

~AD HOC REPORT~
Charter Revision Request (2024)
January 24, 2024

Committee Chair Joseph Britton called the meeting to order at 5:30p.m. on Wednesday, January 24, 2024. Present were Committee Members Andrea Gartner and Elmer Palma. From the City were Rick Gottschalk, Outside Counsel, Corporation Counsel; Farley Santos, Mayor's Office. Ex Officio members present were; Michael Coelho, Ben Chianese, Duane Perkins, Dennis Perkins, Paul Rotello, Irving Fox, Peter Buzaid, and Frank Salvatore. Present from the public were; Tom Brown, Charlie Setaro, and Al Robinson.

Chair Britton asked Mr. Gottschalk to provide an overview of the request. Mr. Gottschalk explained that this ad hoc is charged with reviewing the recommendation to initiate Charter Revision by naming the members, by forming the scope of their charge which is identified in the resolution, and setting a deadline for the completion of their work. State Statue states that the timeline is sixteen months from the request (Jan. 4, 2024), however, the ad hoc could recommend to start the timeline when the resolution is expected to pass (Feb. 6, 2024).

Member Palma asked about the members that have been proposed for the Charter Review Commission. Mr. Farley noted that members were chosen based on their knowledge of Charter Revision, party delineation and representation of our community's diversity. Member Gartner noted that reflection on government practices is important and that the last time that was done was with the Charter Revision 15 years ago. She noted the need to make government more efficient, and supports the membership based on their accessibility by the public.

Chair Britton asked if the timeline could be completed before the sixteen months; Mr. Gottschalk confirmed. Chair Britton agreed that the City's governing document needs to be updated and noted that the Council would need to vote and pass the request. He clarified that the topics to be discussed by this ad hoc should focus on the questions that are being presented, which are; should the Council open Charter Revision, and whether the presented members are the commission to do so. Mr. Fox explained his support of Charter Revision but noted his concern with the membership which includes elected officials. He urged that those officials be replaced with unbiased individuals, and that the minority members better represent the population.

Chair Britton confirmed for Mr. Coelho that the members were recommendations from the Mayor's Office. Mr. Coelho noted concerns with members consisting of elected officials, city employees, or individuals who are married to city employees, as well as business owners who have contracts with the city. Mr. Farley sited the City Charter, Sec. 7-190, that states that no more than 1/3 of the commission membership can hold any other public office, and noted that the proposed commission is within those guidelines. Mr. Gottschalk explained that the legislature who created this section were able to have excluded city employees, public officials, and business owners if they chose to, but did not, and in fact made specifications to the number of elected officials that could serve on the commission. He defined a true conflict of interest, which would be someone who has a personal financial, or beneficial interest, that accrues to that someone or a close member of their family. He explained that if a conflict of interest arises the individual with the conflict could recuse themselves from voting on a specific topic.

Member Palma asked about examples of businesses that could present as a conflict of interest, and noted that his understanding is that the intent of the section of the Charter addressing membership was to have a variety of members who represent, and contribute to, the community. Mr. Chianese stated that there are proposed members that could be perceived to have a conflict of interest and that the members should be reviewed closer. He suggested that the opportunity to serve on the commission be opened to the public but did note that he would want to have a full understanding of who the members are before allowing them to serve. He asked if the Resolution could be passed without the membership at this time. Mr. Gottschalk explained that the statute requires that a commission be appointed. Mr. Gottschalk discussed the Charter Revision process, and identified several opportunities where the proposed changes would be to vet even before they go to the public for a vote. Mr. Chianese asked for reasons as to why the Charter should be opened for review, and asked about the effective date of the changes. Mr. Gottschalk clarified that the changes would go to the public for a vote on or

after the next election (November 4, 2025), and that the changes would take effect no less than 30 days after that election, if approved by the public. Mr. Gottschalk noted that legal counsel would have to further review the effective date of longer terms for elected officials. He explained that the proposal could include an effective date that is longer than the standard 30 days from a public vote and approval. Mr. Chianese asked if the current Mayoral term would be affected by term changes. Mr. Gottschalk stated that the current term would most likely not be affected. Mr. Chianese noted the following as items that should be reviewed by the commission; The Office of Corporation Counsel, the number of elected officials on the City Council, Reapportionment and redistricting, Ad Hoc vs. standing committees mirroring the State's process.

Mr. Peter Buzaid explained that he was nominated and appointed by the then Mayor to serve on the last Charter Revision Commission. He said that he believes that it is important for the members of the commission to have an understanding of how the city works. He clarified that the final work of the commission is reviewed and approved by the Council. He noted that the involvement of Council members and department heads during the review process is important. Member Palma urged that the community be involved in the process and that all steps of the process be as transparent as possible. Mr. Dennis Perkins asked Mr. P. Buzaid if he sees his ability to vote twice as a member of the commission and as a Councilman as a conflict of interest. Mr. P. Buzaid explained that any questions of a conflict of interest would take place once the commission's report is presented for a vote to the Council. Mr. Palma asked Mr. Gottschalk for clarity on this conflict of interest. Mr. Gottschalk explained that an individual can have an opinion and a vote as a member of the commission and then as a Council member. Member Gartner said that she would define this as a duality of interest and not a conflict. Mr. Salvatore pointed out that Mr. P. Buzaid might not be an elected official when the revisions take affect and therefore would not stand to benefit from those changes.

Committee Chair Britton addressed the question of whether a Charter Revision is needed. He pointed to Mr. Chianese's suggestions as valid reasons. He addressed the membership of the commission by confirming that the Mayor's Office did vet the individuals and that the public will have multiple opportunities to participate and comment on the process and the suggestions. He noted that this ad hoc needs to decide if the revision process should begin. Member Gartner pointed out that the City's Chief Elected Official began this initiative and chose members he believed who would look for healthy governance and identify efficiencies that can be made. Member Palma spoke on the importance of doing what is best for the city and community.

A motion was made by Committee Member Gartner and seconded by Chair Britton, to recommend to the full City Council to approve the resolution establishing a Charter Revision Commission with an amendment to read that the commencement of the Commission will be on Feb. 6, 2024. Motion carried unanimously.

Member Palma asked if resumes or background information can be provided to the Council of the proposed members. Mr. Farley noted that there is no precedent for this request and reiterated that the members are diverse and contributing members of the community. Member Gartner asked if some biographical information for each member would help him make his decision; Member Palma agreed that that would help. Chair Britton reiterated that the Ad Hoc is charged with opening the revision process and appointing the commission, the council and the public will vote on the suggestions. He noted that biographies are not part of past practice and suggested that the Mayor as CEO has done due diligence in picking the members. He stated that based on the information presented tonight, he believes the request to pen the revision process is warranted and should be presented for a vote to the Council. Members Gartner and Palma agreed that additional information for each member should be included in a cover letter from the Mayor with the ad hoc report on the next City Council agenda.

A motion was made by Committee Member Palma, and seconded by Committee Member Gartner, to adjourn. The motion passed unanimously. **The meeting adjourned at 6:32 p.m.**

Respectfully submitted,
Joseph Britton, Chair
Andrea Gartner
Elmer Palma