

Charter Commission

One Government Center
Fall River, MA 02722

Call To Order: 6:01PM

Adjournment: 7:59PM

Minutes of Regular Meeting, Monday June 27, 2016

DATE AND TIME: Monday, June 27, 2016 at 6:00pm

LOCATION: Kuss Middle School, 52 Globe Mills Avenue, Library

PRESENT: Commissioners Assad, Vice-Chair Bartley, Cusick, Norton, Robillard, Silvia,
Clerk Venice, and Chairman Miozza.

ABSENT: Quinn

IN ATTENDANCE: City Administrator Cathy Viveiros
Consultant Marilyn Contreas
Consultant Tanya M. Stepasiuk

DISCUSSION:

Call to Order

Chairman Miozza calls the meeting to order at 6:01pm, reads "open meeting law" statement and asks the Clerk to call the roll.

Opening Statements

Chairman Miozza welcomes everyone and mentions that this meeting was originally scheduled for 6/20/16 but was rescheduled to due scheduling conflicts with the City Council's budget hearings. He mentions that Consultant Mr. McGoldrick will not be in attendance due to illness, that this is the 16th meeting since the Commission was elected, and that the Commission is averaging about two meetings a month. After completing Article 8 we will have completed about 50% of the Articles for a revised Charter.

Chairman Miozza asks the consultants if the Commission is on schedule and they confirm the Commission will finish its work on time with the possibility of a couple of additional meetings if needed and that there are still some major decisions to be made.

Since the results of the Charter Survey have been announced and made public Chairman Miozza asks the Commissioners if they want to go back and revisit Articles 2 and 4 or wait until the end of deliberations and complete unfinished articles then. Commissioner Cusick makes a motion to move on to new articles then go back at a later date to complete the unfinished articles. Motion seconded by Commissioner Norton. Motion carries 8-0 with Quinn absent.

Chairman Miozza talks about getting the new materials and draft language from the Collins Center at least two weeks prior to the next meetings and directs the consultants to do so. He states there is a lot of information to go through in some articles and he wants everyone to have enough time to study and digest any draft language so that the commissioners will understand what is being proposed.

Chairman Miozza explains he has received a request from a commissioner to have a member of the School Committee attend a Charter Commission meeting to explain how the School Committee functions and its policies, rules, and regulations as they may pertain to charter issues and proposed charter language. He states Mark Costa is willing to attend. After discussion a motion was made by Commissioner Assad to schedule an additional meeting (date to be determined) to have School Committee member Mark Costa give a presentation to the Commission regarding the operating procedures of the School Committee. Motion seconded by Robillard. Motion carries 8-0 with Quinn absent.

Correspondence/Communications

- a. Patrick Higgins Letter May 18, 2016
- b. CJ Ferry letter May 15, 2016 regarding records request (received June 16, 2016)
- c. Clerk's email response June 18, 2016
- d. CJ Ferry response to MGL Chapter 66, Section 10
- e. Code of Ethics (Conflict of Interest Summary)
- f. Chairman's email rescheduling meeting of Monday, June 13, 2016
- g. Chairman's Press Release scheduling additional meeting to present survey results dated June 11, 2016
- h. Power Point Survey Results presentation 6/20/16
- i. Signed attendance sheet dated June 20, 2016

New Business

a. Revised Minutes of the May 16, 2016 Meeting

Clerk Venice briefly describes some revisions for typographical errors that were in the last meeting's minutes and presents the revised minutes of the May 16, 2016 meeting. Commissioner Robillard makes a motion to accept the revised minutes of May 16, 2016, seconded by Bartley. Motion carries 8-0 with Quinn absent.

b. Acceptance of Minutes of the Previous Meeting

Commissioner Robillard makes a motion to accept the minutes of the 6/20/16 meeting, seconded by Bartley. Motion carries 8-0 with Quinn absent.

Chairman Miozza proposes taking Item 4 Communications out of order. Commissioner Robillard makes the motion to take Item 4 out of order, seconded by Bartley. The motion carries 8-0 with Quinn absent. Miozza then gives a brief explanation and presentation on what the communications contain and what action(s) were taken in response to the communications. Commissioner Robillard makes a motion to accept and place on file all the communications listed in Item 4, seconded by Cusick. Motion carries 8-0 with Quinn absent.

c. Continuation of Deliberations on Article 6

Chairman Miozza briefly reviews and recaps the Commission's previous actions regarding Article 6. Section 6-1 was adopted as written 8-0; Section 6-2 was adopted as modified 7-1; Section 6-3 was adopted as modified 7-1; Section 6-4 was Tabled on 4/25/16; Section 6-5 was adopted as amended; Section 6-6 was adopted as written 8-0; and Section 6-7 was adopted as written 7-1.

Chairman Miozza explains how he would like to proceed with the acceptance or rejection of certain articles, sections, and subsections. He will first read the subsection—then take a vote on the subsection. When all subsections of a particle section are voted on then he will take a vote on the section in its entirety. When all sections in a particular article are voted on he will take a vote on acceptance of the article in its entirety. No objections were raised.

Section 6-4 was talked about next. Commissioner Robillard makes a motion to take Section 6-4 off the table seconded by Bartley. Motion carries 8-0 with Quinn absent.

Chairman Miozza proposes taking subsection 6-4(a) first, then 6-4 (c), then 6-4 (b) with no objections.

