

**CHARTER REVIEW COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
March 9, 2010**

The Charter Review Committee of the Town of Weymouth held a public meeting on Tuesday, March 9, 2010, at 7:00pm at Town Hall Council Chambers, 75 Middle Street, Weymouth, MA

Present: Barbara Deacon, Chairperson
Sandra Williams, Vice-Chairperson
Michael Smart
Arthur Mathews
James Wilson
Claire Cunningham
Sean Guilfoyle
Michael Gallagher
John Reilly
Recording Secretary: Janet Murray

Chairperson Deacon called the meeting to order at 7:05 pm.

OLD BUSINESS

Minutes

A MOTION was made by Council President Smart to ACCEPT the 02/23/10 minutes and was seconded by Councilor Mathews.

Ms. Williams noted that no vote was made on 8-7 and when this section comes up during the discussion it needs to be voted on.

The MOTION PASSED UNANIMOUSLY.

Citizen Questions, Concerns Update

Chairperson Deacon stated that as of last evening there were no citizen phone calls. She noted that she did not check the emails and would update the committee at another time if needed.

NEW BUSINESS

Mr. Curran and Mr. Lane

Mr. Curran and Mr. Lane were present this evening to discuss the recommended changes to the original Charter. Mr. Curran submitted a document dated 3/9/10 with his answers to the questions posed to him by the Charter Review Committee in the document titled "questions for Mr. Curran 3/1/10.

Question 1

Article 5 Administrative Organization

Section 5-1: Organization of Town Agencies: Please clarify a re-organization plan versus an ordinance submitted from council. Can this committee recommend changes to Section 5-1? If so, do these changes need to be made through the legislature? Article 5 specifically provides that no organization/reorganization plan can originate with the town council. An organization/reorganization plan must be originated by the mayor.

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Mr. Curran's answer:

The mayor is required to submit any proposed plan for organization or reorganization in the form of an ordinance.

The council may vote only to approve or to disapprove the plan submitted by the mayor. The council does so by voting for, or against, the proposed ordinance submitted by the mayor. The council may not vote to amend or to otherwise alter the plan as submitted by the mayor. It is specifically provided, in the last sentence of the first paragraph of section 5-1, that the council cannot originate an organization/reorganization plan.

Your honorable committee may make a recommendation that the provisions of Article V be changed. Bear in mind, however, to be adopted, a charter amendment, whether it is advanced pursuant to HRA section 4, or as a, so-called, section 8 HRA law (by petition of the state legislature), in either case, the proposal must have the approval of both the mayor and the council if it is to go forward.

Mr. Curran stated that there is not a provision for the Council to originate an organization/reorganization plan.

Councilor Mathews asked if any other municipality has this type of organization.

Mr. Curran stated that he is not aware of another municipality with a stronger mayor former of government.

Councilor Mathews asked if other municipalities do allow their councils to originate an organization/reorganization plan.

Mr. Curran stated that it is unusual for the mayor to have such a strong power.

Mr. Lane noted that the definition of 1-7(k) – definition of plan. Mr. Lane read the definition. He pointed out that the “or to change the way services are delivered” phrase is the part of the definition that is forgotten.

Mr. Reilly asked if the town council wanted to change the way DPW and Park Departments maintenance was performed would it have to go through the mayor. Mr. Curran stated that it must go through the mayor

Councilor Mathews stated that he does not agree with the language of Section 1-7 (k) or Section 5-1 and noted that he voted against leaving it in the charter.

Question 2

Article 7 Elections and Election Related Matters

Section 7-1: Town Elections: General, Preliminary: Please clarify if this committee can make a recommendation to eliminate preliminary elections.

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Mr. Curran's answer:

Yes.

HRA section 4 provides (inter alia) that:

Any change in a charter relating to any way to the composition, mode of election or appointment or terms of office of the legislative body, the mayor or city manager or the board of selectmen or town manager shall be made only by the procedure of charter revision set forth in section three.

To respond to this question we must first answer this question: Would the deletion of the provisions of section 7-1 (providing for preliminary elections to nominate candidates be a change relating to the composition, mode of election, or appointment or terms of office of the mayor and council?

