



Medford City Council
Medford, Massachusetts

Governance Committee, January 22, 2025

Voting Members

Justin Tseng, Chair
Isaac B. "Zac" Bears, Vice Chair
Kit Collins
Emily Lazzaro
George A. Scarpelli

This meeting will take place at 6:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/89497756038>

Call-in Number: +13017158592,,89497756038# US

Live: Channel 22 (Comcast), Channel 43 (Verizon), [YouTube](#), and medfordtv.org.

To submit written comments, please email AHurtubise@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

24-468 - Offered by Justin Tseng, City Councilor

Resolution to Discuss Updates to the City Charter

PAPERS IN COMMITTEE

To view Papers in Committee, please email ahurtubise@medford-ma.gov.

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

January 22, 2025

SPONSORED BY

Justin Tseng, City Councilor

AGENDA ITEM

24-468 - Resolution to Discuss Updates to the City Charter

FULL TEXT AND DESCRIPTION

This is the third Charter Review project meeting. The following will be discussed:

- Project timeline for action and meeting topics
- Review of the proposed draft charter submitted by the Mayor
- Councilors' proposed amendments to or other thoughts regarding the proposed draft charter on the following topics/articles/sections:
 - Preamble
 - Article I: Incorporation; Short Title; Definitions
 - Article II: Legislative Branch
 - Article IX: General Provisions, Section 9-6

Collins Center representatives will be in attendance at this meeting.

Please refer to the meeting packet or online portal page for the January 7, 2025 Governance Committee meeting to see the full proposed draft charter received by the Council from the Mayor.

Original Resolution

Be it Resolved by the Medford City Council that the Governance Committee discuss updates to the City Charter, including creating a timeline for action and reviewing proposals of the Charter Study Committee once finalized.

Representatives of the Edward J. Collins, Jr. Center for Public Management at UMass Boston are invited to provide an overview of the charter review process and the next steps for the City Council.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. City Council Charter Review Process Timeline
2. 2025-01-22 – Bears_Summary_CharterEdits_Art1Art2Art9-6
3. 2025-01-22 - Bears_Redline_CharterEdits_Art1Art2Art9-6

Wednesday, January 22, 2025 - Governance Committee

- Topics for Discussion:
 - Preamble
 - Article I: Incorporation; Short Title; Definitions
 - Article II: Legislative Branch
 - Article IX: General Provisions, Section 9-6

Tuesday, February 4, 2025 - Governance Committee

- Topics for Discussion:
 - Article III: Executive Branch
 - Article V: Administrative Organization
 - Article VI: Financial Procedures
 - Article VII: Elections

Wednesday, February 19, 2025 - Governance Committee

- Topics for Discussion:
 - Article IV: School Committee
 - Article VIII: Citizen Participation Mechanisms
 - Article IX: General Provisions (all other sections)
 - Article X: Transitional Provisions



ISAAC B. "ZAC" BEARS
President

City of Medford

OFFICE OF THE CITY COUNCIL

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To: Chair Tseng and Members of the Medford City Council Governance Committee
From: Council President Isaac B. "Zac" Bears
Date: January 16, 2025
Re: Summary of Proposed Amendments to Article I, II, and 9-6 of Draft Proposed City Charter

Dear Chair Tseng and Members of the Governance Committee,

I am proposing the following amendments and edits to the draft proposed city charter as pertaining to Article I, Article II, and Section 6 of Article IX.

1. Proposed Composition of the City Council | Section 2-1 and associated sections

- **What:** City Council composed of 7 members, 3 elected at-large and 4 from districts
- **Representation** - Creates local district councilor representation for city's neighborhoods
- **Accessibility** - Keeps composition of City Council and School Committee consistent, voters would have 1 district councilor and 1 district school committee member in the same district, and an easier understanding of our elections makes local government more accessible
- **Efficiency** - No increase number of elected officials, no cost increase for additional councilors, no need for renovations of the chambers, and no increase in meeting length

This amendment takes a balanced approach that maintains the spirit and intent of the residents of the city who desire increased neighborhood representation, preserves the benefits of the existing at-large system, and ensures that city government is more consistent, efficient, and accessible.

2. Compensation of Election Officials | Section 2-4, 3-1, and 4-4

- **What:** Set the compensation of the Mayor, City Council, and School Committee by charter, eliminate authority of City Council to set compensation, maximum increase of 2% per year
- **Ends perceived conflict of interest** by eliminating authority of elected officials to set their own pay or the pay of fellow elected officials
- **Establishes a maximum increase of 2% per year** with smaller increase if city's key department heads do not receive increases of at least 2% per year
- **Empowers voters** because only voters can make changes to compensation set by charter

This amendment eliminates a perceived conflict of interest, sets a clear process, and settles a hot button issue that has been a topic of public meetings, charter changes, special acts, and more in Medford city government for decades.

