure a Redress of Grievances" when the British governor of the colony attempted to exercise control over assemblies after the Boston Massacre. Id. at 1680, quoting Report of the Committee to Prepare an Answer to Thomas Hutchinson's Speech (July 31, 1770), in 47 *Journals of the House of Representatives of Massachusetts 1770-1771*, at 63, 69 (1978).

More philosophically, John Adams explained that the right of assembly was a most important principle and institution of self-government, as it allowed "[every] Man, high and low . . .

[to speak his sentiments of public Affairs." Bowie, supra at 1708, quoting Letter from John Adams to Edmé Jacques Genet (May 28, 1780), in 9 Papers of John Adams 350, 353 (G.L. Lint et al. eds., 1996). Town inhabitants, he wrote, "are invested with . . . the right to assemble, whenever they are summoned by their selectmen, in their town halls, there to deliberate upon the public affairs of the town." Letter from John Adams to the Abbé de Mably (1782), in 5 Works of John Adams 492, 495 (C.F. Adams ed. 1851). "The consequences" of the right of assembly, in Adams's words, were that "the inhabitants . . . acquired . . . the habit of discussing, of deliberating, and of judging of public affairs," and thus, "it was in these assemblies of towns . . . that the sentiments of the people were formed . . . and their resolutions were taken from the beginning to the end of the disputes . . . with Great Britain." Id. Alexis de Tocqueville made a similar point in Democracy in America: "Town-meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it." 1 A. de Tocqueville, Democracy in America 55 (H. Reeve trans. 1862).

Our own case law interpreting art. 19 confirms Adams's insights regarding the critical role of the right of assembly in the towns in cultivating the spirit and practice of self-

government. As Justice Rugg wrote in Wheelock v. Lowell, 196 Mass. 220, 227 (1907):

"It is hard to overestimate the historic significance and patriotic influence of the public meetings held in all the towns of Massachusetts before and during the Revolution. No small part of the capacity for honest and efficient local government manifested by the people of this Commonwealth has been due to the training of citizens in the form of the town meeting. The jealous care to preserve the means for exercising the right of assembling for discussion of public topics . . . demonstrates that a vital appreciation of the importance of the opportunity to exercise the right still survives."

From the beginning, our cases have also emphasized that "the fullest and freest discussion" seems to be "sanctioned and encouraged by the admirable passage in the constitution," Commonwealth v. Porter, 1 Gray 476, 478, 480 (1854), so long as the right is exercised in "an orderly and peaceable manner," id. at 478. In fact, the drafters of art. 19 tracked the language of the Pennsylvania Constitution but with the specific addition of the clause providing that such assembly shall be done "in an orderly and peaceable manner." Bowie, 130 Yale L.J. at 1707.

Further clarifying the type of limitations that ensure an "orderly and peaceable" assembly, our more recent case law has drawn on well-understood First Amendment principles and provided for reasonable time, place, and manner restrictions. As we stated:

"States may impose reasonable restrictions on the time, place, or manner of protected speech and assembly 'provided the restrictions "are justified without reference to the content of the regulated speech, that they are narrowly



tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information."'"

Desrosiers, 486 Mass. at 390-391, quoting Boston v. Back Bay Cultural Ass'n, 418 Mass. 175, 178-179 (1994).

3. The application of art. 19 to the civility code. The question then becomes whether the enforcement of the town's civility code passes muster under art. 19. The code provides:

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal, or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting."

As explained supra, the text, history, and case law surrounding art. 19 provide for the "fullest and freest" discussion of public matters, including protection of fierce criticism of governmental action and actors, so long as that criticism is done in a peaceable and orderly manner and is consistent with time, place, and manner restrictions. Porter, 1 Gray at 478. See Desrosiers, 486 Mass. at 390-391. "Peaceable and orderly" is not the same as "respectful and courteous." There was nothing respectful or courteous about the public assemblies of the revolutionary period. There was also much that was rude and personal, especially when it was directed at

the representatives of the king and the king himself.<sup>8</sup> See Bowie, 130 Yale L.J. at 1677 ("in London, a columnist called Boston's town meetings a 'declaration of war' and criticized Boston's leaders for 'working up the populace to such a frenzy of rage'").

Here, the town expressly provided a place for public comment: the meeting of the board. The town also set the time, after the conclusion of the regular meeting, as was the town's right. Barron presented her grievances at the established time and place.<sup>9</sup> The town nonetheless then sought to control the content of the public comment, which directly implicates and restricts the exercise of the art. 19 right of the people to request "redress of the wrongs done them, and of the grievances

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<sup>8</sup> The policy's prohibition on slander raises a different set of questions that we need not resolve here. In Commonwealth v. SurrIDGE, 265 Mass. 425, 427 (1929), this court expressly carved out slander from protection under art. 19. However, at least under First Amendment principles, slander directed at public officials requires actual malice. See Edwards v. Commonwealth, 477 Mass. 254, 263 (2017), S.C., 488 Mass. 555 (2021), citing New York Times Co. v. Sullivan, 376 U.S. 254, 279-280 (1964).

<sup>9</sup> A manner regulation restricts the way in which a speaker communicates, i.e., the medium of communication or aspects of that medium like the size of signs or the volume of audio. See Regan v. Time, Inc., 468 U.S. 641, 656 (1984) (plurality opinion) (manner regulations include "size and color limitations" on photographs, "decibel level restrictions," and "size and height limitations on outdoor signs"); Back Bay Cultural Ass'n, 418 Mass. at 183 (ban on "forms of entertainment" that "create the type of noise the city legitimately seeks to eliminate" would be permissible). We are not presented with disputed manner restrictions in the instant case.

they suffer."<sup>10</sup> The content sought to be prohibited -- discourteous, rude, disrespectful, or personal speech about government officials and governmental actions -- is clearly protected by art. 19, and thus the prohibition is impermissible. In sum, the town's civility code is contradicted by the letter and purpose of art. 19.<sup>11</sup>

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<sup>10</sup> This is not a case in which the public meeting was limited to a particular item or items. Although that would be content based, in order to function efficiently, towns must be able to hold public meetings limited to a particular subject without violating art. 19, so long as the town provides other opportunities to exercise this right, as it did in the instant case. Cf. Madison Joint Sch. Dist. No. 8 v. Wisconsin Employment Relations Comm'n, 429 U.S. 167, 175 n.8 (1976) ("Plainly, public bodies may confine their meetings to specified subject matter and may hold nonpublic sessions to transact business").

