

# Charter Commission

One Government Center  
Fall River, MA 02722

Call To Order: 6:01PM

Adjournment: 8:08PM

## Minutes of Regular Meeting, Monday August 15, 2016

**DATE AND TIME:** Monday, August 15, 2016 at 6:00pm

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

**PRESENT:** Commissioners Assad, Vice-Chair Bartley, Cusick, Quinn, Robillard, Silvia Clerk Venice, and Chairman Miozza. Assad arrives after roll call was taken.

**ABSENT:** Norton

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

**DISCUSSION:**

### Call to Order

Chairman Miozza calls the meeting to order at 6:01pm, 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 Vice Chair Bartley, seconded by Commissioner Robillard to accept the minutes of the July 18, 2016 meeting as presented. Motion carries 6-0 with Norton absent and Commissioner Assad arriving after the minutes were accepted.

#### b. Continuation of Deliberations on Article 8-Citizen's Participation Mechanisms

Chairman Miozza opens further discussions on Article 8. At the request of Commissioner Robillard to adopt the language of Chapter 292 of the General Laws Chairman Miozza has reformatted the language of Chapter 292 (taken verbatim) to be

consistent with the rest of the charter provisions. The only difference is that Section C states 60 days in two places which has since been amended by the legislature to read 65 days. Chairman Miozza includes the "65 days" language in his reformatted version of Chapter 292. Chairman Miozza points out some apparent discrepancies concerning how vacancies should be filled and Robillard questions about the distribution/circulation of the recall petitions. After much discussion a motion was made by Vice Chair Bartley, seconded by Commissioner Cusick to adopt the proposed reformatted language of Section 8-5 Recall. Motion carried 7-1 with Robillard opposed and Norton absent.

c. **Continuation of Deliberations on Article 6—Fiscal and Financial Procedures**

Chairman Miozza points out that there was a substantial duplication of Sections 6-9 and 6-10 in Article 6 and that one of those sections have to be struck from the records. Clerk Venice makes a motion to reconsider the previous vote accepting Article 6 in its entirety. The motion is seconded by Vice Chair Bartley and carries 8-0 with Norton absent.

A motion is now made by Vice Chair Bartley to strike the language of the previously agreed upon Section 6-9, seconded by Clerk Venice. Motion carries 8-0 with Norton absent.

A motion was made by Clerk Venice, seconded by Vice Chair Bartley, to rename and to renumber the remaining Section 6-10 to 6-9 entitled Long Term Financial Forecast and to renumber the remaining sections of Article 6 accordingly--effectively making Section 6-11 a new Section 6-10. Motion carries 8-0 with Norton absent.

A motion was made to accept Article 6 in its entirety with the above corrections by Vice Chair Bartley, seconded by Commissioner Quinn. Motion carries 7-1 with Robillard opposed and Norton absent.

d. **Continuation of Deliberations on City Manager vs. Mayoral form of government**

Chairman Miozza reiterates some of the statistics that were discussed at the last meeting of the commission. He asks to get a consensus from the Commissioners present what their feelings are concerning a City Manager vs a Mayoral form of government. Commissioners Bartley, Venice, Quinn, Silvia, Cusick, and Assad were in favor of keeping a Mayoral form of government. Commissioner Robillard favors a City Manager. Norton is absent. Chairman Miozza then directs the consultants to consider language proposals for a mayoral form of government for consideration.

e. **Beginning of Deliberations on Article 10—General Provisions.**

Chairman Miozza points out there are 13 proposed sections to Article 10 and asks Consultant Marilyn Contreas to give a brief recap of what Article 10 is about.

Chairman Miozza states he doesn't like that certain things that are found in Article 10 are left to be created by the city council. He doesn't want to acquiesce the commission's responsibilities to the city council. Article 10 also states the city clerk's position is elected and we have an appointed city clerk.

Chairman Miozza reads Section 10-1 into the record. A motion to adopt the draft language of Section 10-1 was made by Commissioner Robillard, seconded by Vice Chair Bartley. The motion carries 8-0 with Norton absent.

Chairman Miozza reads Section 10-2 into the record. A motion was made by Vice Chair Bartley, seconded by Assad to adopt the draft language of Section 10-2. Motion carries 8-0 with Norton absent.

Chairman Miozza reads Section 10-3 into the record. A motion to adopt the draft language of Section 10-3 was made by Vice Chair Bartley and seconded by Clerk Venice. The motion carried 8-0 with Norton absent.