After discussion Commissioner Robillard motions to adopt subsection 6-4 (a) in its entirety as written, seconded by Bartley. Motion carries 8-0 with Quinn absent.

After discussion Commissioner Robillard makes a motion to adopt subsection 6-4 (c) in its entirety as written, seconded by Silvia. Motion carries 8-0 with Quinn absent.

After discussion Commissioner Robillard makes a motion to table subsection 6-4 (b). Motion seconded by Silvia carries 8-0 with Quinn absent.

Chairman Miozza proposes to add the following to Article 6.

Section 6-9 Long Term Financial Forecast

Under the direction of the Mayor the city shall annually prepare a five (5) year long-term financial forecast of city revenue, expenditures, and the general financial condition of the city. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the city, revenue and expenditure trends, potential resources of new or expanded revenues, and any long or short term actions which may be taken that will enhance the financial condition of the city. The forecast shall be submitted to the city council and shall be available to the public for inspection. Copies of the forecast shall be available in the office of the city clerk.

A motion to accept the new Section 6-9 was made by Vice Chair Bartley, seconded by Commissioner Norton. Motion carried 7-1 with Robillard opposed and Quinn absent.

Chairman Miozza proposes to add the following to Article 6.

Section 6-11 Public Access to Financial Documents

Copies of the annual budget, capital improvement program, long-term financial forecast, and the independent audit shall be available for public inspection and copies of such documents shall be filed in the office of the city clerk and the main public library.

Commissioner Robillard makes a motion to adopt the new language for Section 6-11 as proposed by Chairman Miozza, seconded by Bartley. Motion carries 8-0 with Quinn absent.

Chairman Miozza proposes adding a new Section 6-10 entitled Debt Management Plan and have the Collins Center prepare language requiring the administration to create a debt management plan. Commissioner Robillard makes a motion to create a new Section entitled 6-10 Debt Management Plan and have that tabled pending the submission of acceptable language from the Collins Center. Commissioner Silvia seconds the motion and the motion carries 8-0 with Quinn absent.

Chairman Miozza now moves on to Article 8 Citizen Participation Mechanisms.

After discussion Vice Chair Bartley makes a motion to accept the Collins draft language of Section 8-1, seconded by Commissioner Norton. Motion passes 7-1 with Robillard in opposition and Quinn absent.

Section 8-2 and its eight subsections are addressed next.

Chairman Miozza makes a motion to accept subsection 8-2 (a) as written seconded by Commissioner Venice. Motion carries 7-1 with Robillard opposed and Quinn absent.

Subsection 8-2 (b) is now discussed. A motion was made by Commissioner Norton and seconded by Clerk Venice to accept the draft language of subsection 8-2 (b) in its entirety. Motion carries 7-1 with Robillard opposed and Quinn absent.

As to subsection 8-2 (c) chairman Miozza recommends striking the words “registrars of voters” and replace it with Board of Election Commissioners” throughout. He also recommends striking the words “1 paper” on line 10 and replace it with “a single piece of paper”. He further recommends striking the number “1” on line 11 and replace it with the word “singular”. Vice Chair Bartley makes a motion to accept the draft language as modified by Chairman Miozza, seconded by Norton. Motion carries 7-1 with Robillard opposed and Quinn absent.

After discussion on subsection 8-2 (d) Clerk Venice motions to have section 8-2 (d) adopted as written. Motion seconded by Bartley and passed 7-1 with Robillard in opposition and Quinn absent.

After discussion on subsection 8-2 (e) Chairman Miozza makes a motion to accept subsection 8-2 (e) as written, seconded by Commissioner Norton. Motion carries 7-1 with Robillard in opposition and Quinn absent.

Subsection 8-2 (f) was discussed next and on a motion made by Clerk Venice and seconded by Vice Chair Bartley to accept the draft language as written the language of 8-2 (f) as presented was adopted by a vote of 7-1 with Robillard in opposition and Quinn absent.

On a motion by Vice Chair Bartley, seconded by Clerk Venice subsection 8-2 (g) was accepted as written. Motion carried 7-1 with Robillard opposed and Quinn absent.

After discussion on subsection 8-2 (h) a motion was made by Commissioner Robillard, seconded by Vice Chair Bartley to Table subsection 8-2 (h). Motion passes 8-0 with Quinn absent.

After discussion on subsection 8-3 (a) a motion was made by Vice Chair Bartley and seconded by Commissioner Silvia to adopt the draft language of 8-3 (a). The motion carries 7-1 with Robillard opposed and Quinn absent.

After discussion on subsection 8-3 (b) a motion was made by Vice Chair Bartley and seconded by Clerk Venice to accept the draft language of 8-3 (b) as written. Motion carries 7-1 with Robillard opposed and Quinn absent.

Chairman Miozza makes a motion to accept section 8-1 in its entirety, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard opposed and Quinn absent.

Chairman Miozza makes a motion to accept section 8-3 in its entirety, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard opposed and Quinn absent.

After discussion a motion is made by Vice Chair Bartley and seconded by commissioner Cusick to accept the draft language of Section 8-4 as written. Motion carries 7-11 with Robillard in opposition and Quinn absent.

Adjournment

Motion to adjourn made by Commissioner Robillard, seconded by Commissioner Silvia. Motion carries 8-0 with Quinn absent.