<sup>11</sup> Given the detailed and emphatic text, history, and case law, there is no reason to conclude that the State constitutional right protected by art. 19 would be any less protective than the right of assembly protected by the First Amendment. Throughout most of its history, the right of assembly clause in the First Amendment, although not interpreted as being "identical" to the right of free speech, has not been given much independent significance. See National Ass'n for the Advancement of Colored People v. Claiborne Hardware Co., 458 U.S. 886, 911-912 (1982); Thomas v. Collins, 323 U.S. 516, 530 (1945) (rights to freedom of speech, assembly, and press, "though not identical, are inseparable"). See also Blackhawk, Lobbying and the Petition Clause, 68 *Stan. L. Rev.* 1131 (2016); Bowie, 130 *Yale L.J.* at 1655; El-Haj, The Neglected Right of Assembly, 56 *UCLA L. Rev.* 543 (2009); Inazu, The Forgotten Freedom of Assembly, 84 *Tul. L. Rev.* 565, 570 (2010). Although the Supreme Court's more recent decision in Duryea v. Guarneri, 564 U.S. 379, 394 (2011), somewhat reinvigorated the provision, Blackhawk, supra at 1181, the vigor of art. 19 is unquestionable as reflected in its text, history, and case law. Indeed, the clear thrust of that text, history, and case law interpreting art. 19 compels the conclusion that the town's civility code is unconstitutional.

4. Article 16. Assuming that the request for declaratory relief also includes a claim based on art. 16, as well as art. 19, we also conclude that art. 16 is violated.

In their request for declaratory relief, the plaintiffs state:

"The [c]ourt should declare that the [d]efendants may not regulate protected speech during any time period designated for speech by the public based on the content of the message of the speaker, the view point of the speaker, or their desire to avoid criticism, ensure 'proper decorum', or avoid 'personal' or derogatory or even defamatory statements, unless such regulation is the least restrictive means necessary to achieve a compelling government interest."

Our cases interpreting art. 16 clearly support this request for relief. They also do so without any need to survey, as the parties do, the contested Federal case law distinguishing limited and designated public forums and the different standards of review applicable to these forums under the First Amendment. As this court expressly stated in Walker v. Georgetown Hous. Auth., 424 Mass. 671, 675 (1997): "We need not decide whether we would find the [United States] Supreme Court's public, nonpublic, and limited public forum classifications instructive in resolving free speech rights under our Declaration of Rights" in the instant case. Indeed, "we need not enter that fray because, under our Declaration of Rights, the applicable standard for content-based restrictions on political speech is clearly strict scrutiny." Commonwealth v. Lucas, 472 Mass. 387,

397 (2015). See Massachusetts Coalition for the Homeless v. Fall River, 486 Mass. 437, 441-442 (2020) (holding that strict scrutiny applies to content-based regulation of protected speech); Bachrach v. Secretary of the Commonwealth, 382 Mass. 268, 276 (1981) ("As a substantial restriction of political expression and association . . . the legislation at bar should attract 'strict scrutiny'").<sup>12</sup>

There is no question that this civility code is directed at political speech, as it regulates speech in a public comment session of a meeting of the board, and that it is content based, as it requires us to examine what was said. See Opinion of the Justices, 436 Mass. 1201, 1206 (2002) ("if the applicability of

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<sup>12</sup> As we apply strict scrutiny here, the protection provided by the State Constitution is at least as great if not greater than the protection provided by the First Amendment for content-based governmental restrictions. As noted supra, we are not confronted with a public meeting limited to a particular item or items. We recognize that even though a public meeting limited to a particular purpose may require a content-based restriction on comments, government must be able to hold such meetings to function efficiently. Whether the government's right to hold such meetings satisfies strict scrutiny or some lesser standard under art. 16, we need not decide. Cf. Rowe v. Cocoa, 358 F.3d 800, 803 (11th Cir. 2004) ("There is a significant governmental interest in conducting orderly, efficient meetings of public bodies," which may be done via "confine[ing] their meetings to specified subject matter"); White v. Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990) ("the Council does not violate the first amendment when it restricts public speakers to the subject at hand"); Smith vs. Middletown, U.S. Dist. Ct., No. 3:09-CV-1431 (D. Conn. Sept. 1, 2011), aff'd sub nom. Smith v. Santangelo, 518 Fed. Appx. 16 (2d Cir. 2013) ("The restriction of public comment to items on the agenda is also reasonable because it . . . facilitate[s] the official business of the Council").

the bill's requirements can only be determined by reviewing the contents of the proposed expression, the bill is a content-based regulation of speech"). As such, it must withstand strict scrutiny, which means it must be "both 'necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end.'" Lucas, 472 Mass. at 398, quoting Opinion of the Justices, supra. It is neither. Although civility can and should be encouraged in political discourse, it cannot be required. In this country, we have never concluded that there is a compelling need to mandate that political discourse with those with whom we strongly disagree be courteous and respectful. Rather, we have concluded that political speech must remain "uninhibited, robust, and wide-open." Van Liew v. Stansfield, 474 Mass. 31, 39 (2016), quoting New York Times Co. v. Sullivan, 374 U.S. 254, 270 (1964). This civility code is also drafted with an extraordinarily broad brush. It is certainly not narrowly tailored.

Finally, the policy's requirement that the speech directed at government officials "be respectful and courteous, [and] free of rude . . . remarks" appears to cross the line into viewpoint discrimination: allowing lavish praise but disallowing harsh criticism of government officials.<sup>13</sup> As the Supreme Court has

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<sup>13</sup> At the same time, as between members of the public taking opposite positions, a requirement that the comments be respectful and courteous appears not to be viewpoint based, but

explained, "[w]hen the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 829 (1995). See Shurtleff v. Boston, 142 S. Ct. 1583, 1587 (2022) ("When the government encourages diverse expression -- say, by creating a forum for debate -- the [right to free speech] prevents it from discriminating against speakers based on their viewpoint"). Although we have not been required to precisely define what constitutes viewpoint discrimination in our case law, art. 16, like the First Amendment, certainly does not permit viewpoint discrimination. See Roman v. Trustees of Tufts College, 461 Mass. 707, 716-717 (2012); Opinion of the Justices, 430 Mass. 1205, 1209 (2000).<sup>14</sup>

A provision "that public officials [can] be praised but not condemned" is "the essence of viewpoint discrimination." Matal v. Tam, 582 U.S. 218, 249 (2017) (Kennedy, J., concurring). Speech that politely praises public officials or their actions is allowed by the policy, but speech that rudely or

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rather only content based. An example would be if a town official told both sides debating a tax increase to fully express their views but to do so courteously. Although still impermissible, because it is content based, the restriction would not be viewpoint based.