I respectfully submit it would not. As I understand the provision in section 4 of the HRA (1) the term "composition" relates to the number of members of the council, in your case eleven, (2) the phrase "mode of election" relates to method by which the council members are chose, in your case 5 are elected from districts, and 6 are elected "at-large" and (3) the phrase "term of office" relates to the number of years served by persons elected to a regular term in office. No change in any of these is involved if the requirement for preliminary elections to be held are deleted.

Councilor Mathews clarified that Weymouth has 5 at large councilors and 6 district councilors.

Question 3

Article 8 General Provisions

Section 8-5: Periodic Review of Charter and Ordinances: If it is determined by either the Mayor or the Town Council that there should be a Charter or Ordinance Review before the intervals described in the charter, (5 year interval for ordinances and 10 year interval for the charter), what would be the process if both parties did not agree to the review?

Mr. Curran's answer:

The provisions of charter section 8-5 were inserted into the charter to assure that some review of ordinances and the charter would be made on a regular basis. The provision should not be construed to be a limit on review of either the charter, or the ordinances.

Charter amendments are governed by the provisions of HRA section 4 and by MGL. C. 43B section 10, copies of these provisions are attached hereto for your convenience.

I call your attention, specifically to the provisions of 43B:10(b) which provides, in essence, that the town council not only may, but must, consider any proposed charter amendment that is submitted to it by the Mayor, or by any member of the town council, or on a petition signed by 100 voters (the same number of voters as is required to nominate a person as a candidate to be elected as a member of a charter commission, as provided in 43B; section 5).

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The section further provides the council must: (1) within 3 months following the filing of a charter amendment proposal hold the public hearing on the proposal and (3) within 6 months following the filing of a charter amendment proposal the council must vote to approve, or to reject the proposal.

Question 4

Article 9 Transitional Provisions

Section 0-1 through 9-5: The Charter Review Committee believes Article 9 was in the original charter to help with the transition for the changes needed to change Weymouth's form of government. Please clarify if this section needs to be reviewed at this time.

Mr. Curran's answer:

You have assumed, correctly, that the provisions of article 9 were inserted to provide an orderly transition from the old form of government to the new. No action to review these provisions is needed at this time.

Please note that some of these sections do have a continuing effect. Section 9-1 Continuation of Laws and Section 9-5 Disposition of Certain Special Laws fall in this category. From time to time, I am certain, your town attorney will have occasion to review these provisions.

Note, too, that when your proposals are finalized you will need to consider a time table for the implementation of the new proposals to be inserted into the existing charter.

General Conversation on the proposed changes to the original charter document.

Mr. Curran submitted the following document.

Section 1-7 Definitions

1. I don't agree with moving 8-9 to this section. The Computation of Time section is not a definition: it is a rule of construction.

Chairperson Deacon asked if it could be in both places. Mr. Curran stated that it could.

2. I respectfully suggest the proposed definition of a special law as a general law is inapt on its face. I would suggest instead adding to the definition of the word "charter" a reference to special laws by inserting the following sentence:

Special laws, enacted by the general court in accordance with the provisions of section 8 of article LXXXIX of the amendments to the state constitution and section 19 of c. 43B of the general laws, shall also be deemed to be part of the town's charter.

NOTE: MGL chapter 4, section 7, clause 5, defines "charter" as follows:

Fifth, "Charter", when used in connection with the operation of city and town government shall include a written instrument adopted, amended or revised pursuant to the provisions of chapter fort-three B which established and defines the structure of city and town government for a particular community and which may create local offices, and distribute

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powers, duties and responsibilities among local offices and which may establish and define certain procedures to be followed by the city or town government. Special laws enacted by the general court applicable only to one city or town shall be deemed to have the force of a charter and may be amended, repealed and revised in accordance with the provisions of chapter forty-three B unless any such special law contains a specific prohibition against such action.

3. Organization or Reorganization Plan

I respectfully suggest the word “be” should be inserted before the word “simple”, not after it.

4. Voter/Voter(s)

I believe this is unnecessary as the matters is governed by the provisions of section 8-7.

Mr. Guilfoyle

5. Councilor/Councillor

I have chosen to use the double “l” spelling ‘councillor’ because that is the spelling that is used in the Massachusetts General Laws. Either spelling is correct, although ‘spell checks’ seem to prefer the single ‘l’ version. If you change the spelling here you will have to run a ‘find and replace’ program and use the same spelling throughout the document.

