

CITY OF BEVERLY

PUBLIC MEETING MINUTES

CITY OF BEVERLY
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Committee: Charter Review Committee
DATE: February 10, 2022
LOCATION: Beverly Library, 32 Essex Street, Beverly, MA 01915; the Barnet Gallery (bottom floor)
BOARD MEMBERS PRESENT: Timothy Flaherty (Chair), Hannah Bowen, Julie DeSilva, Richard Dinkin
BOARD MEMBERS ABSENT: Michael Pinciario, Stacy Ames
RECORDER: Sharlyne Woodbury
Others present: Marilyn Contreas (Collins Center); Julie Flowers, Councilor-At-Large, City Council President; Stephanie Williams, City Solicitor;

Rachael Abell, School Committee President

City Council Appointee(s): Timothy Flaherty, Chairperson and former City Councilor-At-Large; Hannah Bowen, City Councilor-At-Large; Stacy Ames, Former Ward 3 Councilor
Mayoral Appointee(s): Julie Flowers, Councilor-At-Large, City Council President
By Ordinance:
Ex Officio: Gerard Perry, Budget Analyst

1. Opening Remarks

Chair Flaherty calls the meeting to order at 7:05 p.m.

2. Review and approval of prior meeting minutes

a. Approval of January 27, 2022 minutes

Motion: Dinkin moves to approve the minutes as amended. DeSilva seconds. The motion carries 4-0.

3. Williams' comments: correspondence sent 2/10/2022 to the members for consideration and deliberation

- a. Comment:** "Because the detailed minutes are the official record of each meeting of the Committee, I suggest that the Executive Summary make reference to that fact and refer the reader to the minutes if they are interested in more detail on your in-depth deliberations. I also think it would be a good idea to combine the minutes into a PDF that you can provide to the Council for their reference if they choose to do so".

Members discuss the necessity of combining the minutes into a pdf. Perry does not see a reason for the minutes to be condensed. DeSilva and Bowen would not mind a condensed reference to the minutes. Members are reminded minutes are publicly posted and available from the city website. Woodbury volunteers to compile the minutes. Members agree Woodbury will provide a pdf format of the minutes.

- b. **Comment:** "With respect to Section 2-8(a), ultimately whether someone may be classified as an independent contractor (which I assume you mean by "consultant") is a question of law, which involves considering the relationship between a business (here, the city) and a worker. <https://www.irs.gov/newsroom/understanding-employee-vs-contractor-designation>. It may make sense to reference that in the Executive Summary".

Members review this request and deliberate on the preferred description appropriate to add to the summary. In review, Dinkin discusses the different funding streams that support consultants versus employees citing Ch44, Section 1. The consultant is not eligible for the budget analyst. Perry and Dinkin discuss the line item differences and scope of practice conferred on each position. Members decide to respond to Williams comment with Perry assisting Bowen on the description.

Motion: Dinkin moves that Perry will assist Bowen to further clarify and add detail in the executive summary for Section 2-8(a). Flaherty seconds. The motion carries 4-0.

- c. **Comment:** "3-8(b) The term "and can be filled at the next regular municipal election within the requirements of the municipal election calendar" could become the subject of debate (or disagreement). It may make sense to suggest to the City Council in your report that they have the City Clerk speak to the issue of how the election calendar is established. In particular, I think it is important to know whether there is any discretion afforded to the City Clerk. If there is, then I think the language needs more specificity".

Contreas informs members the city clerk shall be the sole judge on whether this can be used. Contreas discusses state law where this provision provides jurisdiction to the city clerk. She will add this to tasks and update documents accordingly. The city clerk has the responsibility of the conduct of the election. This section adds to the meaning of the position and is important.

Motion: Bowen moves to update the red line recommendation to include this sentence from Contreas: "The city clerk shall be the sole judge to determining the application to this section". DeSilva seconds. The motion carries 4-0.

4. Review: Final Report & Executive Summary

Perry inquires how the members would like to proceed with the document. Dinkin prefers an opportunity to review the final language. Dinkin suggests another meeting. They have to vote on the final document. Dinkin is not comfortable voting for an incomplete document.

Bowen discusses removing the recommendation of the self-organizing council. This is something they discussed initially, but are not making a recommendation. Therefore, this changed sections.

Contreas reviews 3-8(c) noting it is still not resolved. Members briefly discuss the language then motion on the language.

Motion: Dinking moves the line of succession, if no councilor at-large can fulfill the mayor's role when the office is vacated, then the council will elect from among themselves. The line of succession shall be the councilors at-large from the highest vote getter to the lowest. If none can fulfill the role upon vacancy, the city council will elect from among the remaining members who shall step in. DeSilva seconds. The motion carries 4-0.

Contreas would like to accept the redline suggestions made by Williams for Section 8-15(a).

Motion: Dinkin moves to accept the redline suggestions made by Williams. Discussion on the motion. Upon review, Section 8-15(a); line 3, second word from the end, Dinkin would like to change "reasons" to "cause". Dinkin succinctly points out the differences between words. "Causes" are actions subject to review and discipline; i.e., accepting a bribe or stopped attending meetings. "Reasons" are subjective. They can be slanted and biased. Dinkin moves to amend the motion. DeSilva seconds. The amended motion passes 4-0. DeSilva seconds the main motion. The motion passes 4-0.

The redline and executive summary will be updated.

5. Discussion: Presentation to the City Council

Contreas and Bowen will coordinate for the executive summary for the final document. Perry will receive the final version, the edited documents and second redline document. Flaherty and Perry will prepare a memo the city council. Perry reviews potential dates to present to the next city council meeting. Possible dates are February 22, 2022 or March 3, 2022. Perry advises members to be cognizant of open meeting laws when attending meetings, specifically if they form a quorum. Dinkin suggests dissolving the committee prior to making the recommendation. Perry counterpoints there may be a future need for the committee to reconvene for additional measures returned. Perry will coordinate on joint committee agendas. Members prefer to see the process through and participate as much as possible. Flaherty comments to members, this committee is advisory in its purview and city council has the ability to take votes. He continues, the committee has gone to great lengths to involve both city council and the mayor their process and recommendations. As a committee, they worked as an efficient and cohesive unit for the recommendations provided to the charter. Flaherty believes this is a good working document.

6. Old Business

None at this time.

7. Adjournment

Motion: Dinkin moves to adjourn the meeting. DeSilva seconds. The motion carries 4-0.

Meeting adjourned at 7:35 p.m.