<sup>14</sup> The same is true for art. 19.

disrespectfully criticizes public officials or their actions is not. This constitutes viewpoint discrimination.

In sum, this civility code is unconstitutional under art. 16 as well as art. 19.

5. Overbreadth, vagueness, and permissible restrictions.

In the instant case, we have not been asked, nor should we attempt on our own, to separate the unconstitutional from the constitutional aspects of the town's civility code. We conclude that it is so overbroad, so vague, and so subject to manipulation on its face that it is not salvageable or severable. See Massachusetts Coalition for the Homeless, 486 Mass. at 447 (statute declared facially invalid under art. 16 in its entirety because we discerned an "unacceptable risk of a chilling effect"); Lucas, 472 Mass. at 404 (statute declared unconstitutional in its entirety because "even under a narrow construction, there is a genuine risk that the operation of [statute] will cast an unacceptable chill on core political speech").

This is not to say that restrictions cannot be imposed on public comment sessions consistent with arts. 16 and 19. Reasonable time, place, and manner restrictions could include designating when and where a public comment session may occur, how long it might last, the time limits for each person speaking



during the public comment session, and rules preventing speakers from disrupting others and removing those who do.

6. MCRA claim. We also have no difficulty concluding that the dismissal of the MCRA claim should be reversed. Taking the facts in the light most favorable to the plaintiffs, Kolenda "interfere[d]" with Barron's clearly established constitutional right under arts. 19 and 16 via "threats, intimidation or coercion." G. L. c. 12, § 11H. As such, there was a violation of the MCRA and no qualified immunity.

"To establish a claim under the [MCRA], 'a plaintiff must prove that (1) the exercise or enjoyment of some constitutional or statutory right; (2) has been interfered with, or attempted to be interfered with; and (3) such interference was by threats, intimidation, or coercion.'" Glovsky v. Roche Bros. Supermkts., Inc., 469 Mass. 752, 762 (2014), quoting Currier v. National Bd. of Med. Examiners, 462 Mass. 1, 12 (2012). In the instant case, the video recording shows that, first, Barron complained about the open meeting law violations; then, Kolenda accused her of slander and said, "[W]e're gonna go ahead and stop the public comment session now"; next, Barron said, "[Y]ou need to stop being a Hitler"; and finally, Kolenda ended the meeting and the audio stopped. Subsequently, Kolenda stood up and started yelling and aggressively pointing at Barron. The plaintiffs' complaint alleges that Kolenda shouted, "You're disgusting," and

threatened to have her "escorted out" of the meeting. The video recording does not show Barron after the end of the audio portion.

Taking the facts, including the video recording, in the light most favorable to the plaintiffs, Barron exercised her constitutional right under arts. 19 and 16 to address the meeting of the board and complain about the open meeting law violations. Her comparison between Kolenda and Hitler was, at least in the light most favorable to the plaintiffs, simply hyperbole, describing Kolenda as behaving in a dictatorial manner, that is, domineering or authoritarian. Although a comparison to Hitler is certainly rude and insulting, it is still speech protected by art. 16.<sup>15</sup>

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<sup>15</sup> We note that personally insulting comments may rise to the level of fighting words, that is, "face-to-face personal insults that are so personally abusive that they are plainly likely to provoke a violent reaction and cause a breach of the peace," which are not protected speech. O'Brien v. Borowski, 461 Mass. 415, 423 (2012). See also Cohen v. California, 403 U.S. 15, 20 (1971) (fighting words are "personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction"). We have also explained that "the fighting words exception [to free speech] is 'an extremely narrow one.'" O'Brien, *supra*, quoting Johnson v. Campbell, 332 F.3d 199, 212 (3d Cir. 2003). We further emphasize that elected officials are expected to be able to respond to insulting comments about their job performance without violence. See Commonwealth v. Bigelow, 475 Mass. 554, 562 (2016) ("personal insults and allegations concerning [selectman's] alleged criminal past" were "constitutionally protected political speech" because "central thrust is criticism of him as a selectman"). Although not presented in the instant case, we recognize that fighting words from one public speaker may trigger a disturbance from another

In addition, the plaintiffs' allegations plausibly suggest that Barron's rights were interfered with via threats, intimidation, or coercion. Kolenda's response is not fully captured by the video recording, but, accepting the plaintiffs' account as true, Kolenda told Barron to stop speaking, started screaming at her, and threatened to have her removed from the meeting in response to her protected speech. If this is proved at trial, she could establish a violation of the MCRA. See Batchelder v. Allied Stores Corp., 393 Mass. 819, 823 (1985) ("sufficient intimidation or coercion" where "security officer ordered [plaintiff] to stop soliciting and distributing his political handbills"); Sarvis v. Boston Safe Deposit & Trust Co., 47 Mass. App. Ct. 86, 93 (1999) (third element of MCRA satisfied where "defendants attempted to interfere with the plaintiffs' right to a summary process hearing by threatening them with arrest and then bringing about their arrests").

On the facts alleged, Kolenda is also not entitled to qualified immunity. As we have explained: "[G]overnment officials performing discretionary functions, generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have

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member of the public, which may require action by government officials.

known." LaChance v. Commissioner of Correction, 463 Mass. 767, 777 (2012), S.C., 475 Mass. 757 (2016), quoting Rodrigues v. Furtado, 410 Mass. 878, 882 (1991). More specifically, "[a] right is only clearly established if, at the time of the alleged violation, 'the contours of the right allegedly violated [were] sufficiently definite so that a reasonable official would appreciate that the conduct in question was unlawful.'" LaChance, supra, quoting Longval v. Commissioner of Correction, 448 Mass. 412, 419 (2007). Nevertheless, "it is not necessary for the courts to have previously considered a particular situation identical to the one faced by the government official." Caron v. Silvia, 32 Mass. App. Ct. 271, 273 (1992). "It is enough, rather, that there existed case law sufficient to clearly establish that, if a court were presented with such a situation, the court would find that the plaintiff's rights were violated." Id., quoting Hall v. Ochs, 817 F.2d 920, 925 (1st Cir. 1987). In the instant case, the contours of the rights are sufficiently clear, and a reasonable public official would understand that his response to the exercise of those rights was unlawful.