Section 2-8 Officers elected By Town Council

My suggestion would be that you change the word “choose” in the first line of (a) Town Auditor to “elect” and let the section otherwise stand as it is.

I do not believe the words ‘by majority vote’ add anything. An MMB can only act by majority vote. Do you mean a majority vote of the full council? by a vote of 6 or more members? If so I think you should say that. If you change the language to “appoint” you will need to change the title to reflect that.

Section 3-1(e) Prohibitions

Doesn’t “compensated... town office or employment” cover it? I believe the proposed language is not needed.

It seems to me what the addition of the word “within the town of Weymouth” does, is to carve out an exception for work done for Weymouth, but not in Weymouth, but somewhere else: for example, as a paid lobbyist working in Boston seeking legislation of some kind, or as a liaison to state and federal administrative agencies. (“town” is a defined term meaning Town of Weymouth).

Section 3-5 Temporary appointments to Town Offices

I would state it differently:

Whenever a vacancy occurs in an office appointed by the mayor, whether temporary or permanent, and the needs of the town require. . .

Section 3-6(a) communications to the Town Council

I believe the sentence should be rewritten to accomplish this objective.

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Not later than October 15th in every year the may shall submit...or, annually, not later than October 15 . . .

Article 4 School Committee?

Section 4-1

I believe the proposed change in 4-1(a) is unnecessary as it is already provided in 4-2 (a) “shall organize by electing one of the persons elected to the office of school committee member to . . .” se also to the same effect of 8-10.

the mayor is not so elected but serves “by virtue of office, as the seventh member. . .

Section 4-2

Organization of the school committee is already provided for in section 8-10

FAIR WARNING: This is personal opinion, a value judgment of mine. I believe the caption “DEPARTMENT” should remain. I believe education is a function of the town government not separate from it. I am disturbed that the state department of education has chosen to try to distinguish education as not a municipal function by referring always to school districts not city or town departments. Failure to categorize “schools” as a town department furthers the (separate) district concept.

Section 4-4 Compensation, and expenses (a) Salary

I believe this change is unnecessary. The mayor does receive compensation for serving as a member of the school committee as a portion of the salary he/she receives for serving as mayor. If a “problem” exists it can easily be addressed in the ordinance setting the salary for each office.

Section 5-6 Department of Human Resources (2) Director of Human Resources

Doubtlessly the director of human resources should follow the mandates and requirements in both state and federal laws. So too should other town offices and agencies. You are proposing to insert federal here but not in 5-5(2), above. If you are not prepared to assume all Weymouth’s town officers and employees will act conformable to all applicable laws then you should do a search and insert “and federal” every place your charter says “state laws”.

Section 8-14 Annual Report of the Town

I suggest the section be revised to read as follows:

Within ninety days following the close of each fiscal year the mayor shall cause to be published an annual report which contains a complete report on the financial and administrative activities of the town for the preceding fiscal year. The publication shall contain reports by the mayor, the town council, the school committee, the director of municipal finance, the director planning and community development, the department of public works, the director of human resources, the director of municipal licenses and inspections and such other town agencies as may be required, by ordinance to provide such reports.

Overview of the Recommendations for Changes to the Weymouth Home Rule Charter

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Chairperson Deacon stated that she would read this at the beginning of the presentation to the Town Council.

The Charter Review Committee started meeting in August of 2009. We invited citizens, department heads and town officials to attend our meetings and offer input into the process of reviewing our original charter.

We are pleased to report that, during our deliberations, it was consistently apparent that changing to our current form of government was the right thing for the Town of Weymouth. We repeatedly heard that the town is being run much more effectively. Citizen's concerns are being addressed in a more efficient manner. Town departments can run more effectively and efficiently because there is one place and/or person to go to for answers.

The Charter Review Committee has divided the recommended changes into two categories. Section 1 addresses substantive changes and Section 2 addressed housekeeping and/or clerical changes.

The area of the charter that stimulated the most discussion was the budget process. Among our proposed changes, you will see several recommendations changing the time line that the budgets are to follow. We believe that if these changes are accepted, the entire budget process for the town will become more realistic for all departments. We believe that the new time line will help deal with the uncertainty of funding in these uncertain fiscal times.