3. List of Minor Amendments and Correction of Errors

- **Section 2-5:** Set time of Council regular meetings by Council Rules, not ordinance
- **Section 2-7:** Maintain office of city messenger and make clear the city clerk and city messenger must be residents of the city, update subsection numeration
- **Section 2-9:** Council can reject mayoral appointments by majority vote, not 2/3rds
- **Section 2-10:** Updates references to city clerk role in elections to elections commission
- **Section 2-11:** Move section 9-6 to Article 2, periodic review of the ordinances provided for by the city council, special committee established by a vote of the city council

SECTION 1. The following shall be the charter for the city of Medford:

PREAMBLE

We the people of the city of Medford, under the constitution and laws of the Commonwealth of Massachusetts, desiring to manage our own affairs and conduct our local government so that it is accountable, transparent, innovative, stable, ethical, representative, and responsible, and wishing to participate fully in exercising the rights and responsibilities of local government, do adopt and adhere to this charter.

We aim for a government based upon this charter that will promote equity, inclusivity, civic engagement, and a vibrant, diverse community in which all people have a voice.

We recognize the fact that we need a government that is responsive and serves residents' needs, and demand that our leaders are principled and professional.

Our city's rich history, from even before the creation of the ford by the meadow from which Medford draws its name, is complex and significant and we resolve to cultivate a city that learns from that past to meet the promises and challenges of the future.

ARTICLE I

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the city of Medford, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Medford".

SECTION 1-2: SHORT TITLE

This instrument shall be known and may be cited as the city of Medford charter.

SECTION 1-3: DIVISION OF POWERS

The administration of the fiscal, prudential, and municipal affairs of the city of Medford shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

SECTION 1-4: POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws, it is the intention and the purpose of the voters of Medford, through the adoption of this charter, to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each power were specifically and individually enumerated in this charter.

SECTION 1-5: CONSTRUCTION

The powers of the city under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

1. "Charter", this charter and any adopted amendments to it.
2. "City", the city of Medford.
3. "City agency", any multiple member body, any department, division or office of the city of Medford.

4. "City office or department head", a person having charge of a city office or department.
5. "City website", a site established and maintained by the city as its online repository of municipal information, whether on the internet or accessed through another comparable technology.
6. "District", as appearing in Articles 4 and 7 of this charter shall refer to the election of district city council or district school committee; 1 to be elected from the following districts comprised of combined wards within the city of Medford: wards 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8.
7. "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
8. "Full city council", the entire authorized membership of the city council, notwithstanding any vacancy that exists.
9. "Full multiple member body", the entire authorized membership of a multiple member body, notwithstanding any vacancy that exists.
10. "Full school committee", the entire authorized membership of the school committee, notwithstanding any vacancy that exists.
11. "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.
12. "Local newspaper", a newspaper of general circulation within Medford, with either a weekly or daily circulation.
13. "Majority vote", when used in connection with a meeting of a multiple member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple member body.
14. "Measure", any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.
15. "Multiple member body", any council, commission, committee, subcommittee or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.
16. "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.

17. "Quorum", a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.
18. "Recall", an election to remove an elected official from office before the expiration of the term for which elected.
19. "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.
20. "Remove from the city" or "remove from a ward", when a person ceases to be domiciled within the territorial limits of the city or a ward.
21. "Voters", registered voters of the city of Medford.
22. "Year", a calendar year, unless otherwise specified.

ARTICLE II LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

a) There shall be a city council that shall exercise the legislative powers of the city. The city council shall consist of ~~11-7~~ members, 3 members elected at large by the voters of the city; and 1 each elected from the following districts comprised of combined wards within the city: wards 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8. ~~1-ward councilor nominated and elected by the voters of each of the 8 wards of the city and the remaining 3 city council members shall be councilors-at-large who shall be nominated and elected by and from the voters at large.~~

b) The term of office for councilors shall be 2 years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall end when their successors have been qualified.

c) Any voter shall be eligible to hold the office of councilor-at-large. A district city council candidate shall be a voter in the district from which election is sought. ~~ward councilor shall be a voter in the ward from which election is sought for at least 1 year prior to the date of inauguration.~~ If a warddistrict councilor or a councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-10. A ward-district councilor who removes from the ward-district in which the councilor was elected and who remains a resident of the city may continue to serve during the term for which the councilor was elected. The city council shall determine by 2/3 vote whether a city councilor has removed from the city.