Chairman Miozza reads Section 10-4 into the record. He questions the language "in years ending in 2" and Consultant Contreas makes a correction that the language should read "in years ending in 2 and 7". Miozza doesn't like the language creating a special committee by ordinance and wants the Commission to determine the composition of that committee. He believes that committee should consist of 7 members—five appointed by the city council and two appointed by the mayor. Three of the five appointed by the city council should be city council members and two from the public at large. The mayor's two appointments would come from the general public as well. He also feels no elected or appointed city officials should serve on that committee and their term of office would be for no longer than 18 months. He also believes there should be a report generated by that committee in September or October for budget reasons. The report of the committee would be completed by December 31. Chairman Miozza asks the consultants to rewrite the language of Section 10-4 to include the changes he would like to incorporate. Commissioner Assad makes a motion to Table Section 10-4, seconded by Robillard. Motion carries 8-0 with Norton absent.

Chairman Miozza reads Section 10-5 into the record. He doesn't like Section 10-5 for many of the same reasons he objected to Section 10-4. He feels the Commission should determine the composition of the required committee found in Section 10-5 and that ten years is too far off into the future. He proposes a charter review after 3

years, 5 years, 7 years, and then at subsequent 10 year intervals. He believes the special committee should consist of 7 members not 9 as proposed. Miozza believes the committee should have a representative from the school committee, the appointment and composition of the special committee should be determined the Charter Commission in its deliberations. Mr. McGoldrick states that 3 years is not enough time to initially review the new charter. A motion to Table the draft language of Section 10-5 was made by Commissioner Robillard, seconded by Vice Chair Bartley. Motion carries 8-0 with Norton absent. The consultants were instructed to rewrite the language of Section 10-5 and present the new language at the commission's next meeting.

Chairman Miozza reads Section 10-6 (a) into the record. A motion was made by Vice Chair Bartley, seconded by Assad to amend the language of Section 10-6 (a) to read:

(a) Officers—All appointed multiple member bodies shall elect **from among the body's permanent membership** a chair, a vice-chair, and a secretary and any other officer it deems necessary.

The motion carries 8-0 with Norton absent.

Section 10-6 (b) is read into the record by Miozza. A motion to adopt Section 10-6 (b) was made by Commissioner Robillard and seconded by Commissioner Silvia. Motion carries 8-0 with Norton absent.

Section 10-6 (c) is read into the record by Miozza. A motion was made to adopt the draft language of Section 10-6 (c) by Vice Chair Bartley, seconded by Commissioner Robillard. Motion carries 8-0 with Norton absent.

Section 10-6 (d) is read into the record by Chairman Miozza. A motion to accept the draft language of Section 10-6 (d) was made by Commissioner Bartley and seconded by Commissioner Assad. The motion carried 7-1 with Commissioner Robillard opposed and Norton absent.

Chairman Miozza reads Section 10-6 (e) into the record. A motion to accept the draft language of Section 10-6 (e) was made by Vice Chair Bartley and seconded by Commissioner Assad. The motion carries 7-1 with Commissioner Robillard opposed and Norton absent.

Chairman Miozza states he has drafted language for two additional sections to Section 10-6. One is Section 10-6 (f) concerning vacancies and the other Section 10-6 (g) concerning residency requirements. The language is to be reviewed by the consultants and addressed at the next meeting of the Commission.

## Communications

The following communications were addressed by Chairman Miozza.

- a. Acts, 1980—Chapter 292 from Commissioner Robillard.
- b. An email from CJ Ferry entitled Charter Review or Charter Screw up dated 7/18/16
- c. Section 6-10 Financial Forecast (debt management plan)
- d. A 7/18/16 email from Stephen McGoldrick concerning an amendment to Chapter 292 of 1980.
- e. An email from Chairman Miozza concerning topics to be discussed for the meeting to be held on Monday, August 15, 2016.
- f. An email from Chairman Miozza with the agenda for the August 15, 2016 meeting.
- g. A signed attendance sheet for the meeting held on July, 18, 2016.

A motion was made to accept the communications and place them on file by Vice Chair Bartley, seconded by Commissioner Robillard. Motion carries 8-0 with Norton absent.

A motion was made to adjourn by Commissioner Robillard, seconded by Vice Chair Bartley. Motion carries 8-0 with Norton absent.

The meeting was adjourned at 8:08pm.