



City of Methuen, Massachusetts

OFFICE OF THE CITY COUNCIL

The Searles Building • 41 Pleasant Street

Methuen, Massachusetts 01844

TELEPHONE (978) 983-8510 • FAX (978) 983-8975

CHARTER REVIEW COMMITTEE

Thursday, February 27, 2025

7:00 PM

MEETING LOCATION:

Great Hall
Methuen City Hall
41 Pleasant Street, 3rd Floor
Methuen, MA 01844

MEETING AGENDA

1. Call to order – 7:00 PM
2. Roll call – members present - Chair Steve Saba, Jennifer Kannan, Sharon Pollard, Dennis DiZoglio, John Cummings and Eleni Varitimos - Ian Gosselin absent
3. Acceptance of agenda - Motion to accept by Sharon Pollard, seconded by Eleni Varitimos - unanimous
4. Approve minutes of previous meeting February 13, 2025 – Motion by Jennifer Kannan, seconded by Dennis DiZoglio – Discussion – Jennifer Kannan asked for the minutes to be amended in Section 4-1 to strike the first sentence, Eligibility – Only voters shall be eligible to hold office of School Committeeman member. A school committee member shall, at the time of election, be a voter. If a school committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed vacant and filled in the manner provided in section 4-6. 5 yes, 1 abstention (Eleni Varitimos) 1 absent (Ian Gosselin)
5. Public Participation – none
6. Open discussion on process of reviewing the Charter – Chair Saba made a reference to the engagement letter from the Edward J. Collins, Jr. Center for Public Management that was e-mailed to the CRC before this meeting. He also mentioned that he forwarded the letter of engagement to Mayor Beauregard and CAFO Maggie Duprey so that they can agree to the terms of this and then the contract will be signed. He'd like to have everything in place so that the Collins Center will be able to begin by March 15th, maybe a little earlier if they have everything signed. Dennis DiZoglio talked about doing some work for the Collins Center on average once or twice a year. He wanted to disclose that to the CRC. If the CRC or the Collins Center has an issue with Dennis serving on the CRC, he offered to resign from doing work for the Collins Center. The CRC agreed that as long as he's disclosing this arrangement, and filing the disclosure with the Methuen City Clerk, they don't have a problem with it. Sharon Pollard asked why do they need to engage with the Collins Center, since they did with the 2019 Charter Committee? Steve Saba explained that during their discussions as we move through this, there have been many times where we've talked about what was the best route to go, and we've talked about putting this before the Collins Center. Our plan is to have the Collins Center, who specializes in Charters, guide us on the charter and our Solicitor will handle the legal part of this, but the Collins Center can help us with the writing of the charter. The Collins Center can help us with research if necessary. They can tell us how many

