



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Charter Review Committee

Spadafora, Chair
Linehan, Vice Chair
Winslow
Karen Anderson, Ex-Officio
Ron Hogan, Ex-Officio

Tuesday, April 18, 2023

7:05 PM

215 Pleasant Street
Room 113
Malden, MA 02148

Roll Call

Present: 3 - Councillor Amanda Linehan, Stephen Winslow and Ron Hogan

Absent: 2 - Councillor at Large Craig Spadafora and Karen Anderson

Also Present: Councillors Murphy, Colon-Hayes, Condon, Crowe, Simonelli
Zaheer Samee-Assistant City Solicitor
Maria Luise-Mayor's Office
Carol Ann Desiderio-City Clerk

Councillor Linehan called the meeting to order at 7:14 PM.

Minutes to be Approved

[145-23](#)

Minutes of March 21, 2023 to be approved.

A motion was made by Councillor Winslow, seconded by Councillor Linehan, that the Committee Minutes of March 21, 2023 be approved. The motion carried by a unanimous vote.

Business

[26-23](#)

The Charter Review Committee will meet to discuss long-term planning and continue to work on reviewing the MALDEN Charter.

Attachments: [Hogan Handout Charter Review Committee 11023](#)
[Charter Review Handout 41823](#)

Ron Hogan gave a brief update. At the last meeting there was discussion about the Administrative Order approach and there was dialogue about the difficulty having getting around a concept of a whole different document but have a layout of how the City was organized. He met with Councillor Winslow after the meeting and they came up with some language changes that would instead of having that organization piece happen through the admin. order but instead having the charter reflect an approach that still had it contained within the ordinances but still captured some of the same concepts we talked about with the admin. order. He tried to summarize some of the points Councillor Winslow brought up rather than go over the whole draft of the Charter. Councillor Winslow said one of the things he was struggling with is the sections with

Departments and Boards and Commissions. It was hard to understand how would this admin order would fit into our ordinances and would it make sense to have two places and two documents where the city would have to look to decide stuff. So he questioned why have an admin order why not have a code of ordinance. In terms of the departments the Mayor would have authority in that section and the council would have review authority. As a council we struggle in terms of Boards and Commissions which is something we take a lot of time on, but we would like to have the ability to see who might be considered for Bds & Comm and have some input then ultimately vote on that. There was also the thought that the process should be run by the Mayor and ultimately the Mayor makes those selections. We are trying to split hairs between how Departments vs Bds & Comm. get established and changed. Right now there is a section in ordinances that describes what our dept are and we would just keep that in ordinances and call it the administrative section and they would all originate with the Mayor. The council will hold public hearing with proposed changes. For Boards and Commissions these are multi people bodies that make decisions that would either be the Mayor would be able to start the ordinance procedure with the new charter procedure or the Council could do it and would be able to vote favorably on those additions or changes. Related to the make-up of Bds & Comm we would want to have any person who is on approved by 2/3rds vote of the Council. The Mayor would be responsible to have open processes for any open positions for new appointees. They also talked about having term limits on Bds & Commissions he thought having a hard and fast rule no one after twenty years could be reappointed. The Mayor could reappoint someone without open process up to twenty years. After twenty years, an appointee would have to reapply in an open process that would have to include a slate of new candidates for the appointment.

We need some succession planning. The key thing overall is to distinguish between how departments are formed and organized which would be left to the discretion of the Mayor and there would be an administrative ordinance that the Council could vote up and down. There would be a section of the Muni code with Boards and Commissions that would have the make-up and the substance of what the judgments they have to make are. It would give the Mayor more authority but the Council would still have 2/3rds vote to create some balance.

Councillor Simonelli asked Ron what his view is on the Charter and what is that he would like to see and why

Ron said there is no right or wrong answer. He firmly believes doing nothing is the only wrong answer. He said turning this into taking this if there is consensus and turning into something that works within the current documents will work. It will take some time but it important to figure out the concept because what we can't do is throw out all the information make changes then go back and have the same conversation over and over again. When you feel like you get to the point where you have eight or nine people wrapping their arms around it he is not sure how we know that given what this process has been.

Councillor Linehan said she agrees she understands people may miss some meetings but she feels there is a point we may not make the deadline in a timely manner. She suggests taking the temperature in the room and not stifle the debate but if we got consensus on this approach tonight how do we get from here where we need to be with the State Reps and file with the home rule petition.

Ron said we need to give them more information about the direction we are heading to get the feedback we want from the State. We have to know enough to get feedback from them here is what we are doing and not doing. We do not want to get feedback and then change this and ask for different feedback.

Councillor Linehan said we could send this information to everyone to keep everyone in the loop. She doesn't want to keep moving without letting them know what we are talking about but she is also hearing we need to settle on a direction and decide if that is what we are comfortable with putting forward

Ron agrees but if someone objects with the Mayor laying out the Departments or the

Mayor taking the lead with all the Boards & Commissions that's the make or break for that person that is what we need to figure out. This would mean that we would have to take section 212 and 216 of the current ordinances that essentially the admin code would have replaced but if we are not going to replace that then we want to try to pull the good done in the admin code right. We have to figure out how to integrate the information already done into this.

Councillor Linehan said she feels like we should say in two weeks we need to take a vote

Ron said you need to know if you go in that direction you will have eight or nine votes because if you don't it is wasting time.

Councillor Murphy has no problem with giving the Mayor the ability to oversee the Departments but still struggles with Boards and Commissions she feels we are changing the balance and putting to much in one persons hands. She feels when you say Councils can only make a recommendation but it will be the Mayor that ultimately makes the decision. She would rather see that everyone has a vote. She feels that the Personnel/Appointment Committee was one of the best committees the Council had we got to meet people who were potentially going to be appointed to the Board and Commissions and being part of the vote but she feels like we are giving that away.

Ron is not sure the Mayor would be crushed if the Council wanted to take all the Boards and Commissions on.

Karen feels that the Boards and Commissions are a big part of the Legislative branch but it is a tremendous amount of work.

Councillor Simonelli said for him being a City Councillor he is very busy and he doesn't know if he has the time for all that. It may sit better with the Mayor and his team as the full-time administrators and it is easier for them to oversee the Boards and Commissions as well as the Departments.

Councillor Crowe said it is a lot of work but it is the process the Council has that takes time before someone gets appointed. How do you streamline the process with a body of eleven would be the question.

Councillor Winslow said it doesn't mean the Council doesn't get to interview the person the Mayor sends down we just wouldn't interview ten applicants. It would help to keep a steady stream and practice. He suggested we have the Council President name one Councillor to participate in interviews with the Mayor if we move to abolish that committee and give the Mayor oversight of boards and commissions.

Councillor Crowe has had people ask her if they can apply for the Mayor's position when we both posts positions on the same board because the Mayor's process is quicker than the Council.

Councillor Linehan said we have a good sense of what the people in attendance have but we should circulate this information to the rest of the Council

Motion to circulate the Summary of Proposed Changes and the minutes of this meeting to the rest of the Full Council and set a deadline to take a vote in two weeks was made by Councillor Winslow.

Other Business

Adjournment

Motion to adjourn by Councillor Winslow, seconded by Councillor Linehan, that this meeting be adjourned at 7:59 PM. The motion carried unanimously.