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# Charter Review Meeting - July 8, 2020

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## Review Meeting

## Chelsea, Massachusetts

## July 8, 2020

A regular meeting of the Special Committee -Charter Review was held. The meeting was held at the Chelsea City Hall located at 500 Broadway, Chelsea, Massachusetts 02150. The following appointees were present: Judith Garcia, Leo Robinson, Calvin Brown, Yessenia Alfaro, Henry Wilson, Alex Balcarcel, Mary Bourque, Jason Stocker, Sharlene McLean, and Miriam Rancatore. Melinda Vega Maldonado, Todd Taylor, Rosemarie Carlisle were absent. Meeting opened at 6:00 p.m.

**Chairperson Garcia received comments in regards the preamble. Sharlene McLean's changes were first to be read:**

The chairperson reviewed the purpose and process for those at home and the members of the Charter Review Committee.

The Chairperson moved on to lingering comments/questions from the previous section (Section 2).

Sharlene mentioned that she had two questions:

“In regards of section 2.5c the rules and procedures: the council shall from time to time adopt rules from its proceedings. The question is where are these rules recorded? And are they accessible?”

The Chairperson answered the question stating that the rules are available online as well as in the Council office. Sharlene then asked her second question:

“In regards of section 2.7b emergency measures: when the council votes on emergency measures are they required to have a time limitation? If so, why isn't there language stating that? Is that covered by state legislation?”

The Chairperson stated that City Solicitor will have a written response to that question.

Jason Stocker recommended having a Table of Contents to be present in the Charter moving forward.

Jason Stocker recommended that posting should be available online and not just posted in the newspaper.

Jason Stocker also recommended to cross reference when introducing the City Manager would be helpful for people.

Mary Bourque made a statement against the comments made on the meeting of June 24, in regards to reducing the numbers of elected officials.

Mimi Rancatore made a statement in regards

“In regards Section 2.1. of any elected council member who has been indicted of a crime should not be allowed to serve in the council.”

There was an open discussion. Some members stated that this statement is due to innocent until proven guilty.

### **Section 3:**

#### PART III. - SCHOOL COMMITTEE

*Sec. 3-1. - Composition; eligibility: election and term; powers and duties.*

*(a) Composition. There shall be a school committee composed of nine members. One member, to be known as the at-large school committee member, shall be nominated and elected by and from the voters at large. Eight members, to be known as district school committee members, shall be nominated and elected by and from the voters of each district, one such mem-*

*ber to be elected from each of the eight districts into which the city is divided in accordance with section 7-4.*

*(b) Eligibility. Except as otherwise provided by this Charter, any voter shall be eligible to hold the office of at-large school committee member, and a district school committee member shall be a voter and resident of the district from which the school committee member is elected. An at-large school committee member who shall remove from the city during the term for which such school committee member was elected shall be deemed to have vacated the office of at-large school committee member and the office shall be considered vacant. A district school committee member who shall remove from the district during the term of office for which such district school committee member was elected shall be deemed to have vacated the office of district school committee member and the office shall be considered vacant. Any vacancy in the office of at-large school committee member or district school committee member shall be filled in accordance with section 3-2.*

*(c) Election and term. The term of office of school committee members shall be for two years beginning on the first city business day of January in the year following election, and continuing until their successors are qualified.*

*(d) Powers and duties. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth. The school committee shall have general charge of the public schools of the city. The school committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the commonwealth and standards established by the commonwealth.*

*(Acts 2004, c. 86, § 1)*

#### *Sec. 3-2. - Filling vacancies.*

*If a vacancy occurs in the membership of the school committee whether by failure to elect or otherwise, the president of the city council shall, not more than 30 days after the date on which that vacancy is declared to exist, call a joint meeting of the city council and the school committee to act to fill the vacancy. At the joint meeting, a majority of those present and voting shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for the seat at the last regular city election; provided, however, that the defeated candidate shall have received not less than 20 per cent of the ballots cast for the seat being vacated. For the purpose of this section, the 20 per cent minimum threshold shall be calculated as a ratio of ballots cast for the office being vacated to votes obtained by the defeated candidate. If there was no other candidate for the office or the defeated candidate did not receive at least 20 per cent of the total ballots cast, the city council and the school committee shall at their discretion*

*choose an individual, who may be the defeated candidate, from among the voters entitled to vote for that office for the remainder of the unexpired term. A person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled in the manner provided in this section if a regular city election is to be held not more than 180 days after the date the vacancy is declared to exist. In an election being held to elect a candidate to a seat that is vacant at the time of the election, the candidate deemed the winner of the election to that seat shall be sworn in to serve the remainder of the term previously vacated at the first regularly scheduled school committee meeting after the date the election results are officially certified.*

*(Acts 2002, c. 191, § 3; Acts 2016, c. 312, § 2)*

### *Sec. 3-3. - Prohibitions.*

*No school committee member shall, while a member of the school committee, hold any other office, including membership on a multiple-member body, or position under the city. No former school committee member shall hold any compensated appointive office or employment under the city until one year after the expiration of service on the school committee. This provision shall not prevent an officer or employee who has taken a leave of absence from such duties in order to serve as a member of the school committee from returning to such office or employment following service as a member of the school committee.*

*Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under the city. Any school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.*

*(Acts 2002, c. 191, § 4)*

### *Sec. 3-4. - Compensation.*

*The school committee shall by vote establish an annual salary for its members. Except as provided by this section, members of the school committee shall receive no other compensation or benefits from the city. School committee members shall be eligible for membership in the retirement system.*

*No vote increasing such salary shall be effective however, unless it shall have been adopted by a two-thirds vote of the full school committee during the first 18 months of the term for*

*which school committee members are elected, and the revised salary schedule is to be effective upon the commencement of the terms of office of the next school committee to be elected.*

Mimi Rancatore made recommendations in regards of having someone in the school committee be a delegate to the City Council.

Mimi and Jason Rancatore also had a question in regards to the budget of the school department as well as the school committee.

Sharlene McLean spoke in regards of the School Committee members establishing an annual salary for its members. Mary Bourque responded to the question stating that they are allowed to establish but they are not allowed to vote. Sharlene suggested to write in vote of approval by the City Council they are allowed to establish an annual salary.

Mary Bourque recommended comments on Section 3.1

“The Charter should stay as written, we do not need to reduce any seats in the school committee. It should stay the same, governing body.

The Chairperson read Jason Stocker’s comments in regards to Section 3.1:

“If we reduce the council seats we also need to reduce school committee seats to match the council’s.

“Cross reference 2.2. to highlight that the charter states there is a city councilor who sits on the school committee as a non-voting member.”

“3.4 and 2.1 we should consider adding language that limits compensation to available appropriations like we do for the city manager section 4.4.”

Chairperson summarized the point from Jason Stocker and Sharlene McLean in regards to set a parameter for city councilors in the future so that this loophole is not abused in regards to Jason Stocker’s last comment.

Alex Balcarcel asked a question:

“What is the current salary for a member of the school committee?”

Chairperson for the record stated that for the school committee it is \$7,500. And for the city council is it \$14,000.

There were no further questions nor comments. Meeting adjourned at 6:57PM.

Charter Review 2020

City Manager Performance Evaluation 2021

Codes and Ordinances

Joint Sub-committee for School Committee Vacancies

Voting District Maps

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