SECTION 2-2: COUNCIL PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS

a) Election and Term – As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 9-11, the members of the city council shall annually elect from among its members a city council president.

b) Powers and Duties - The president shall prepare the agenda for city council meetings. The city council president shall preside at all meetings of the city council, regulate its proceedings and shall decide all questions of order. The city council president shall appoint all members of all committees of the city council, whether special or standing. The city council president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council. The city council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, city council rules or by other vote of the city council.

c) Council Vice-President – The members of the city council shall also elect annually from among its members a city council vice-president who shall serve as acting president during the temporary absence of the city council president. The powers of an acting city council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence and no others.

d) Vacancy – If a vacancy shall occur in the office of city council president the city council shall elect from among its members a city council president who shall serve for the balance of the current term. If a vacancy shall occur in the office of city council vice-president the city council shall elect from among its members a city council vice-president who shall serve for the balance of the current term.

SECTION 2-3: PROHIBITIONS

a) No member of the city council shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the city council shall hold any compensated appointed city office or appointed city employment until 1 year following the date on which such former member's service on the city council has terminated.

b) Except for the purpose of inquiries and investigations pursuant to section 2-6, the city council shall contact the officers and employees serving under the mayor solely through the mayor, and neither the city council nor any member of the city council shall give orders or directions to any such officer or employee, either publicly or privately.

SECTION 2-4: COMPENSATION

a) The compensation of the members of the city council shall be set at 20% of the compensation of the mayor as set annually by Section 3-1(d) of this charter. The compensation of the members of the city council elected as president and vice president shall be set at 25% of the compensation of the mayor as set annually by Section 3-1(d) of this charter. The city council shall have no authority to set the compensation of the mayor, city council, or school committee. The members of the city council shall receive such salary for their
~~services as may from time to time be set by ordinance. No ordinance increasing or decreasing the salary of city councilors shall be effective unless it shall have been adopted by a 2/3 vote during the first 18 months of the term for which city councilors are elected and it provides that such salary is to take effect upon the organization of the city government following the next regular municipal election.~~

b) Subject to appropriation, the city council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES

Except as otherwise provided by law or the charter, all powers of the city shall be vested in the city council, which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

The city council shall from time to time adopt rules regulating its procedures that shall include, but not be limited to:

1) Regular meetings of the city council be held at a time and place fixed by ~~ordinance~~the city council rules;

2) Special meetings of the city council to be held at the call of the president or at the call of not less than 3 members, by written notice delivered in hand, via electronic mail or by first class mail to each member; provided, however, that such notice shall contain a listing of the items to be acted upon; provided further, that except in case of an emergency, which shall be determined by the president, such notice shall be delivered not less than 48 hours in advance of the time set for such meeting, excluding Saturdays, Sundays and legal holidays; and provided further,

that a copy of the notice to members shall immediately be posted upon the city bulletin boards;

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

SECTION 2-6: ACCESS TO INFORMATION

a) The city council may request a member of a multiple-member body or a city officer or employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

b) The city council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting to be held not earlier than 14 days from the date the mayor receives the questions. The mayor shall personally, or through a designee, attend such meeting and respond to the questions. The mayor, or designee, shall not be required to answer questions relating to any other matter.

c) The city council shall give a minimum of 14 days' notice to a person it may request to appear before it under this section. The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing.

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

a) The city council shall elect a city clerk to serve for a term of up to 3 years. The city clerk shall be the keeper of vital statistics of the city and the custodian of the city seal and of all records of the city. The city clerk shall administer the oath of office to all city officers and shall issue licenses and permits as may be provided by law. The city clerk shall have the powers and duties provided to that office by law, this charter, ordinances or other votes of the city council. The city clerk shall be a resident of the city.

b) The city council shall elect a city messenger to serve for a term of up to 2 years. The city messenger shall serve as an assistant to the members of the city council at the direction of the city council president or their designee. The city messenger shall be a resident of the city.

~~b~~c) Subject to appropriation, the city council may establish additional support positions by ordinance as the city council deems necessary and may appoint staff to serve in those positions. All officials of the city shall cooperate with employees of the city council in the performance of any oversight functions. City council staff

shall have

such other powers and duties as may be provided for by charter, by ordinance or by other vote of the city council.

ed) City council staff appointed under this section shall receive such compensation as may from time to time be provided for such position by ordinance.

