

24-468
GOVERNANCE COMMITTEE
MEETING REPORT
TUESDAY, FEBRUARY 4, 2025 @ 6:00 P.M.

Attendees: Councillor Justin Tseng, Committee Chair; Council President Isaac “Zac” Bears, Committee Vice-Chair; Council Vice President Kit Collins; Councillor Emily Lazzaro; Councillor George Scarpelli; Councillor Anna Callahan (non-voting member); City Clerk Adam Hurtubise; other participants as noted in the body of this report.

Chair Tseng called the meeting to order at 6:14 p.m. on February 4, 2025 in the City Council Chambers on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss proposed Charter updates (Paper **24-468**).

Chair Tseng thanked participants for attending. He gave a summary of work to date. He said that this is the second substantive meeting on this topic. He said we would be discussing Articles 3, 5, 6, and 7 tonight. He said compensation would be discussed at the next committee meeting.

Councillor Scarpelli said that the biggest discussion left out there is the composition, 2-1. Chair Tseng said yes. He said we adopted some amended language but that this would be left open for a Committee of the Whole meeting after the last Governance Committee meeting on this topic.

Councillor Scarpelli asked for clarification on what was voted on last meeting and Chair Tseng provided details. Councillor Scarpelli said that the Mayor could reject what the Council proposes. He said that legislators are not happy with what the Council has done with the recommendations made by the Charter Committee.

Frank Wright from the Collins Center said that the Mayor must approve the City Council version that is sent to the legislature. She can choose to veto the version sent to her by the City Council.

Councillor Scarpelli suggested inviting our state legislative delegation to a meeting. He said that the Mayor has the option not to send this to the legislature or she can veto what is sent. Mr. Wright said that there is no ability for the Council to override a veto.

Vice President Collins asked for clarification on the wording regarding the Mayor’s potential membership on any multi-member body.

Marilyn Contreas said that the City Council is different from other of these bodies. Vice President Collins said the Mayor would have a voice but no vote on these bodies. Chair Tseng said that he is not familiar with this as a present practice. Ms. Contreas said that it does show up in recent charters. She said that in her experience with this, which is

limited, the Mayor doesn't show up all that often. Mr. Wright said that the Mayor would be subject to state ethics laws.

Councillor Lazzaro said that 3-3-a discussing city officers and department heads, says that the Mayor shall appoint all city officers and department heads and the members of multi-member bodies. She suggested ending the word "or ordinance" at the end of the first sentence.

President Bears said that this is important to have in there because bodies such as the Affordable Housing Trust also get appointments from other bodies.

Ms. Contreas said that charters usually include special acts that are retained. She said that this section of the charter is not complete yet. She said we put in the charter that the special act is retained. President Bears asked when there would be a list of special acts pertaining to Medford. Ms. Contreas said we would have that for discussion of Article 9.

Councillor Lazzaro moved to add the words "or ordinance" to the end of the first sentence in 3-3-a (President Bears second)—approved on a roll call vote of four in favor and Councillor Scarpelli opposed.

Motion to amend the first sentence of Article 3 section 3(a) to read:

"The mayor shall appoint, subject to the review of such appointments by the city council under section 2-9, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter **or ordinance**."

Chair Tseng asked if there might be a legal challenge for an unfilled position such as the City Solicitor, which has been vacant for a number of years. Mr. Wright asked if someone is acting and Chair Tseng said that KP Law is acting. Mr. Wright said he doesn't see this as applying to KP Law. He said that appointing somebody as acting and you get to 300 days, then perhaps the city would want to move one way or the other with regard to that person.

Vice President Collins said we don't have it in practice right now that the Mayor can call a special meeting of the City Council. Ms. Contreas said that this is pretty standard in charters because there are times when consultation with the Council could be needed. Vice President Collins said that this seems to her as a shift in the dynamic. She said it did strike her as a change in the power of the Mayor.

Councillor Callahan said she didn't see survey questions about a strong mayor or weak mayor system and her understanding is that we have one of the strongest mayor systems in the state and country. She asked if this was talked about on the commission.