As discussed supra, the "full and free" discussion in town meetings protected by art. 19 has a long and distinguished history in Massachusetts. Fuller, 224 Mass. at 178. It is also well established that restrictions on the content of political

speech must be "necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end" to satisfy the requirements of art. 16, Opinion of the Justices, 436 Mass. at 1206, and that viewpoint discrimination is absolutely prohibited, Rosenberger, 515 U.S. at 829.

At a public comment session in a meeting of the board, a resident of the town thus clearly has the right to accurately complain about violations of law committed by town officials and object to other town actions, including its spending practices, and to express her views vehemently, critically, and personally to the government officials involved. Such a right is clearly protected by art. 19 as well as art. 16 for the reasons discussed supra. When a government official responds to a resident's exercise of those rights by accusing her of slandering the board, screaming at her, and threatening her physical removal, it should be clear to him that his conduct is unlawful. Thus, there is no basis for qualified immunity.

Conclusion. The order of judgment on the pleadings is reversed, and the case is remanded for further proceedings consistent with this opinion, including entry of a judgment declaring that the town's public comment policy is unconstitutional.

So ordered.

Guerline AlcyJabouin <guerline.alcyjabouin@ci.everett.ma.us>

3/10/2025 1:51 PM

## Charter Committee - Schedule going forward

To David Flood <david\_flood@comcast.net> Copy David Flood <david.flood@ci.everett.ma.us> •  
Robert VanCampen <rob.vancampen@ci.everett.ma.us>

Hello everyone,

Below are suggestions sent by a constituent for the charter review.

1. Below is what the State has for a recall.  
I ask the charter reflect actual votes cast vs total of registered voters .  
And increase length to get signatures to 60 days instead of the 28 days
2. CC must approve any and all departments heads before they can assume position. And "acting" department head can only in role for no longer than 45 days.
3. All agreements, Mou,moa must be approved 2/3 of cc approval
4. All revolving accounts spending must be approved similar to free cash or general fund requests.
5. Indemnity protection does not cover actions intentionally or premeditated actions by any elected or city workers.  
A limit for any individuals legal expenses cannot exceed 125k
6. All NDA agreements must be approved by cc before any agreement is signed.
7. All meetings, including board meetings must be video and audio recorded and televised lived by 2027. All meetings will be retrievable on demand
8. All meetings minutes must be posted online to avoid the need to public requests
9. Charter commission members will be randomly selected 1 resident per ward and 1 at large.  
Selection will be done publicly at the beginning of Cc meeting . Names of individuals will be ready aloud and place in a "drum" and cc president will select at large members and ward councilor will select their representative.  
The city council president will select 2 cc and 2 residents .  
The mayor will select 4 residents also.  
All selected or appointed members cannot work for the city, work for vendors or contractors doing business in the city, and ideally the mix of members should reflect the demographics .
10. ZBa and planning board members must live in Everett  
Member selection must have representative of at least one person ward.
11. All board members for other boards must live in the city.

They members should also be publicized and advertised in paper and website for positions. And msyor recommends and once again they must be approved by Cc before taking position on boards .

12. Board member should be voluntary or payments with 1099.  
We need to stop additional burden to pension where board members can then take a city job to pad pension

13. If any elected official is found to take funds incorrect or illegally, the city council will have the power to place elected officials on leave including the mayor and members of his administration. This is how the school committee operates. With the ability to place superintendent on leave with and without paying.

14. All invoices must be posted on the website.

15. All legal expenses and NDA cost need to be posted quarterly

16. All major zoning changes need to be approved by voters.

17. Mayor salary will be frozen at whatever the number is as of Dec 31 2025.

18. Whenever the mayor is out state or country must notify cc.  
And city council president assumes mayor responsibilities.  
If Msyor ignores this, the city council can vote to reprimand him and dock salary for days when out of state or country.

"The greatness of a community is most accurately measured by the compassionate actions of its members...a heart of grace and a soul generated by love."  
— Coretta Scott King

On Mar 2, 2025, at 7:03 PM, Robert VanCampen <[Rob.VanCampen@ci.everett.ma.us](mailto:Rob.VanCampen@ci.everett.ma.us)> wrote:

Good evening all-

Following our recent Charter Committee meeting, we have agreed that the next meeting of the Committee will be held on Thursday, March 20, 2025 at 6:30p.m. This meeting is intended to finalize revised language around any prohibition to be put in place for this with a prior felony conviction. The City Clerk will be communicating with Lauren Goldberg to determine: (a) if she is able to attend our meeting on the 20th; and (b) to see if she can provide some clarity for us on the definition of felonies within any prohibition we may recommend, including what is meant by "public trust" in such a prohibition.

We have also agreed to review any remaining issues within Articles I to X of the Charter. As discussed, if you have any proposed recommendations within any of those section you wish to discuss please email them to City Clerk Cornelio and Mr. Flood no later than 5:00p.m. on Thursday, March 13.

Lastly, we have agreed to tentatively schedule a public hearing on the proposed charter recommendation for Thursday, April 3 at 6:30p.m. at City Hall. The hope is to have a working version of our recommended changes, perhaps with a draft report, available for viewing on the City's website and in the City Clerk's office. Advertisements for this public hearing will occur either during the week of 3/17 or 3/24, and I ask that City Clerk Cornelio and Mr. Flood assist with that.

Please let me know if you have any questions.

Have a good night.

Rob

Sent from my iPad

On Feb 25, 2025, at 3:56 PM, David Flood <[David.Flood@ci.everett.ma.us](mailto:David.Flood@ci.everett.ma.us)> wrote:

Hello all,

Sorry this agenda packet didn't get out sooner. But between my city council responsibilities in a meeting week, the short turn-around time and wanting to show that minutes are caught up, it just couldn't be helped.

A good portion of the materials in the packet are things that you've seen before. But a lot of it is minutes. If you feel that you haven't had enough time to review the minutes before you are asked to approve them, then please make a motion to postpone their approval until the next meeting.

Let me know me know if you have any questions. Printed copies of the packet will be available Thursday night or sooner by request.