As you begin your deliberations concerning our recommendations, the committee will be available to answer my questions or concerns that may come up.

Sincerely,
Barbara Deacon, Chairperson.

A MOTION was made by Mr. Wilson to ADOPT the "Overview of the Recommendations for Changes to the Weymouth Home Rule Charter" and was seconded by Mr. Reilly and UNANIMOUSLY VOTED.

Committee discussion on final document to be submitted to Town Council on March 15, 2010

Page 2-4 Section 1-7

A MOTION was made by Mr. Reilly to APPROVE the changes as follows:

- (a) Computation of Time - In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than seven days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven days or more, every day shall be counted.**

**** This paragraph was copied from the definition in the original Charter Commission Report Section 8-9: Computation of Time. This addition forces the alphabetical**

assignments to change in this section.

- (e) **general laws** – The words “general laws” (all lower case letters) shall mean laws enacted by the state legislature which applies alike to cities and towns, to all cities, or to a class of two or more cities and or cities and towns of which Weymouth is a member. **The term shall further mean any law enacted by the state legislature as a result of a home rule petition by the town which applies only to Weymouth.**

**** This language was added to address Home Rule Petitions**

The MOTION was seconded by Mr. Reilly.

SG/ move subsection (e) to subsection (a)

The MOTION was UNANIMOUSLY VOTED

Pages 8-9 Section 2-8(a)

A MOTION was made by Mr. Gallagher to CHANGE Sections (a), (b) and (c) to read as follows:

- (a) **Town Auditor** – The town council **shall appoint by a majority vote of the town council** a town auditor to serve for a term of three years and until a successor is chosen and qualified.

**** This language was changed for clarification & house keeping purposes**

- (b) **Town Clerk** - The town council shall **appoint by a majority vote of the town council** a town clerk to serve for a term of three years and until a successor is chosen and qualified.

**** This language was changed for clarification & house keeping purposes**

- (c) **Clerk of the Council** – The town council **shall appoint by a majority vote of the town council** a clerk of the council, who may be the town clerk, to serve for a term of two years and until a successor is chosen and qualified.

**** This language was changed for clarification & house keeping purposes**

The MOTION was seconded by Mr. Reilly and UNANIMOUSLY VOTED.

Page 11 Section 2-11

SECTION 2-11: FILLING OF VACANCIES

- (a) **Councilor-at-Large** - If a vacancy shall occur in the office of councilor-at-large during the first **sixteen** months of the term for which councilors are elected the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large

**** This change was made to insure that Section 2-1(a) is consistent with Section 2-1(c) eligibility of the town council.**

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Page 13 Article 3

A MOTION was made by Mr. Wilson to CHANGE the wording “within” the Town of Weymouth to “for” the Town of Weymouth and was seconded by Mr. Reilly and UNANIMOUSLY VOTED.

(e) **Prohibitions** - The mayor shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury. No former mayor shall hold any compensated appointed town office or town employment **within the Town of Weymouth** until one year following the date on which such former mayor’s town service has terminated.

**** The above language was added for clarification**

Page 16-17 Section 3-5

A MOTION was made by Mr. Wilson to STRIKE the Committee’s language and INSERT Mr. Curran’s language as follows, “whenever a vacancy occurs in an office appointed by the mayor, whether temporary or permanent, and the need o the town require...”. The MOTION was seconded by Mr. Gallagher.

Section 3-6

A MOTOIN was made by Mr. Gallagher to CHANGE the wording in Section 3-6 to strike “by” October 15 to “No later than” October 15 and to CHANGE the wording in Section 8-14 to strike “within” 90 days to “no later than” October 15 and was seconded by Mr. Reilly and was UNANIMOUSLY VOTED.

Page 27 Article 5

A MOTION was made by Mr. Wilson to add “federal laws” wherever there is a “state statutes” and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

(2) **Director of Human Resources** - The director of human resources shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with state statutes, **federal laws**, town ordinances, and rules and regulations.

**** The above language was added with the recommendation of the Director of Human Resources.**

Page 47

A MOTION was made by Mr. Gallagher to CHANGE the three references of importing to imparting and was seconded by Mr. Wilson and UNANIMOUSLY VOTED.

