

## GARDNER CHARTER COMMITTEE MAY 11th MEETING MINUTES

Bob Rice – I call this meeting to order, present are myself, Alan Agnelli, Neil Jansens, and Jennifer Zlotnik Pelavin. Tina Griffin is absent due to pressing issues at Heywood Hospital, her place of employment. This is a follow-up to the public hearing in February, where we heard testimony from city officials and the public regarding changes to the charter. Are there any comments regarding the public hearing? We'll go through the charter item by item and discuss our feelings regarding amendments. Any comments on Section 1?

All: No changes recommended

Bob: To clarify we'll vote only for changes. Section 2? Section 3? Section 4?

Alan Agnelli: I have a question. Does the 2 year Mayor's term conflict with a potential change in the inauguration date? Also for the terms of the City Council and School Committee. Could there be an "underlap" where there is no Council or School Committee?

Bob: A similar event must have occurred before without incident.

Alan: No motion, just a comment

Bob: Section 5?

Alan: Leave as is.

Neil Jansens: I agree

Bob: Section 6?

Alan: I believe the Assistant City Solicitor should be confirmed by the Council just as all Department Heads are.

Neil: I agree. It provides a system of checks and balances.

Jennifer Zlotnik Pelavin: Should we leave this section alone?

Alan: I believe the section should be stricken regarding the solicitor.

Bob: I strongly disagree as a former Assistant City Solicitor. This position will see the most changes of any in the years to come, days of one or two individuals are ending, city government is too complex, we will be hiring a firm, with individual lawyers for specific areas. I feel most strongly about this change, Mayor appointments account for tradition and inevitable future changes. There is the potential for Councilors to raise objections to changes in lawyers. I am worried about them monopolizing City Clerk and City Solicitor time.

Alan: In 1988, KP Law had issues before the Council. Does the proposed language prohibit the Mayor from hiring a firm?

Bob: I don't think so. The salary is set through an ordinance, not the charter. Salary is only a small portion of legal expenses.

Alan: It's good that it doesn't preclude hiring a firm.

Jen: We have two firms at the School Department, the ethical nature of law practice provides for a system of checks and balances. An appointment by the Mayor would provide expediency.

**There was a unanimous vote in favor of the Mayor's Proposed Changes for Section 6**

Bob: Section 7?

Alan: Having no standard whatsoever is bad.

Bob: Let's leave it. Section 8? Section 9? They have these rights anyway

Alan: I think its housekeeping.

Bob: No motion. Section 10? Section 11? Section 12?

Alan: I endorse this change. 4 weeks constrains printing and now mailing ballots. I move to endorse.

Jen: I second

**There was a unanimous vote in favor of the Mayor's Proposed Changes for Section 12**

Bob: Section 13?

Alan: I see no problem with the current language.

Bob: It's a solution in search of a problem. Section 15? Section 16? Section 17? Section 18?

Alan: The charter can't conflict with laws regarding recounts.

Bob: Should we delete the first couple of clauses?

Alan: I move Section 18 read " The City Clerk shall canvas returns from election officers and place them in a conspicuous place in City Hall and in other manners consistent with city practices.

**There was a unanimous vote in favor of these changes to Section 18**

Bob: Section 19? Section 20? Section 21? Section 22? Section 23?

Neil: Nobody wants to get sworn in on New Year's Day

Jen: It hasn't happened to me.

Bob: If it hasn't happened in 100 years.

Jen: Was there something that came up? What would happen if it was the Mayor?

Alan: The previous Mayor serves until the successor is ready.

Bob: I've seen similar situations in the legislature, you can't overturn the will of the people.

Alan: Is a Zoom swearing in possible?

Jen: I'm not sure that's allowed.

Alan: *reads rules regarding vacancies*

Bob: Section 32 already deals with this. Section 24?

Alan: I think no change.

Bob: A majority of a quorum i.e. 4 Councilors can make substantial changes. This is an unintended effect. I would entertain a motion that we stop that. Hearing no motion... Section 25? Section 26? Section 27? Section 28? Section 29?

Alan: I support a summary

Bob: Motion?

Neil: So moved

Bob: Strike from Section 29 "in full" insert "in summary" and delete "in one newspaper" instead read "in any manner" in paragraph 2 line 2 add "in summary"

**There was a unanimous vote in favor of these changes to Section 29**

Bob: Section 30?

*Discussion was had about mechanics of proposed changes. Concern was expressed the process could go on indefinitely. Neil Jansens noted the established process has worked for 100 years.*

Bob: Section 31? Section 32?

*Discussion was had about historical absences in various elected offices*

Jen: More elections are cumbersome, but a year is a long time.

**There was a unanimous vote to endorse the Mayor's proposed changes to the first paragraph of Section 32, and to amend paragraph 4 by deleting "18" in line 2 and replacing with "12" and by inserting "In the event of the Mayor's absence, the Acting Mayor will receive 75 percent of the Mayor's pay plus their Council pay**

Bob: I recommend Sections 34 and 35 be deleted in their entirety. Section 33 may be in conflict with Massachusetts General Laws but we don't want to remove anything from the Charter regarding ethics.

Alan: Move to delete 34 and 35 in their entirety.

**There was a unanimous vote to remove Section 34 and 35 in their entirety**

Bob: Section 36? Section 37?

**There was a unanimous vote to change the wording of Section 38 from “elect” to “appoint”**

Bob: Section 43?

**The Committee feels the current language of this section is problematic, however, specific changes in language regarding election law are the purview of the City Council or School Committee**

Bob: No changes are recommended for Sections 44 through 50. Section 51?

Jen: Motion to delete Section 51.

Alan: Seconded

**There was a unanimous vote to delete Section 51 in its entirety**

Bob: I feel Section 53 should stay

*There was general agreement and no further changes were endorsed*