Thanks,

Dave



March 15, 2025

Charter Committee Members,

While I was doing the minutes for the review of Article 7 of the Charter, I started to realize that although the changes that the committee was proposing to make to this article were all valid, there were additional changes that needed to be made to the article so that we did not leave a bigger problem than we would be fixing.

To support my case, I've attached the following versions of Article 7 after this document in the order specified below:

Current Version

Approved Version (With changes that the Committee has previously approved applied)

Current/Approved Compare (A redline compare that shows the changes that were applied to the current version)

Updated Version (With the changes that I thought were necessary for a "clean" article)

Approved/Updated Compare (A redline compare that shows the changes I made to the approved version)

The easiest way to see this issue is to look at Sections 7 -1 and 7-2 after the changes that the committee approved have been applied. Before any changes were made, these two sections, at their heart, were very similar. Now in Section 7-1, the city clerk proposes moving the election and the election can only be held on the third or fourth Tuesday in September. In contrast, in Section 7-2, the board of election commissioners proposes moving the election and it can be held on any Tuesday in September. In either case, with addition of early voting, holding an election on the fourth Tuesday in September may not leave enough preparation time for the general election.

Upon further investigation, I also found unnecessary repetitive language; inconsistent use of terms and incorrect references to the city clerk's involvement in elections since the city now has an election commission.

So, I made the changes that I thought would be necessary to clear up the issues I found in the article. Once I was done, I mentioned this to City Clerk.Cornelio. who was supportive of the changes I made. He, in turn, mentioned these changes to Attorney Goldberg was also very supportive of the changes. In fact, they encouraged me to make further changes to actually consolidate Sections 7-1 and 7-2. I hadn't wanted to go that far on my own; but I believe it was a good thing as it allowed me to open the article with some general information about city elections including adding the year the four- year mayoral cycle began. We all know when the next mayor's election is but someone who just picked up the charter might be hard-pressed to figure out when that election was

I know that the Charter Review Committee might not want to deal with a change this large at this point in the review process, But I really feel that making these changes would be in the best interest of the city. I hope that you will consider them.

David R. Flood

2024 – 2025 Charter Review Committee Recording Secretary

**ARTICLE 7  
ELECTIONS**

**SECTION 7-1: PRELIMINARY ELECTION FOR MAYOR**

- (a) A preliminary election for the purpose of nominating candidates for mayor shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.
- (b) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

**SECTION 7-2: PRELIMINARY ELECTION FOR CITY COUNCIL AND SCHOOL COMMITTEE**

A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on the third Tuesday in September in each odd-numbered year in which a city councilor or school committee member is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.

**SECTION 7-3: PRELIMINARY ELECTION PROCEDURES**

(a) Ballot Preparation and Signature Requirements

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

- (1) The board of election commissioners and city clerk shall prepare separate nomination papers for nomination to at-large and ward positions, and make the same available not earlier than April 2 in each preliminary election year.  
(C0114-18/Acts of 2018, Chapter 316)
- (2) Said papers shall be submitted to the city clerk on or before 4 p.m. on the forty-fifth day prior to the declared date of such preliminary election.
- (3) An individual may appear on the ballot for only one (1) office at any preliminary, regular or special election.
- (4) Nomination papers shall be signed by the following number of voters for each office:
  - a. Mayor, no fewer than five hundred (500) signatures, with no fewer than twenty-five (25) signatures certified from each ward;
  - b. Councilor at large or school committee member at large, no fewer than two hundred fifty (250) signatures; and
  - c. Ward councilor or ward school committee member, no fewer than one hundred (100) signatures from the ward in which election is sought.
- (5) The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than seven (7) councilors.

- (6) Any candidate taking out papers shall be advised of the number of signatures required for nomination to the office sought.
- (b) Ballot Position  
The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least forty (40) days before the preliminary election. Such drawing shall be open to the public.
- (c) Determination of Candidates
  - (1) The two (2) persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
  - (2) If two (2) or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
  - (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary
  - (1) If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office:
    - a. The candidates whose statements have thus been filed shall be deemed to have been nominated to said office; and
    - b. Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and
    - c. The city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
  - (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

**SECTION 7-4: REGULAR ELECTION**

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

**SECTION 7-5: BALLOT POSITION, REGULAR ELECTION**

The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk no later than 7 days after the certification of the preliminary election results. Such drawing shall be open to the public.

**SECTION 7-6: NON-PARTISAN ELECTIONS**

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other political designation.

**SECTION 7-7: WARDS**

- (a) The territory of the city shall be divided into six (6) wards by the city clerk so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.
- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each ten (10) years, review these wards to insure their uniformity in number of inhabitants.

**SECTION 7-8: APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

**ARTICLE 7  
ELECTIONS**

**SECTION 7-1: PRELIMINARY ELECTION FOR MAYOR**

- (a) A preliminary election for the purpose of nominating candidates for mayor at the biennial city election shall be held on the 3<sup>rd</sup> Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the 4<sup>th</sup> Tuesday to avoid a conflict with any civil or religious holiday.
- (b) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election.

**SECTION 7-2: PRELIMINARY ELECTION FOR CITY COUNCIL AND SCHOOL COMMITTEE**

A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on a Tuesday in September, on such date as the board of election commissioners shall determine in each odd-numbered year in which a city councilor or school committee member is to be elected.

**SECTION 7-3: PRELIMINARY ELECTION PROCEDURES**

- (a) Ballot Preparation and Signature Requirements  
(C0005-1-20/Acts of 2021, Chapter 14)
  - (1) The board of election commissioners and city clerk shall prepare separate papers for nomination to mayor and at-large and ward city council and school committee positions and shall make the papers available not earlier than April 2 in each preliminary election year.  
(C0114-18/Acts of 2018, Chapter 316)
  - (2) Said papers shall be submitted to the city clerk on or before 4 p.m. on the 45<sup>th</sup> day prior to the declared date of such preliminary election.
  - (3) An individual may appear on the ballot for only 1 office at any preliminary, regular or special election.
  - (4) Nomination papers shall be created by the board of election commissioners for each of the following offices, to be available no earlier than April 2 in each preliminary election year, which papers shall include the number of certified signatures of voters as specified for each office:
    - a. Mayor, no fewer than 500 signatures, with no fewer than 25 signatures certified from each ward;
    - b. Councilor at large or school committee member at large, no fewer than 250 signatures; and

- c. Ward councilor or ward school committee member, no fewer than 100 signatures from the ward in which election is sought.
- (5) The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any preliminary election year and, further that a certified copy of such vote shall be posted in the city clerk's office and of the city's official website.
- (6) Any candidate taking out papers shall be advised of the number of signatures required for nomination to the office sought.
- (b) Ballot Position  
The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least 40 days before the preliminary election. Such drawing shall be open to the public.
- (c) Determination of Candidates
  - (1) The 2 persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
  - (2) If 2 or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
  - (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary
  - (1) If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office:
    - a. The candidates whose statements have thus been filed shall be deemed to have been nominated to said office; and
    - b. Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and
    - c. The city clerk shall not print said names upon the ballot to be used at said

preliminary election and no other nomination to said office shall be made.