Councilor Mathews stated that the presentation to the Town Council should be about a 5 minute summary covering how often the committee met, who were the members, and spell out the process. The matter will then be referred to Ordinance Committee where the recommendations will be discussed in details. After which the matter will be sent back to the Council for a vote and will then go to the mayor

Ordinance report back to Council
Public hearing (power point)

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approved by Mayor
Voters of town

Councilor Mathews asked about the remaining money in Charter Review Committee. He stated that there will be money left in the recording secretary line item but there will not be money in the printing line item. Mr. Wilson stated that the money should be available.

Mr. Gallagher suggested that Mr. Guilfoyle ask about having printing done by high school printing department.

Councilor Mathews stated that if the changes are sent for a town vote, it will not be on the state election and there is no money for special election; therefore the vote would be at the next town election in November of 2011

The changes will become effective upon adoption by the voters of the town.

PUBLIC COMMENT

Chairperson Deacon asked if there was anyone in the public who would like to speak; there was the following response.

Mr. Robert Montgomery Thomas submitted a document to the Committee. He discussed it as follows: I'd like to speak to some concerns I have with statements that were made by you at the November 2009 CRC meeting as well as a couple of changes and additions that I would like to suggest. I will present my questions in the order of the charter so that we don't have to flip back and forth.

Item 1: In Article 2, Legislative Branch, § 2-2: Council President, subsection (c) regarding the council vice president serving as president during the temporary absence of the president – but having only those powers of the office indispensably essential to the office: There is no definition of what a temporary absence is and there is no process to permit someone to take the helm after a time certain. I feel that both are needed for an orderly succession if needed. I've suggested that a second paragraph be added to subsection (c) to wit:

“For the purposes of this subsection, temporary absence or disability shall mean for a period of thirty (30) days or less. After such thirty- (30) day period of absence, the town council shall elect a new president from among their body at their next meeting.”

Q1: What are your thoughts on that? Can the council simply adopt the wording in their rules or should there be a more permanent conclusion as I have suggested?

Item 2: Moving forward: In Article 2, § 2-6: Exercise of Powers, etc., subsection (a), Exercise of Powers – “Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.” To be clear, to "legislate" essentially means to make and enforce laws; issue decrees and orders; or to ordain – hence the word ordinance.

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Q1: Is the subsection a correct interpretation of the legislative powers of the town council?

Q2: Would there be or could there be any exception as to the power or duty of the town council to make laws or ordinances – and if so, where is that premise supported?

Item 3: In Article 2, § 2-9: Ordinances and other Measures, subsections (a), (b) and (c) speak to the processes involving emergency ordinances, measures in general and publication requirements. All three subsections refer to the town council's authority regarding ordinances and their passage procedures.

Q1: Would you agree that that is correct?

Q2: Is there any mention of a mayor's involvement in the legislative or law making process or of a mayor's approval being necessary to create or pass an ordinance anywhere in the charter, the article, its sections or subsections or in any place in the Mass General Laws?

Item 4: Now I want to talk about Article 3, § 3-7: Approval of Mayor, Exception (Veto). I can read it ad verbatim if you wish or perhaps I should start with where it says the town council shall enter the mayor's objections:

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. **The town council shall enter the objections of the mayor** on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town council, shall again consider the same measure. If the town council, notwithstanding such disapproval by the mayor shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

This section excites my interest because of statements you made at the November 24 CRC meeting. Here are excerpts from the minutes of that meeting:

“Councilor Mathews asked if an ordinance could originate from the council. Mr. Curran stated that it says that the council by ordinance can do it but it does not say how the ordinance originates.”

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“He pointed out that only the council could adopt an ordinance. Mr. Curran stated that this section does not talk about how the ordinance originates.”

“Councilor Mathews noted that there have been some ordinances that have come from the council. Mr. Curran stated that if the mayor agrees with the proposal it could go forward. He noted that there is no provision for an override of a mayor’s veto.”

I have to respectfully disagree with your assertions because § 3-7 provides for overriding a mayoral veto. And I question where a mayor gets to approve a proposed ordinance before it can go forward. We supposedly have separation of powers: not a dictatorship. The legislative body has the right and the charge to legislate.

And let me be absolutely clear without offending anyone or seeming to be stepping on anyone’s toes: I’m not just talking about **THIS** mayor and council, I’m talking about **THIS** mayor and **THIS** council and/or a mayor and town council 10 or 25 or 100 years from now.

