



## MEETING MINUTES

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

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA  
2025 JUL 28 A 9:08

EVERETT CITY HALL, 484 BROADWAY, MAYOR'S CONFERENCE ROOM, 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, Fred Capone, 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 9 members present when the roll was called. A quorum was established for the transaction of the committee's business.

#### PLEDGE OF ALLEGIANCE

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

#### APPROVAL OF MINUTES OF THE PREVIOUS MEETING

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

The minutes of the Charter Review Commission of February 20, 2025 were accepted as written on a voice vote.

#### COMMUNICATIONS

Communications from JP Beckta (4)

All of Ms. Beckta's communications were accepted and placed on file without further discussion on a voice vote.

Communication from Stephanie McColaugh

Ms. McColaugh's communication was accepted and placed on file without further discussion on a voice vote.

## **UNFINISHED BUSINESS**

### **1. Section 9-15 Felony Conviction**

City Clerk Sergio Cornelio appeared to explain a memo he requested from Attorney Lauren Goldberg of KP Law on behalf of the committee which addressed questions that the committee had about felony convictions at the committee's last meeting.

In the memo, it is stated that MGL Chapter 274, Section 1 defines a felony as "a crime punishable by death or imprisonment in state prison". There is also no hierarchy or classifications of different felonies.

The memo also states that a violation of the public trust is not defined by statute. However, Attorney Goldberg stated that it would be fair to say that it would include a crime committed by an elected official or government employee which puts a personnel interest ahead of their obligation to the city especially if the individual is unjustly enriched by the action.

With the additional information, the committee continued to debate whether or not to make any changes to the Charter's felony conviction provisions. In the end, it was decided that no substantive changes would be made to these provisions at this time with the exception that the charter's felony conviction language would be consolidated to one place in the charter which will apply to all three branches of the government.

## **NEW BUSINESS**

### **2. Remaining Issues – Public Participation – Member DiFlorio**

Member DiFlorio placed an item on the agenda to discuss if any changes could be made to public participation at City Council meetings. It was noted that the charter requires a period of public participation at city council meetings, but it also allows the city council to create rules to regulate the public comment period.

A copy of the city council rules pertaining to public comment and a copy of a recent Massachusetts Superior Court decision that outlines what can be included in public participation rules had been included in the meeting's agenda packet.

After a brief discussion, it was determined that no changes would be made to the charter's public participation provisions.

### 3. Remaining Issues – Various – Member Alcy Jabouin

The following Issues were submitted by Member Alcy Jabouin on behalf of a constituent: The issues have been summarized below; the actual list submitted can be found on pages 70 and 71 of the meeting's agenda packet.

#### a. Recall

It was noted that prior to the current proposed update to the charter, the charter was not specific about which voters' signatures were needed for a recall. However, the language in the charter did seem to imply that it was registered voters.

With the changes to the charter suggested by KP Law as a part of this review process, the proposed new charter language makes it specific that the number of voters' signatures required for a recall will be calculated using the number of registered voters as of the last biennial city election.

The committee had a discussion on whether or not the voters' signatures needed to initiate a recall should be changed to be based on the actual number of voters in the last biennial city election and/or if the percentage of voters' signatures required for recall should be changed.

Although members of the committee had different opinions about what the standards for a recall should be, they agreed on two things. A recall should not be easy process but 20% of the registered voters as of the last biennial election is probably too high of a bar for a recall.

As such, the committee, on a voice vote, agreed to reduce the percentage of voters signatures required to trigger a recall to 15% of the registered voters as of the last biennial city election.

#### b. Department head appointments

No changes were proposed by committee members.

#### c. All agreements approved by the city council

No changes were proposed by committee members.

#### d. Revolving accounts spending approved by city council

No changes were proposed by committee members.

#### e. Indemnity protection – intentional or premeditated actions limit capped

No changes were proposed by committee members.

#### f. All NDA agreements approved by city council

No changes were proposed by committee members.

g. All meetings, including multiple-member bodies, to be televised live, recorded and made available on demand

No changes were proposed by committee members.

h. All meeting minutes posted online

No changes were proposed by committee members.

i. Change the method of selection of charter commission members

A discussion was held at a prior meeting on reducing the number of members on the committee and allowing city employees to serve on the committee. These changes were not adopted. No further changes to the selection method were proposed by the committee members.

j. ZBA and planning board must have a member from each ward.