- (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

**SECTION 7-4: REGULAR ELECTION**

The regular city election shall be held on the 1<sup>st</sup> Tuesday following the 1<sup>st</sup> Monday in November in each odd-numbered year.

**SECTION 7-5: BALLOT POSITION, REGULAR ELECTION**

The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk no later than 7 days after the certification of the preliminary election results or if no preliminary election is held, no later than 34 days prior to the election. Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website. Such drawing shall be open to the public.

**SECTION 7-6: NON-PARTISAN ELECTIONS**

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other political designation.

**SECTION 7-7: WARDS**

- (a) The territory of the city shall be divided into 6 wards by the city clerk so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.
- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each 10 years, review these wards to insure their uniformity in number of inhabitants.

**SECTION 7-8: APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.





## City of Everett Home Rule Charter

### ARTICLE 7 ELECTIONS

#### SECTION 7-1: PRELIMINARY ELECTION FOR MAYOR

- (a) A preliminary election for the purpose of nominating candidates for mayor at the biennial city election shall be held on the ~~thi~~<sup>3</sup>~~rd~~ Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the ~~fourth~~<sup>4</sup>~~th~~ Tuesday to avoid a conflict with any civil or religious holiday.
- (b) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, ~~twenty-eight (28)~~ days before the date established for the special election.

#### SECTION 7-2: PRELIMINARY ELECTION FOR CITY COUNCIL AND SCHOOL COMMITTEE

A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on ~~the third~~ Tuesday in September, on such date as the board of election commissioners shall determine in each odd-numbered year in which a city councilor or school committee member is to be elected, ~~but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.~~

#### SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

- (a) Ballot Preparation and Signature Requirements  
(C0005-1-20/Acts of 2021, Chapter 14)
- (1) The board of election commissioners and city clerk shall prepare separate ~~nomination~~ papers for nomination to mayor and at-large and ward city council and school committee positions; and shall make the ~~same~~ papers available not earlier than April 2 in each preliminary election year.  
(C0114-18/Acts of 2018, Chapter 316)
  - (2) Said papers shall be submitted to the city clerk on or before 4 p.m. on the ~~forty-fifth~~<sup>45</sup>~~th~~ day prior to the declared date of such preliminary election.
  - (3) An individual may appear on the ballot for only ~~one (1)~~ office at any preliminary, regular or special election.
  - (4) Nomination papers shall be ~~signed~~<sup>created</sup> by the board of election commissioners for each of the following offices, to be available no earlier than April 2 in each preliminary election year, which papers shall include the number of certified signatures of voters as specified for each office:
    - a. Mayor, no fewer than ~~five hundred (500)~~ signatures, with no fewer than ~~twenty-five (25)~~ signatures certified from each ward;

## City of Everett Home Rule Charter

- b. Councilor at large or school committee member at large, no fewer than ~~two hundred fifty (250)~~ signatures; and
  - c. Ward councilor or ward school committee member, no fewer than ~~one hundred (100)~~ signatures from the ward in which election is sought.
- (5) The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than ~~seven (7) councilors~~ 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any preliminary election year and, further that a certified copy of such vote shall be posted in the city clerk's office and of the city's official website.
- (6) Any candidate taking out papers shall be advised of the number of signatures required for nomination to the office sought.
- (b) Ballot Position
- The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least ~~forty (40)~~ days before the preliminary election. Such drawing shall be open to the public.
- (c) Determination of Candidates
- (1) The ~~two (2)~~ persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
  - (2) If ~~two (2)~~ or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
  - (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary
- (1) If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office:
    - a. The candidates whose statements have thus been filed shall be deemed to have been nominated to said office; and
    - b. Their names shall be voted on for such office at the succeeding regular or

## City of Everett Home Rule Charter

special election, as the case may be; and

- c. The city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
- (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

### SECTION 7-4: REGULAR ELECTION

The regular city election shall be held on the ~~##~~1<sup>st</sup> Tuesday following the ~~##~~1<sup>st</sup> Monday in November in each odd-numbered year.

### SECTION 7-5: BALLOT POSITION, REGULAR ELECTION

The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk no later than 7 days after the certification of the preliminary election results; or if no preliminary election is held, no later than 34 days prior to the election. Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website. Such drawing shall be open to the public.

### SECTION 7-6: NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other political designation.

**City of Everett Home Rule Charter**

**SECTION 7-7: WARDS**

- (a) The territory of the city shall be divided into ~~six~~(6) wards by the city clerk so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.
- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each ~~ten~~(10) years, review these wards to insure their uniformity in number of inhabitants.

**SECTION 7-8: APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

**City of Everett Home Rule Charter**

## **ARTICLE 7 ELECTIONS**

### **SECTION 7-1: CITY ELECTIONS**

- (a) Biennial city elections shall be held in odd-numbered years.
- (b) Such elections for city council and school committee members shall be held every 2 years.
- (c) Such elections for the office of mayor shall be held every 4 years, starting in 2013.
- (d) An individual shall only appear on the ballot for 1 office at any preliminary, regular or special election.

### **SECTION 7-2: PRELIMINARY ELECTIONS FOR CITY OFFICES**

- (a) If necessary, a preliminary election for the purpose of nominating candidates for any city office shall be conducted on a Tuesday in September, but no later than September 21<sup>st</sup>.
- (b) The board of election commissioners shall determine the date of said preliminary election, with the approval of the city council.
- (c) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 35 days before the date established for the special election.

