

Charter Commission

One Government Center
Fall River, MA 02722

Call To Order: 6:04PM

Adjournment: 7:45PM

Minutes of Regular Meeting, Monday July 18, 2016

DATE AND TIME: Monday, July 18, 2016 at 6:00pm

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

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

ABSENT: Silvia

IN ATTENDANCE: City Administrator Cathy Viveiros
Consultant Marilyn Contreas
Consultant Stephen McGoldrick

DISCUSSION:

Call to Order

Chairman Miozza calls the meeting to order at 6:04pm, reads "open meeting law" statement and asks the Clerk to call the roll.

New Business

a. Acceptance of the Minutes of the Previous Meeting

Motion made by Commissioner Robillard seconded by Commissioner Cusick to accept the minutes of the June 27, 2016 meeting. Commissioner Quinn asks to abstain from the vote as he did not attend the last meeting. Motion carries 6-0 with Quinn abstaining and Silvia absent.

- b. Chairman Miozza states there are three items on the agenda for tonight's meeting: the continuation of deliberations on Articles 6 & 8 and a discussion on differences between a city mayoral form of government and a city manager form of government.

He also states the procedure to be used in approving various Articles, Sections, and Subsections of the new charter. He states each Article is broken down into sections and subsections. He proposes having the subsections of a particular section approved first, then approving the section, then approving the entire Article as a whole.

Chairman Miozza starts discussion on Article 6 and states there are 7 sections to Article 6 and the Commission has approved all 7 sections and added three new sections—Section 6-8 Quarterly Budget Updates; Section 6-9 Long Term Financial Forecast; and Section 6-11 Public Access to financial Documents. He further states there is one outstanding section left to be approved Section 6-10 Debt Management and that the consultants have provided proposed language for that Section.

Commissioner Robillard makes a motion to lift Section 6-10 from the Table, seconded by Vice Chair Bartley, motion carries 8-0 with Silvia absent. Chairman Miozza states he feels it is important to have language concerning a debt management plan in the charter and asks Mr. McGoldrick where this will happen in the new language. Mr. McGoldrick replies to add “a debt management plan” after the wording “including long and short term debt service to be incurred” in Section 6-10. Motion made by Norton to accept the new Section 6-10 as proposed, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard in opposition and Silvia absent.

Chairman Miozza is informed that Section 6-4 (b) was Tabled at the last meeting and requires action. A motion to lift Section 6-4 (b) from the Table was made by Commissioner Robillard, seconded by Vice Chair Bartley. Motion carries 8-0. Chairman Miozza reads Section 6-4 (b) into the record. After discussion a motion to adopt Section 6-4 (b) was made by Commissioner Norton, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard opposed and Silvia absent.

Vice Chair Bartley makes a motion to accept Article 6-4 as proposed, seconded by Commissioner Norton. Motion carries 7-1 with Robillard opposed and Silvia absent.

Vice Chair Bartley makes a motion to accept Article 6 in its entirety as proposed, seconded by Norton. Motion carries 7-1 with Robillard opposed and Silvia absent.

Chairman Miozza claims Article 5 & 6 are now completed.

Chairman Miozza now moves on to Section 8-5 Recall. After discussion Commissioner Robillard makes a motion to strike the proposed language of Section 8-5 in its entirety and adopt the language of Special Act Chapter 292 in its entirety, seconded by Norton. After further discussion Commissioner Assad motions to Table the language of Section 8-5, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard in opposition and Silvia absent.

Chairman Miozza now addresses Section 8-6 and reads Section 8-6 into the records. Commissioner Bartley makes a motion to accept Section 8-6, seconded by Commissioner Cusick. Motion carries 7-1 with Robillard opposed and Silvia absent.

Section 8-7 is now discussed. Vice Chair Bartley makes a motion to accept Section 8-7, seconded by Commissioner Norton. Motion carries 7-1 with Robillard opposed and Silvia absent.

Section 8-8 is now discussed. Vice Chair Bartley makes a motion to accept Section 8-8 as proposed, seconded by Norton. Motion carries 7-1 with Robillard in opposition and Silvia absent.

Section 8-2 (h) is now taken up. Commissioner Assad makes a motion to lift Section 8-2 (h) from the Table, seconded by Vice Chair Bartley. Motion carries 8-0.

After discussion Commissioner Assad makes a motion, seconded by Commissioner Cusick, to adopt the proposed language of Section 8-2 (h) with the modification that the wording 8-4 be changed to read 8-6. Motion carries 7-1 with Robillard opposed and Silvia absent.

Commissioner Norton now makes a motion to accept the proposed language of Section 8-2 as amended, seconded by Vice Chair Bartley. Motion carries 7-1 with Robillard opposed and Silvia absent.

Chairman Miozza comments that everything in Article 8 is now approved except for the language of Section 8-5.

Chairman Miozza then opened up a discussion on the differences between a mayoral form of government and a city manager form of government. He references a handout from the Collins Center and distributes it to those present. He points out that 34% of cities and towns in the U.S. have a city manager and are mostly used in older cities especially in the Southwest. He states most cities and towns are seeking to go back to a mayoral form of government. Most city managers lack political clout—elected mayors seem to get things done. He states 12 of 55 cities and towns in MA have a city manager.

Chairman Miozza turns the discussion over to the Collins Center consultants for comment. Mr. McGoldrick cites some of the differences between the two forms of government. A mayor is elected by the people and a city manager is appointed by the city council. A manager's duties are reflected in his contract whereas a mayor has his performance measured at election. A mayor has veto power whereas a manager does not. A mayor has a constituency whereas the city manager doesn't get involved in politics but has his duties and responsibilities specifically defined.

Chairman Miozza now recognizes Commissioner Robillard who requests a special meeting to discuss the possibility of adopting a city manager type of government and he wants to invite a city manager to a meeting of the Charter Commission to hear from a past or current expert on the matter. Commissioner Robillard states he would not want to make a decision on a city manager form of government without that discussion taking place.

Commissioner Norton references that the Charter Survey showed that 61% of the voters in the city favor our current form of government and may not be ready for the change to a city manager form of government. Commissioner Bartley points out that the Charter Survey showed that 53% of the people did not want a city manager form of government. Mr. McGoldrick pointed out that the only "big" city in MA to change to a city manager form of government from a mayoral form was Chelsea and that only happened after a bankruptcy.

City Administrator Cathy Ann Viveiros was then asked to comment on her role as City Administrator and how her position would compare to a city manager and to comment about her feelings concerning changing to a city manager form of government.

Communications

- a. Chairman Miozza comments on CJ Ferry receiving a copy of the proposed new language for Article 8 and his email of June 27, 2016. Chairman Miozza made it clear that any proposed Articles distributed to the Commissioners are not to be made public and are considered a work in progress. Miozza states Mr. Ferry wanted his letter read into the records of the hearing but he will not do so until the next public hearing is held. Commissioner Robillard makes a motion to accept and place a copy of Mr. Ferry's email on file, seconded by Commissioner Cusick. Motion carried 8-0 with Silvia absent.
- b. Chairman Miozza sent an email to all Commissioners regarding topics to be discussed at the 7/18/16 meeting. Commissioner Robillard makes a motion to accept and place on file a copy of that email, seconded by Cusick. Motion carries 8-0 with Silvia absent.

Adjournment

Commissioner Robillard makes a motion to adjourn, seconded by Vice Chair Bartley. Motion carries 8-0 with Silvia absent.

Meeting Adjourned at 7:45pm.