Moving on further in the minutes:

“Councilor Mathews stated that a number of ordinances were originated by the council. Mr. Curran stated that in effect these ordinances were originated with the implied approval of the mayor and that the mayor is able to prevent an ordinance from being introduced by the council.”

Q1: My question is: Can you state with certainty at what place in the charter or the General Laws it says or implies that mayoral approval is necessary for the legislative body to legislate?

Don’t take offense but your statement flies in the face of reason and contradicts the town council’s authority and duty to the citizens of Weymouth established in the charter. Again from Article 2, § 2-6: Exercise of Powers, etc., subsection (a), Exercise of Powers – “Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.”

One of the problems it seems that the town council has been having is that if it wants to enact or ordain some “thing”, it must first get the approval of the solicitor after the request is routed through the mayor’s office for so-called “administration purposes”. A solicitor is appointed by and serves at the pleasure of the mayor, whoever the mayor might be; whoever the solicitor may be. The solicitor can only serve one master.

Further, the office of solicitor was established in § 3-330 of the Code of Ordinances, not in the charter. The problem I see is that a solicitor, as established, is an arm of a mayor whose rulings will generally favor a mayor’s views. There is nothing in the charter that gives any power to a solicitor. And this is not a slight of Solicitor Lane, whom I respect greatly. But he works for the mayor and very possibly rules the way the mayor wants him to. It’s that simple.

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Item 5: Moving on to Article 3, § 3-8: Temporary Absence of The Mayor, subsection (a): What happens if neither the council president nor the vice president is available to serve as an acting mayor?

§ 3-8, (a) Acting Mayor - Whenever, by reason of sickness, absence from the town or other cause, the mayor shall be unable to perform the duties of the office for a period of more than ten successive working days, the president of the town council shall be the acting mayor. In the event of the absence or disability of the president of the town council, the vice-president of the town council shall serve as acting mayor.

I think we need to add wording at the end such as: "If neither the president nor vice-president of the town council is available to serve as temporary mayor, the remaining members of the council shall meet and vote to elect a temporary mayor from among their body."

Q. What are your thoughts on that wording addition?

5A. In the second paragraph of subsection (a), I feel that an acting mayor must be a voter of the town and that we should add, "who is a voter of the town". Let me read the re-worded paragraph and ask your thoughts on it. This goes to charter language that only a Weymouth voter may occupy the office of mayor.

The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee, who is a voter of the town, to serve as acting mayor during the temporary absence of the mayor for periods of ten days or less and to serve only when the needs of the town require and only to the extent necessary under the then circumstances.

Q. Are there any thoughts you'd like to share?

Item 6: In Article 3, § 3-9: Delegation of Authority by Mayor: Again I think it's necessary that any person authorized to "perform any function or duty assigned to the mayor by the charter" should be a voter of the town. After all, if the mayor has to be a voter of the town to hold the office, then anyone assigned to exercise the powers of a mayor should be a voter of the town in my view. It may be a moot point and somewhat redundant but I think it is necessary for absolute clarity. Below is the subsection with the added wording and I'll just read the relative part at the beginning:

The mayor may authorize any subordinate officer or employee of the town, who is a voter of the town, to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise to the mayor, etc., etc.

Here is the entire subsection with the suggested additional wording:

The mayor may authorize any subordinate officer or employee of the town, who is a voter of the town, to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke any such

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authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to town office or employment or to sign or return measures approved by the town council.

Q. May we have your thoughts on the matter?

Item 7. On to Article 6: At the January 26 meeting, I spoke to there being some ambiguities in § 6-8 and § 6-9 and whether there was any connection to the sections regarding violations of § 6-8 being bounced to § 6-9 for disposition or penalty purposes. CFO Wilson explained the allotment procedures in § 6-8 and went on to say that the word “official” in the first line of both paragraphs in § 6-9 referred only to the mayor or the CFO. I believe the CRC is recommending adding wording in § 1-7 to address what an “official” is, but I still have questions as to how a “violation” in § 6-8 is addressed.

Q. Is there some – for want of a better word – punishment procedure? Or is the question moot?

Here is the first sentence of the fourth paragraph of § 6-8 (page 34) if needed for discussion:

No personnel expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee.