### **SECTION 7-3: PRELIMINARY ELECTION PROCEDURES**

#### **(a) Ballot Preparation and Signature Requirements**

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

- (1) In biennial city election years, the board of election commissioners shall:
  - a. Prepare separate nomination papers for the offices of at-large and ward city council and school committee;
  - b. In biennial city election years in which a mayor is to be elected, prepare nomination papers for the office of mayor;
  - c. Determine the date on which such nomination papers shall be made available, but no earlier than April 2<sup>nd</sup>, and
  - d. Make such nomination papers available on the specified date.

(C0114-18/Acts of 2018, Chapter 316)

- (2) Nomination papers shall be submitted to the elections department on or before 4 p.m. on the 59<sup>th</sup> day prior to the declared date of such preliminary election.
- (3) Nomination papers for each of the following offices shall require the specified number of certified signatures of registered voters listed below in order for a candidate for such office to appear on the election ballot.

- a. Mayor, no fewer than 500 signatures, with no fewer than 25 signatures certified from each ward;
  - b. Councilor at large or school committee member at large, no fewer than 250 signatures; and
  - c. Ward councilor or ward school committee member, no fewer than 100 signatures from the ward in which election is sought.
- (4) The minimum number of certified registered voter signatures required to be eligible for nomination may be changed from time to time by an affirmative vote of no fewer than 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any biennial city election year and, further that a certified copy of such vote shall be posted in the city clerk's office and on the city's official website.
  - (5) Any candidate taking out nomination papers shall be advised of the minimum number of certified signatures of registered voters required to be eligible for nomination to the office sought.
  - (6) The elections department shall complete their certification of all nomination paper signatures no later than 45 days prior to the scheduled date of the preliminary election so that the certified nomination papers can be filed with the city clerk as required by the General Laws.
- (b) Ballot Position
- (1) The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the board of election commissioners at least 40 days before the scheduled date of the preliminary election.
  - (2) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website.
  - (3) Such drawing shall be open to the public.
- (c) Determination of Candidates
- (1) The 2 persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
  - (2) If 2 or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
  - (3) If the preliminary election results in a tie vote among candidates for nomination



receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary

- (1) If, at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election, not more than twice as many candidates have filed nomination papers with the elections department for an office as are to be elected to such office:
  - a. The candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office; and
  - b. Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and
  - c. The board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
- (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

**SECTION 7-4: REGULAR ELECTION**

The regular biennial city election shall be held on the 1<sup>st</sup> Tuesday following the 1<sup>st</sup> Monday in November in each odd-numbered year.

**SECTION 7-5: BALLOT POSITION, REGULAR ELECTION**

- (a) The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners no later than 7 days after the certification of the preliminary election results or if no preliminary election is held, no later than 34 days prior to the regular election.
- (b) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website.
- (c) Such drawing shall be open to the public.

**SECTION 7-6: NON-PARTISAN ELECTIONS**

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other political designation.

**SECTION 7-7: WARDS**

- (a) The territory of the city shall be divided into 6 wards by the city clerk so established as to

consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.

- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each 10 years, review these wards to insure their uniformity in number of inhabitants.

**SECTION 7-8: APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

**ARTICLE 7  
ELECTIONS**

**SECTION 7-1: CITY ELECTIONS**

- ~~(a) Biennial city elections shall be held in odd-numbered years.~~
- ~~(b) Such elections for city council and school committee members shall be held every 2 years.~~
- ~~(c) Such elections for the office of mayor shall be held every 4 years, starting in 2013.~~
- ~~(d) An individual shall only appear on the ballot for 1 office at any preliminary, regular or special election.~~

**SECTION 7-2: PRELIMINARY ELECTIONS FOR MAYOR CITY OFFICES**

- ~~(a) If necessary, a preliminary election for the purpose of nominating candidates for mayor at the biennial any city election office shall be held conducted on the 3<sup>rd</sup> a Tuesday in September in each odd-numbered year in which a mayor is to be elected, but no later than September 21<sup>st</sup>.~~
- ~~(a)(b) The board of election commissioners shall determine the city clerk may date of said preliminary election, with the approval of the city council, reschedule this election to the 4<sup>th</sup> Tuesday to avoid a conflict with any civil or religious holiday.~~
- ~~(b)(c) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 2835 days before the date established for the special election.~~

**SECTION 7-2: PRELIMINARY ELECTION FOR CITY COUNCIL AND SCHOOL COMMITTEE**

~~A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on a Tuesday in September, on such date as the board of election commissioners shall determine in each odd-numbered year in which a city councilor or school committee member is to be elected.~~

**SECTION 7-3: PRELIMINARY ELECTION PROCEDURES**

- (a) Ballot Preparation and Signature Requirements  
(C0005-1-20/Acts of 2021, Chapter 14)
  - ~~(1) The In biennial city election years, the~~ board of election commissioners ~~and city clerk shall:~~
    - ~~a. Prepare separate nomination papers for nomination to mayor and the offices of~~ at-large and ward city council and school committee ~~positions and;~~
    - ~~b. In biennial city election years in which a mayor is to be elected, prepare~~

nomination papers for the office of mayor;

~~c. Determine the date on which such nomination papers shall make the papers be made available not, but no earlier than April 2 in each preliminary election year 2<sup>nd</sup>, and~~

~~a.d. Make such nomination papers available on the specified date.~~

(C0114-18/Acts of 2018, Chapter 316)

(2) ~~Said~~Nomination papers shall be submitted to the ~~city clerk~~elections department on or before 4 p.m. on the 45<sup>9</sup>th day prior to the declared date of such preliminary election.

~~(3) An individual may appear on the ballot for only 1 office at any preliminary, regular or special election.~~

~~(4)(3)~~ Nomination papers shall be created by the board of election commissioners for for each of the following offices: ~~to be available no earlier than April 2 in each preliminary election year, which papers shall include the~~ shall require the specified number of certified signatures of registered voters as ~~specified listed below in order for each candidate for such office: to appear on the election ballot.~~

- a. Mayor, no fewer than 500 signatures, with no fewer than 25 signatures certified from each ward;
- b. Councilor at large or school committee member at large, no fewer than 250 signatures; and
- c. Ward councilor or ward school committee member, no fewer than 100 signatures from the ward in which election is sought.

~~(5)(4)~~ The minimum number of certified registered voter signatures required to be eligible for nomination may be changed from time to time by an affirmative vote of no fewer than 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any preliminary biennial city election year and, further that a certified copy of such vote shall be posted in the city clerk's office and ~~on~~ on the city's official website.