communities have a solicitor that works under the council instead of the mayor, and as far as our scope, the legalities of what we can do also, they can guide us on that too. Sharon Pollard expressed concern or maybe objection, is that they've been through this once before with the city and with this charter, and for the most part to date, most of the language that was done in 2019 is being accepted as we go along. She stated the MA Municipal Association can give the CRC information on the inner workings of cities and towns and who does what and where they are and whatever. It just seemed like we were paying twice for the same product, and weren't they the ones that failed to file for you? Both Jennifer Kannan and Chair Saba said no, they were not sure how the breakdown occurred. Jennifer Kannan stated even though the Collins Center did help, and they were a big help sitting in the room. When Dennis DiZoglio served on the elected charter group and Marilyn sat here, and because we had some experience on the charter review committee. So, Marilyn was here and any time we needed certain questions about the structure of the charter, she helped out. But Jennifer didn't see the CRC using them as much. Considering the CRC has around five meetings left. She thinks at the end, once the CRC completes our document and they go to them, they will put it in the format, they will make the documents that we will use to present to the City Council. She foresees having them review it and make sure that it looks good. She thinks it would be worth what they're charging us. Eleni Varitimos weighed in. She reviewed the scope of services, and the project team will attend up to five meetings of the CRC at key points. She wasn't sure what meetings they should attend. Further she observed what they outlined, and it says this is for an all-inclusive fee of \$15,000. So, does that mean we're paying them \$15,000 whether they come to one meeting, three meetings or five meetings? Which to me, when I did the hourly rate. I do want them to review it, but I think that this amount, given the fact that we have had them review this twice. Her quick math before this was, let's say the director at \$155 an hour, if he or she were the only person working on this, that's 96 hours' worth of work. Or if we add them all up, right, that's 25 hours' worth of work. Are all four of them going to be working on it? So that's what I mean. She supports the Collins Center reviewing the CRC's work. But she isn't sure she supports the flat fee of \$15,000 at these hourly rates. She questions are they really doing 75 hours' worth of work, 60 hours' worth of work? She would prefer a contract that said up to \$15,000. When the CRC uses them, they bill could bill the CRC up to a maximum of \$15,000. Steve Saba indicated that he spoke to the Mayor and the CAFO, and they said the CRC can spend up to \$25,000. However, we've got this contract. He doesn't think we're going to go over this contract. The CRC is talking about a city who's making their third attempt at this charter since 2009. At many of the CRC meetings, they've had many cases where they said we need to get more guidance from the Collins Center. He can foresee them coming to the CRC meetings once we finish this first reading of the charter. So tonight, we should be done. And then we want to hold a public hearing. We'd like to have the Collins Center present to answer any questions. But before that, he's going to email them all the questions that we have up to date to have them research that and come back with the answers. And then when we have the final charter, we're going to ask them to review it and come back with any recommendations. He and Dennis agreed that they were very helpful the last time, in helping us to do research on this. So, I think when you have a city with \$210 million budget, and we haven't reviewed this charter since it was created in 1993. And there have been two attempts before our group. Eleni Varitimos stated she would prefer a contract that had some kind of floor so that they want to engage. She suggested sending the Collins Center language that says the CRC is going to guarantee you X thousand up to \$15,000, and they should be providing us billable hours. Chair Saba said he wanted to forward this contract to the CAFO and Mayor. John Cummings asked if this was sent to us, or did we ask them for a letter of engagement? Chair Saba indicated that the CRC asked them for a letter of engagement, and this is how they billed it. He's asked the CAFO about this. If she wants to negotiate hourly, that's up to them, too. He just wanted to make sure that we've got the coverage that we're going to need. He thinks they look at it and for us to engage our group, there's going to be a minimum. But we'll leave that up to the Mayor and the CAFO to talk to them about that. Jennifer Kannan said, as a point of information, she's aware that when she and others on the CRC tried to get in touch with the Collins Center last December, it was somewhat difficult to engage them. So maybe the CRC can now say to them that we were expecting that maybe the Collins Center could come to few of the earlier