Charter Committee Chair Milva McDonald, 61 Monument Street, said strong-mayor/weak-mayor gets thrown around a lot, but Medford has a mayor-council government. She said she has heard that Medford has an inordinately powerful mayor so the committee asked for a study and the study from the Collins Center said that our mayor's power is in line with other mayors in the state.

President Bears, regarding 3-8, temporary absence of the Mayor, he said he thinks it would be difficult for any Councillor to take on the role of Acting Mayor for months, specifically when Councillors also have other jobs. Ms. Contreas said that this is a standard provision with the premise being that someone elected by the voters of the city should serve as Acting Mayor.

Chair Tseng said he had some concerns about the Mayor's ability to declare that they are ready to resume duties; he said that there could be situations where the Council could conclude unanimously that the Mayor is not ready to resume their duties. Ms. Contreas said that this is in there in case a Mayor has to leave town suddenly. Mr. Wright said that much of this is lessened by the use and availability of technology.

Vice President Collins said she wants to find a way to maintain the purpose of this article with a more straightforward way to organize the paragraph.

President Bears said he had the same initial question. He said he thinks this is specifically a case where the Mayor declares an inability to serve. He said he doesn't think that this is about the Mayor's competency and having the Council vote unanimously to remove the Mayor.

Chair Tseng asked where a member of the Council is serving as Acting Mayor, let's say the President is serving as Acting Mayor and should not vote, can the President preside. Ms. Contreas said you do have a Vice President. Mr. Wright said you cannot participate when you're holding a position as the executive, as a member of the legislative body. He said that this language is standard for different cities.

Discussion turned to Article 5, the organization of City agencies. Vice President Collins asked, in 5-1, for an example of the section where the Mayor prepares and submits to the Council a plan, and then the Council holds a hearing on it. She asked if this is a mechanism by which the Mayor proposes an ordinance and then the Council may vote to disapprove that plan.

Mr. Wright said that the best do this is to look at the codes of Chelsea or Melrose. He said it describes the function of various administrative departments of the City.

Discussion turned to Article 6, Financial Procedures. Councillor Callahan said we do have the budget ordinance and that the Charter takes precedence over ordinances. She said that the budget ordinance lays out the timeline for when the Mayor will lay out certain information and meetings. Ms. Contreas said that the ordinance would have to be brought into harmony with the charter. President Bears said that his reading is that

there would be a budget meeting earlier than the ordinance has now. She said the changes would be minor.

Barry Ingber, 9 Draper Street, said he perceives a huge imbalance in power between the Mayor and the Council. He said that has historically led to decades of conflict between the Council and the Mayor. He said one way to address this is by giving the Council more discretion over the budget by allowing it to create or increase budget lines.

Matthew Page-Lieberman, 15 Canal Street, said that it is very unfortunate that participatory budgeting was not included at this iteration.

Discussion turned to Article 7, Elections. President Bears said he wanted to follow up on the last meeting and asked if the Collins Center has changed the references to the City Clerk to the Elections Commission since the Council has changed that.

President Bears moved to replace the words “City Clerk” to “Board of Election Commissioners” throughout Article 7 (Councillor Lazzaro second)—approved on a roll call vote of four in favor and Councillor Scarpelli opposed.

Chair Tseng said that having followed the last reprecincting conversation, there was discussion of adding a ward. He asked how difficult it would be to change this by adding a ward. Ms. Contreas said that there would be an act of the legislature making this change and that there would probably be deference. President Bears said that we could also request that the Secretary of the Commonwealth add a precinct in each ward.

Mr. Page-Lieberman said some of these sections are very difficult to parse. He said people should look before approving this.

President Bears moved to refer the articles discussed tonight, with the amendments voted on by the Council, to Committee of the Whole that will be scheduled (Vice President Collins second)—approved on a roll call vote of four in favor and Councillor Scarpelli opposed.

Vice President Collins and Chair Tseng thanked all participants and observers.

President Bears moved to adjourn at 7:15 p.m. (Councillor Lazzaro second)—approved on a roll call vote of four in favor and Councillor Scarpelli opposed.

Chair Tseng adjourned the meeting at 7:15 p.m.