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Charter Review Meeting - June 24, 2020

POSTED ON: MARCH 17, 2021 - 10:53AM

Review Meeting

Chelsea, Massachusetts

June 24, 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, Todd Taylor, Rosemarie Carlisle, Yessenia Alfaro, Alex Balcarcel, Mary Bourque, Jason Stocker, and Miriam Rancatore. Melinda Vega Maldonado, Henry Wilson, and Sharlene McLean were absent. Meeting opened at 6:00 p.m.

Council President was in attendance as a member of the Public.

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

PART I - CHARTER

PREAMBLE

The people of the City of Chelsea, desiring to manage their own affairs and conduct their local government, in a manner consistent with the City's history of fostering a diverse community, so that it is accountable, stable, fiscally responsible and efficient, honest, fair, representative, and operating according to a code of ethics, and wishing to participate fully in exercising the rights and responsibilities of local government, do adhere to this Charter.

We assert our willingness to assume all responsibility for the conduct of matters pertaining to the city, and do by this document earnestly affirm our right as inhabitants of Chelsea, to live and grow in freedom, dignity, tranquility and prosperity. Under God with religious freedom, we secure these qualities to ourselves, realizing them in the community of Chelsea and its government, which provides for a system of law, education, public safety, and public health.

Mary Bourque asked for all changes to be read and then the members of this special committee can vote on the changes proposed.

Mary Bourque's changes were read:

PREAMBLE

The City of Chelsea is a 1.8 mile, gateway city, located directly north of Boston and bordering the Mystic River. Chelsea proudly stands as one of only a few sanctuary cities in the State of Massachusetts. For almost 200 years, our collective identity and character as the community of Chelsea has been to welcome and educate, ALL—thereby helping families build a foundation upon which generations begin their personal journey toward the American dream. Our city's identity and collective character is to accept and respect, and to be there for our neighbor no matter turbulent times, the obstacles, or the global crisis.

The people of the City of Chelsea, desiring to manage their own affairs and conduct their local government so that it is accountable, stable, fiscally responsible and efficient, honest, fair, representative, and according to a code of ethics, and wishing to participate fully in exercising the rights and responsibilities of local government, do adhere to this Charter.

We assert our willingness to assume all responsibility for the conduct of matters pertaining to the city, and do by this document earnestly affirm our right as inhabitants of Chelsea, to live and grow in freedom, dignity, tranquility and prosperity. Under God with religious freedom, we secure these qualities to ourselves, realizing them in the community of Chelsea and its government, which provides for a system of law, education, public safety, and public health.

Footnotes:

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Editor's note— *Published in this part is the Charter of the City of Chelsea, Massachusetts, being chapter 103 of the Massachusetts Acts of 1994. The absence of a history note to an amendment indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines catch lines have been made uniform and the same style of expression of numbers in text as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. At the request of the city, gender specific pronouns have been removed and replaced with gender neutral language. Additions for clarity are indicated by brackets.*

Alex Balcarcel spoke in regards of including the word “We” into the preamble instead of the “people of Chelsea.” Councilor Brown spoke in favor to the use of the word “we.”

Todd Taylor spoke in opposition on Mary’s choice of “sanctuary.” It was then open to discussion. Chairperson Judith Garcia, Mimi Rancatore, and Melinda Vega Maldonado spoke in favor of Mary Bourque’s use of the sanctuary city.

The issue of adding “Sanctuary” will be put up for a vote.

Section 2 of the Chelsea City Charter

PART II. - LEGISLATIVE

Sec. 2-1. - Composition; eligibility; election and term.

(a) *Composition.* There shall be a city council composed of 11 members which shall exercise the legislative powers of the city. Three members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Eight members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the eight council districts into which the city is divided in accordance with section 7-4.

(b) *Eligibility.* Except as otherwise provided in this act, any voter shall be eligible to hold the office of councillor-at-large; a district councillor shall be a voter and resident of the district from which the councillor is elected.

A councillor-at-large who shall remove from the city during the term for which such councillor-at-large was elected shall be deemed to have vacated the office of councillor-at-large and the office shall be considered vacant. A district councillor who shall remove from one district to another during the term of office for which such district councillor was elected shall be deemed to have vacated the office of district councillor and the office shall be considered vacant. Any vacancy in the office of councillor-at-large or district councillor shall be filled in accordance with section 2-4.

(c) *Election and term.* The term of office of city council 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.