SECTION 2-8: ORDINANCES AND OTHER MEASURES

a) No ordinance shall be passed finally on the date it is introduced, except in case of an emergency involving the health or safety of the people or their property or in the case of the unanimous vote of the city council. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to the ordinance, separately voted upon and receives the affirmative vote of not less than 8 members of the city council. An emergency ordinance shall be repealed after the expiration of 60 days following its adoption unless an earlier date is specified in the measure, or another measure passed under this section extends the original emergency ordinance.

b) The city council may pass a measure through all of its stages at one meeting, except for proposed ordinances, appropriation orders and loan authorizations, if no member of the city council shall object; provided, however, that if a single member objects, a vote on the measure shall be postponed to the next meeting of the city council. If a member objects to the taking of a vote on the first occasion that the question of adopting any measure is put to the city council, except an emergency ordinance under subsection (a), the vote shall be postponed until the next regular or special meeting of the city council. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

c) Every introduced ordinance, appropriation order or loan authorization, except an emergency ordinance, shall be posted on the city bulletin board and city website and made available in the office of the city clerk. After final passage it shall be posted on the city bulletin board and city website and otherwise published and made public as may be required by ordinance.

SECTION 2-9: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

The mayor shall refer to the city council, and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a member of

a multiple-member body. Appointments made by the mayor shall become effective on the 30th day after the date on which notice of the proposed appointment was filed with the city clerk unless rejected by a ~~2/3~~majority vote of the city council within the 30 days, such rejection shall not be unreasonably withheld. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of objection provided in section 2-8(b) of the charter.

SECTION 2-10: FILLING OF VACANCIES

a) If a vacancy shall occur in the office of councilor-at-large, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding city election who received the highest number of votes without being elected and who received not less than 30 percent of the total votes cast for the candidate with the highest number of votes for the office of councilor-at-large, if that person remains eligible and willing to serve as councilor-at-large. The ~~city-clerkelections commission~~ shall certify this candidate to the office of councilor-at-large to serve for the balance of the unexpired term.

b) If a vacancy shall occur in the office of ~~ward-district~~ councilor, the vacancy shall be filled in descending order of votes received by the candidate for the office of ~~ward-district~~ councilor in the ~~ward-district~~ in which the vacancy occurs at the preceding city election who received the highest number of votes without being elected and who received not less than 30 percent of the total votes cast for the candidate with the highest number of votes for the office of ~~ward-district~~ councilor in the ~~ward-district~~, if that person remains eligible and willing to serve as ~~ward-district~~ councilor. The ~~city-clerkelections commission~~ shall certify this candidate to the office of ~~ward-district~~ councilor to serve for the balance of the unexpired term.

c) If a vacancy shall occur in the office of councilor-at-large or in that of ~~ward-district~~ councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b), the remaining members of the city council shall elect a person to fill the vacancy. The notice of the meeting to fill the vacancy must be posted at least 10 days in advance of the meeting. A person elected by the city council to fill a vacancy shall serve until the next regular election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which the person is elected.

d) No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. A person serving as a councilor under this section shall not be entitled to have the words "candidate for re-election" printed against the person's name on the election ballot.

SECTION ~~92-611~~: PERIODIC REVIEW OF ORDINANCES

Not later than July 1, at 5-year intervals, in each year ending in a 7 or in a 2, the ~~mayor and~~ city council shall provide for a review to be made of some or all the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ~~ordinance~~ a vote of the city council. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk on a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not exceeding the actual cost of the reproduction.

SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

d) The compensation for the mayor shall be \$160,000. On January 1 of each year, the compensation for the mayor shall increase by an annual percentage of 2% or the average percentage by which the salaries for the aforesaid officers has been increased, whichever percentage is smaller: finance director/auditor, director of community development, city clerk, city treasurer/collector, city solicitor, and chief assessor. The city council shall have no authority to set the compensation of the mayor, city council, or school committee, by ordinance, establish compensation for the mayor. No ordinance increasing or decreasing the compensation of the mayor shall be effective unless it has been adopted by a 2/3 vote of the full city council. No ordinance increasing or decreasing the compensation of the mayor shall be effective unless it has been adopted during the first 36 months of the term for which the mayor is elected and unless it provides that the compensation increase or decrease is to take effect upon the organization of the city government following the next regular city election.

SECTION 4-4: COMPENSATION

The compensation of the members of the school committee, except the mayor, shall be set at 20% of the compensation of the mayor as set annually by Section 3-1(d) of this charter. The compensation of the members of the school committee elected as officers, except the mayor, shall be set at 25% of the compensation of the mayor as set by Section 3-1(d) of this charter. The mayor shall not receive compensation as a member of the school committee and shall only receive the compensation set by Section 3-1(d) of this charter. The city council shall have no authority to set the compensation of the mayor, city council, or school

~~committee receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing or decreasing the salary of school committee members shall be effective unless it shall have been adopted by a 2/3 vote of the city council during the first 18 months of the term for which school committee members are elected and it provides that such salary is to take effect upon the organization of the city government following the next regular municipal election.~~