No changes were proposed by committee members.

k. All board members must live in the city. All open board positions should be publicized and advertised in a local newspaper and the city website. The mayor recommends appointees and city council approves them.

No changes were proposed by committee members.

l. Board member compensation should be voluntary or payments with 1099 to avoid pension padding.

No changes were proposed by committee members.

m. Grant the city council the authority to place elected officials on leave if they are found to have taken funds incorrectly or illegally, including the mayor and members of his administration.

No changes were proposed by committee members.

n. All invoices must be posted on the website.

No changes were proposed by committee members.

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

No changes were proposed by committee members.

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

No changes were proposed by committee members.

q. The mayor's salary will be frozen at whatever the number is as of December 31, 2025

No changes were proposed by committee members.

r. Whenever the mayor is out of the state or the country, they must notify the city council and the president assumes the mayor's responsibilities. If the mayor does not comply, the city council can vote to reprimand him and dock their salary.

No changes were proposed by committee members.

#### 4. Remaining Issues – Article 7 / Elections – Flood/Cornelio/Goldberg

Mr. Flood summarized a memo he drafted that was included in the meeting's agenda packet regarding proposed additional changes to Article 7 – Elections of the charter.

When reviewing the changes that the committee recommended for this article of the charter, he found that the proposed changes were all valid; but, the article also needed additional changes to avoid having conflicting language in the charter after the proposed changes were applied.

For example, originally the first section of the article covered city elections when a mayor is to be elected and the second section of the article covered city elections when there is not a mayor's race on the ballot. If a preliminary election needs to be rescheduled due to a civil or religious holiday, the first section would require the city clerk to propose a change in the election date to the fourth Tuesday in September; the second section would allow the board of election commissioners to recommend a change of the election date to any Tuesday in September.

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

Mr. Flood stated that he proposed all of the changes he was comfortable with and felt were necessary to clean-up the Article 7 completely. Once that was done, he shared his findings and results with City Clerk Cornelio, who in turn shared them with Attorney Goldberg. Both were very supportive of the changes and even encouraged Mr. Flood to make additional changes that he was not comfortable making on his own.

Mr. Flood fully documented the changes that he made using redline compares, all of which he included in the meeting's agenda packet.

Mr. Flood asked the committee to consider accepting these changes. He told the committee that he realized that this was a large change to consider at this point in the review process but he thought that it was in the city's best interest to do so.

The committee accepted Mr. Flood's revision to Article 7, as submitted, on a voice vote.

In a similar vein, Mr. Flood requested the committee's permission to review the updated charter as a whole to look for and standardize inconsistent usage of terms, especially those that have introduced in this proposed update (i.e., "city election" to "biennial city election").

Mr. Flood promised to document all of these changes separately and provide the committee with a copy of his findings at a future meeting.

The committee accepted Mr. Flood's request via a voice vote.

## 5. Remaining Items – Various – Member Costa

Member Costa presented two issues for discussion, 1) Increase the number of days allowed to gather signatures for a recall and 2) Internal Auditor to manage the city's annual independent audit.

### a. Section 8-5(b)(4)

Member Costa suggested that the number of days allowed to gather signatures for a recall petition be changed from 28 to 60 days. As previous committee discussions had been that recalls should not be easy, the committee rejected this change on a voice vote. However, the committee was willing to accept a small change in the number of days allowed to gather signatures from 28 to 30 days. This change was adopted on a voice vote,

### b. Section 6-6

Member Costa suggested that the charter's Independent Audit be amended to align with the recommendations of the OIG's Office to separate the city's audit function from the CFO function.

As discussed at a previous meeting of the committee, the charter currently places the responsibility for the city's independent annual audit in the hands of the city council even though the city council does not have the expertise to be in charge of the function.

The committee decided to postpone the item to the next business meeting of the charter review committee for further discussion.

## 6. Remaining Items – Term Limits – Member Capone

Member Capone presented a proposal to add term limits for elected offices to the charter. Chairman Van Campen noted that the City Council currently was also considering introducing term limits for elected offices.

The feeling of the committee was it would still be appropriate for the committee to have

a discussion on the issue. However, since the item was not on the agenda, this discussion was postponed to the next business meeting of the committee,

## **ADJOURNMENT**

The meeting was adjourned at 8:15 PM.

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

Respectfully submitted:

***David R. Flood***

Charter Review Committee Recording Secretary  
Everett City Council Office