Sec. 2-2. - City council organization.

After the councillors-elect have taken the oath of office, the city council shall be called together by the city clerk for the purpose of conduct in an election among city council members for the office of city council president and vice-president to serve at the pleasure of the city council. The president shall preside at all meetings of the city council, perform ceremonial functions and perform such other functions as may be assigned by this Charter, by ordinance or by vote of the city council. The vice-president shall perform all duties of the president during the president's absence or disability. The city council shall elect from among its members one councillor to sit as a nonvoting member of the school committee; this member shall serve at the pleasure of the city council.

Sec. 2-3. - General powers and duties.

Except as otherwise provided by law or by this Charter, all powers of the city shall be vested in the city council that shall provide for their exercise and for the performance of all duties and

obligations imposed on the city by law.

Sec. 2-4. - Filling of vacancies.

If a vacancy occurs in the office of a city councilor, whether by failure to elect or otherwise, the remaining councilors shall, not more than 30 days after the date on which that vacancy is declared to exist, act to fill the vacancy. The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for that seat from the last regular city election; provided, however, that the defeated candidate shall have received not less than 30 per cent of the total ballots cast for the seat being vacated. For the purpose of this section, the 30 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 if the defeated candidate did not receive at least 30 per cent of the total ballots cast, the city council shall at its discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for that office to serve 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 held to elect a candidate to a seat that is vacant at the time of the election, the candidate deemed the winner of that election shall be sworn in to serve the remainder of the term previously vacated at the first regularly scheduled city council meeting after the date the election results are officially certified.

(Acts 2002, c. 191, § 1; [Acts 2016, c. 312](#), § 1)

Sec. 2-5. - Exercise of powers; quorum; rules of procedure.

(a) *Exercise of powers.* Except as otherwise provided by the laws of the commonwealth or this Charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) *Quorum.* A quorum shall be a majority of the full city council. The affirmative vote of a majority of the full city council shall be necessary to adopt any appropriation order. An affirmative vote of two-thirds of the full city council shall be necessary to adopt any loan authorization. Except as otherwise provided by the laws of the commonwealth or this Charter, any other motion or measure may be adopted by a majority vote of those present.

(c) *Rules of procedure.* The city council shall from time to time adopt rules for its proceedings. Regular meetings of the city council shall be held at a time and place fixed by ordinance, but shall be not less frequent than once monthly; provided, however, that the city council president may suspend meetings during the months of July and August. Special meetings of the

city council may be held on the call of the president of the city council, or on the call of any five or more members; by written notice delivered to the city clerk at least 48 hours in advance of the time set. Except as otherwise authorized by the laws of the commonwealth, all sessions of the city council shall be open to the public and the agenda of any regular or special city council meeting shall be available to the public in the office of the city clerk and posted on the city bulletin board at least 48 hours prior to any such meeting. Such posting shall not preclude the city council from the introduction of additional agenda items as allowed by the city council's rules of procedure. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. All city council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the city council shall be kept by the clerk of the city council and shall be open to inspection by the public.

(d) *Public comment.* Regular meetings of the city council shall provide for a period of public comment; provided, however, the city council may regulate such period of public comment and method of city council response as deemed appropriate.

Sec. 2-6. - City council staff.

The city council shall appoint a clerk to the city council and may employ such staff and retain such assistance as is necessary to conduct the business of the city council. The city council shall establish the compensation of such staff.

Sec. 2-7. - Measures; emergency measures; objection; publication of measures.

(a) *In general.* No ordinance, appropriation or loan authorization shall be passed finally on the date on which it is introduced, except in cases of emergency measures involving the health or safety of the people or their property. Except as otherwise provided by this Charter, every adopted measure shall become effective at the expiration of 14 days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed, except by another ordinance adopted in accordance with this Charter, or as provided in the initiative and referendum procedures.

(b) *Emergency measures.* An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble that declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the city council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a

grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) *Objection.* On the first occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special. If three members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least four members must object. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d) *Publication of measures.* Upon final passage, notice of every ordinance, appropriation order, or loan authorization shall be published by the city clerk in at least one newspaper of general circulation within the city within 14 days, and posted on the city bulletin board. Any such publication notice required shall state the summary of the finally enacted ordinance or ordinances, appropriation order, or loan authorization, and the times and places at which copies of such measures may be obtained or reviewed by the public.