My original questions if needed for discussion:

Q1: Can you explain what penalty there is for “violations” of § 6-8, paragraph four? Does this bounce to § 6-9 for administration and if so, shouldn't § 6-8 have a linking declaration?

Q2: Could this use some additional wording at the end of the sentence as follows: “; and such violation shall be remedied as provided for in Section 6-9, paragraph two.” to provide a link?

Item 8: And finally at **§ 8-5: Periodic Review of Charter and Ordinances**, there are two distinct subjects in the section but the section is not indexed. Plus the two paragraphs are typical legal verbiage that is difficult for most people to follow. My suggestion would be to index the two subjects and break up the section, with additional wording added as to the composition of future charter review committees, which is in bold type:

Before you give your thoughts on the suggested rewrite, let me say this: This committee has done an excellent job in reviewing the charter. The members were very professional throughout.

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My suggestion to add wording to the effect of ensuring a wider group of voters to the next review, be it 10 years or whatever time frame going forward, is to try to engage a greater public audience in our government process. Of course if the public does not want to be involved, then the mayor and the council should be free to appoint anyone they wish: anyone who is a voter of the town.

So if anyone here is or was upset by my suggestion, I offer you my sincerest apology. But as I have stated before, it is nothing personal. According to recent published statements, a number of people feel disengaged from the mayoral government. I'd like to give them the opportunity to participate in the future. If they do not, then that is on them.

With that said, let me move on to § 8-5.

§ 8-5: Periodic Review of Charter and Ordinances (RMT suggested changes in bold)

(A) REVIEW OF ORDINANCES: At five-year intervals, not later than the first day of July in each year ending in a five or zero, the mayor and town council shall provide for a review to be made of the ordinances of the town. Such review shall be for the purpose of preparing proposed revisions or re-codification of the ordinances: without substantive change. A committee consisting of nine members shall make such review. The town council president shall appoint four members to the committee and the mayor shall appoint five members. At least two of the persons appointed by the town council president shall be members of the town council and the remaining members shall be voters of the town; **at least five of whom shall not be employed by the town or serving as elected or otherwise town-appointed officials during the review process.**

The committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the committee shall appear on the council agenda for action before the fifteenth day of June in said year. If not so scheduled by the clerk of the council the matter shall come before the council for action at its next meeting held following the said fifteenth day of June. No other business shall be in order until such report has been acted upon by roll call vote.

The review of town ordinances shall be under the supervision of the town solicitor. A revision, re-codification or republication of the ordinances shall be made at five-year intervals. Copies of the revision, re-codification or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

(B) REVIEW OF CHARTER: At ten year intervals not later than the first day of July in each year ending in a nine, the mayor and town council shall provide for a review to be made of the town charter. A committee consisting of nine members shall make such review. The town council president shall appoint four members to the committee and the mayor shall appoint five members. At least two of the persons appointed by the town council president

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shall be members of the town council and the remaining members shall be voters of the town; **at least five of whom shall not be employed by the town or serving as elected or otherwise town-appointed officials during the review process.**

The committee shall file its report with the clerk of the council not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the committee shall appear on the council agenda for action before the fifteenth day of June in said year. If not so scheduled by the clerk of the council, the matter shall come before the council for action at its next meeting held following the said fifteenth day of June. No other business shall be in order until such report has been acted upon by roll call vote.

Nothing in this section shall preclude a mayor and a town council, in concert, from providing for a review of the ordinances or the charter on an earlier schedule than as herein established.

Q. Do you have an opinion of the suggested rewrite?

In closing, through the chair I would again like to thank you and this committee for allowing my participation and questions. Perhaps in the process we, meaning this committee, the town council and the involved citizens at-large, will have educated ourselves as to what our duties and responsibilities to the town of Weymouth and its government are and will have produced a more perfect charter in the process. The charter that you created for the town is well thought out and all encompassing. It has worked very well for Weymouth, thus far, and I'd like to personally thank you for that, Mr. Curran.

ADJOURNMENT

At 9:00 pm, there being no further business, a MOTION was made by Mr. Gallagher to adjourn and was seconded by Mr. Guilfoyle, and UNANIMOUSLY VOTED.

Barbara Deacon, Chairperson

Date