~~(6)(5)~~ Any candidate taking out nomination papers shall be advised of the minimum number of certified signatures of registered voters required to be eligible for nomination to the office sought.

~~(6)~~ The elections department shall complete their certification of all nomination paper signatures no later than 45 days prior to the scheduled date of the preliminary election so that the certified nomination papers can be filed with the city clerk as required by the General Laws.

(b) Ballot Position

~~(1)~~ The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk board of election commissioners at least 40 days before the scheduled date of the preliminary

election.

~~(2)~~ Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website.

~~(+)(3)~~ Such drawing shall be open to the public.

(c) Determination of Candidates

- (1) The 2 persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
- (2) If 2 or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
- (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary

- (1) If, at the expiration of the time for filing ~~statements~~nomination papers of candidates to be voted for at any preliminary election, not more than twice as many ~~such statements~~candidates have ~~been~~ filed nomination papers with the ~~city clerk~~elections department for an office as are to be elected to such office:
  - a. The candidates whose ~~statements~~nomination papers have thus been filed shall be deemed to have been nominated to said office; and
  - b. Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and
  - c. ~~The city clerk~~The board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
- (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

**SECTION 7-4: REGULAR ELECTION**

The regular biennial city election shall be held on the 1<sup>st</sup> Tuesday following the 1<sup>st</sup> Monday in

November in each odd-numbered year.

**SECTION 7-5: BALLOT POSITION, REGULAR ELECTION**

- (a) The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the ~~city clerk~~ board of election commissioners no later than 7 days after the certification of the preliminary election results or if no preliminary election is held, no later than 34 days prior to the regular election.
- (b) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the city's official website.
- ~~(a)~~(c) Such drawing shall be open to the public.

**SECTION 7-6: NON-PARTISAN ELECTIONS**

All elections for city offices shall be non-partisan, and election ballots shall be printed without any party mark, emblem, or other political designation.

**SECTION 7-7: WARDS**

- (a) The territory of the city shall be divided into 6 wards by the city clerk so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.
- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each 10 years, review these wards to insure their uniformity in number of inhabitants.

**SECTION 7-8: APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

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David Flood <[david.flood@ci.everett.ma.us](mailto:david.flood@ci.everett.ma.us)>

3/18/2025 8:43 AM

## FW: Charter Committee - Schedule going forward

To [david\\_flood@comcast.net](mailto:david_flood@comcast.net) <[david\\_flood@comcast.net](mailto:david_flood@comcast.net)>

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**From:** Darren Costa [mailto:[darrencosta@icloud.com](mailto:darrencosta@icloud.com)]  
**Sent:** Monday, March 17, 2025 12:04 PM  
**To:** David Flood  
**Cc:** Robert VanCampen  
**Subject:** Re: Charter Committee - Schedule going forward

Thank you David - here is a couple.

1. Section 8-5(b)4 - Replace 28 days with 60 days to return a petition to recall to the City Clerk
2. Section 6-6 Independent Audit - adding language that requires an internal auditor to manage the independent audit. This is based on the recommendations of the OIG to separate audit from the CFO function.

Thank you David, I hope all is well with you and your family. Hope to see you soon.

Thank you  
Darren Costa

On Mar 17, 2025, at 9:28 AM, David Flood <[David.Flood@ci.everett.ma.us](mailto:David.Flood@ci.everett.ma.us)> wrote:

Darren,

RVC set a deadline of 3/13/2025 for agenda submission (see below). I'll see what he says.

You can call me but if you don't have anything written already.. I have things to do today (i.e. minutes).

I have to get the agenda posted early Tuesday AM as I must leave at noon to take care of a family matter.

Dave

-----Original Message-----

From: Robert VanCampen  
Sent: Sunday, March 02, 2025 7:03 PM  
To: David Flood  
Cc: Guerline AlcyJabouin; [fred@caponelaw.net](mailto:fred@caponelaw.net); [darrencosta@icloud.com](mailto:darrencosta@icloud.com); [metronre10@gmail.com](mailto:metronre10@gmail.com); [katd617@comcast.net](mailto:katd617@comcast.net); [david.senatillaka@gmail.com](mailto:david.senatillaka@gmail.com);



[rdiflorio30@gmail.com](mailto:rdiflorio30@gmail.com); [jimmastrocola@yahoo.com](mailto:jimmastrocola@yahoo.com); Sergio Cornelio; Erin Deveney; Colleen Mejia  
Subject: Charter Committee - Schedule going forward

Good evening all-

Following our recent Charter Committee meeting, we have agreed that the next meeting of the Committee will be held on Thursday, March 20, 2025 at 6:30p.m. This meeting is intended to finalize revised language around any prohibition to be put in place for this with a prior felony conviction. The City Clerk will be communicating with Lauren Goldberg to determine: (a) if she is able to attend our meeting on the 20th; and (b) to see if she can provide some clarity for us on the definition of felonies within any prohibition we may recommend, including what is meant by "public trust" in such a prohibition.

We have also agreed to review any remaining issues within Articles I to X of the Charter. As discussed, if you have any proposed recommendations within any of those section you wish to discuss please email them to City Clerk Cornelio and Mr. Flood no later than 5:00p.m. on Thursday, March 13.

Lastly, we have agreed to tentatively schedule a public hearing on the proposed charter recommendation for Thursday, April 3 at 6:30p.m. at City Hall. The hope is to have a working version of our recommended changes, perhaps with a draft report, available for viewing on the City's website and in the City Clerk's office. Advertisements for this public hearing will occur either during the week of 3/17 or 3/24, and I ask that City Clerk Cornelio and Mr. Flood assist with that.

Please let me know if you have any questions.

Have a good night.

Rob

Sent from my iPad

On Feb 25, 2025, at 3:56 PM, David Flood <[David.Flood@ci.everett.ma.us](mailto:David.Flood@ci.everett.ma.us)> wrote:

Hello all,

Sorry this agenda packet didn't get out sooner. But between my city council responsibilities in a meeting week, the short turn-around time and wanting to show that minutes are caught up, it just couldn't be helped.

A good portion of the materials in the packet are things that you've seen before. But a lot of it is minutes. If you feel that you haven't had enough time to review the minutes before you are asked to approve them, then please make a motion to postpone their approval until the next meeting.

Let me know me know if you have any questions. Printed copies of the packet will be available Thursday night or sooner by request.

Thanks,

Dave