(Acts 1996, c. 165, § 1)

Sec. 2-8. - Inquires and investigations.

The city council shall have the authority to require any officer, employee or member of a multiple-member body to appear and give such information as required in relation to the function and performance of the office or position held by such person. The city council shall give at least 48 hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section.

The city council may make investigations into the affairs of the city and into the conduct of any city agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

Sec. 2-9. - Prohibitions.

No councillor shall, while a member of the city council, hold any other office, including membership on a multiple-member body, or other position under the city. No former councillor shall hold any compensated appointive office or employment under the city until one year after the expiration of the councillor's service on the city council. This provision shall not prevent a city

officer or employee who has been granted a leave of absence from such duties in order to serve as a member of the city council from returning to such office or employment following service as a member of the city council.

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 councillor 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, § 2)

Sec. 2-10. - Compensation.

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

No ordinance increasing such salary shall be effective, however, unless it shall have been adopted by a two-thirds vote of the full city council during the first 18 months of the term for which councillors are elected, and the revised salary schedule is to be effective upon the commencement of the terms of office of the next city council to be elected.

Sec. 2-11. - Relationship of the city manager and the city council.

The city manager shall be the primary officer responsible for the implementation of city council policy, as reflected by the city council's votes and resolutions, enactment of ordinances, appropriation orders and loan authorizations.

Except as may be otherwise authorized by this Charter, no member of the city council, nor any committee of the city council, shall directly involve themselves in the conduct of the administrative business of the city.

Councilor Robinson spoke in regards of Section 2:

PART II. - LEGISLATIVE

Sec. 2-1. - Composition; eligibility; election and term.

(a) Composition. There shall be a city council composed of 9 members which shall exercise the legislative powers of the city. Four members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Five members, to be known as ward councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the five wards into which the city is divided in accordance with section 7-4.

(b) Eligibility. Except as otherwise provided in this act, any voter shall be eligible to hold the office of councillor-at-large; a ward councillor shall be a voter and resident of the district from which the councillor is elected.

A councillor-at-large who shall remove from the city during the term for which such councillor-at-large was elected shall be deemed to have vacated the office of councillor-at-large and the office shall be considered vacant. A ward councillor who shall remove from one district to another during the term of office for which such ward councillor was elected shall be deemed to have vacated the office of ward councillor and the office shall be considered vacant. Any vacancy in the office of councillor-at-large or ward councillor shall be filled in accordance with section 2-4.

(c) Election and term. The term of office of city council 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.

Sec. 2-2. - City council organization.

After the councillors-elect have taken the oath of office, the city council shall be called together by the council clerk for the purpose of conduct in an election among city council members for the office of city council president and vice-president to serve at the pleasure of the city council. The president shall preside at all meetings of the city council, perform ceremonial functions and perform such other functions as may be assigned by this Charter, by ordinance or by vote of the city council. The vice-president shall perform all duties of the president during the president's absence or disability. The city council shall elect from among its members one councillor to sit as a nonvoting member of the school committee; this member shall serve at the pleasure of the city council

Councilor Taylor also spoke about changes to Section 2

Sec. 2-1 (a) Composition. There shall be a city council composed of 7 members which shall exercise the legislative powers of the city. Three members to be known as councillors-at-large, shall be nominated and elected from the voters at large. 4 members, to be known as ward councillors, shall be nominated and elected by and from the voters of each ward, one such ward councillor to be elected from each of the 4 wards into which the city is divided.

(b) Eligibility. Any citizen who is registered to vote shall be eligible to hold the office of councilor-at-large. Any citizen who is registered to vote shall be eligible to hold the office of ward councilor provided they are a resident of that ward.

In the rest of Sec 2, substitute the word "ward" for "district".

Chairperson Judith Garcia read a comment from a community member in regards to hold special local elections on Saturdays:

That all local municipal elections including special elections be held on Saturdays. The Primary Election shall be held on a non-Labor Day weekend in September. The General Election shall be on the first Saturday of November.

Mary Bourque asked about the changes to the composition of the council. Council President Avellaneda spoke about the composition of the council and how it relates to the population. Everyone agreed to spell councilor with one L instead of two L's. Mimi Rancatore proposed a change into the length of the City Council from two –four years. Councilor Robinson would like to change the name of Chelsea Clerk to Council Clerk in Section 2-3.

Meeting was adjourned at 7:03

Respectfully submitted,

Fatima Melara

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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