meetings. But now that we're at the end, we know we might only need you at two meetings. So, can the price be adjusted? This is what we want, two meetings, and then the final review. I think we're open to communicating through e-mails. After we do this, we might not even have 10 questions for them. So, if we can say we roughly have 10 questions, maybe we need you for two meetings, and the final review, what will you charge us? Sharon Pollard added that she thinks it needs to be, as Eleni Varitimos said, we think you need to have them define what exactly the \$15,000 is for. I mean, do we need the director of the Collins Center to opine on our charter choices? Steve Saba thinks they've defined it. It's up to the CRC to say that, OK, listen, instead of five meetings, we think we can get this done with three or two meetings being present. He's going to talk to the CAFO. If they want to go to a straight hourly rate, he thinks that's fine, too. Sharon Pollard indicated that she doesn't think it's the CAFO or the Mayor in this regard. She thinks the CRC has a pretty good sense as to what we might need or want or what we think the time would be for the questions that we have. She would prefer that maybe we get them to commit to maybe a phone call or a conference call that we could be on so that we would talk to them about engaging in a conference to pin them down as to what exactly it is that the \$15,000 is for. Steve Saba said he thinks that's a lot of money since they've done it before. We envision them coming to two meetings. And then there's going to be several emails because we've got specific questions. And then at the end, we want them to review the corrected version. And then we're going to come back and they're going to give us recommendations. We're going to discuss them. We may have to reach out to them for better clarification. Then we're going to have a public hearing. And then we're going to go through the entire charter once again and come up with the final version. Send it to them again to review and then send it to the City Council. I asked Assistant Council Clerk Lisa Ferry to print for us the corrected version of the charter as we're going. And you're going to see several references to ask the Collins Center for advice or recommendations. Eleni Varitimos stated that having someone from the Collins Center at the public meeting might give people a sense that we're not just doing this based on our skills and knowledge. That someone who's an outside organization is monitoring the process. And that there's a little more trust sometimes in the process, when someone from the outside giving some of the council. And she means council as advisory council. She thinks having them at a meeting is helpful. But she also thinks we should nail down a little bit more of what we want, what does this really cost. Chair Saba thinks we have enough of an understanding that you can maybe, in the interest of time, that we agree that maybe he goes back to them and say, listen, we want to reduce the basic to whatever it's going to be, \$10,000. Or we can think we're going to have them at two meetings. And that they're going to read through the entire charter at least twice. Then they're going to answer questions. But maybe we come up with a number, whether it's \$10,000 or \$7,500, and then say anything over that will be billed. I know that if they're going to travel up here for a meeting, that potentially could be five or six hours in a meeting or more. Sharon Pollard strongly recommended that we compile our list of questions so that we can limit the time that they need to be here. And where possible, use email and Zoom or whatever the law requires of municipalities so that we minimize the number of times. Because, if you hike it up here from Boston, you should get paid for doing that. Chair Saba added that honestly, someone made the point, but I think it's very, very true that, whatever we do here, there's going to be some fallout. You know, and we want to make sure that obviously our goal is to get this to pass this time, third time's the charm, hopefully. But we want to make sure there's as little question as possible in the public's mind or the City Council or any department to know that we were so thorough. That's why I think it's important to have them in on this. Jennifer Kannan believes there's no doubt that there's a value to them. But again, she remembers when we first started this, maybe January was our first meeting. We're going into March now. I think to tell them that we just want to squeeze it down and see what they can offer us. Steve Saba added that he thinks the key here is to get a smaller minimum, a smaller base, right? Like we might end up at \$15,000 at the end of the time with all the hourly billing. We're going to do that. That's why I asked Assistant Council Clerk Lisa Ferry to send the highlighted version of the charter out so we can start going through it. And then I'll put the questions together. He's just going to go through it. And everything that we've referred to the Collins Center, he'll make a list of questions. And he thinks the CRC should review them before sending them to the Collins Center.

7. **Review Articles 5, 6 and 7 – Jennifer Kannan made a motion, seconded by Sharon Pollard to insert the language of Article 5 – Other Elected Officials - of the 2019 CRC draft into to the original charter which will then change the Article 5 in the original charter to become Article 6 – Other Financial Procedures. – Unanimous.**

ARTICLE 5 Other Elected Officials

Section 5-1 Housing Authority

(a) **Election, Eligibility – Two members of the Methuen Housing Authority shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of housing authority member, Members of the Housing Authority will fulfill their responsibilities under state law and regulation governing housing authorities, and shall perform all the duties and exercise the powers incumbent by law upon the office. No person shall hold the office of elected member of the Housing Authority for more than 3 consecutive terms. Motion by Jennifer Kannan, seconded by Eleni Varitimos to make no changes to the 2019 CRC Draft – Unanimous. (Ian Gosselin absent)**

(b) **Term of Office – The term of office of the elected housing authority members shall be 2 years, beginning on the first Monday in the January succeeding their election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and until a successor has been qualified. - Motion by Jennifer Kannan, seconded by Eleni Varitimos to make no changes to the 2019 CRC Draft – Unanimous. (Ian Gosselin absent)**

(c) **Filling of Vacancy – Should a vacancy occur in the office of an elected housing authority member up to 90 days before a regular municipal election, the Mayor shall appoint a voter to serve in the seat until the next municipal election. Such appointment shall be subject to council confirmation under Section 2-10 of the charter. The person elected to the seat at the next regular municipal election shall be sworn to office immediately to complete the term of the existing vacancy as well as the term to which elected.**

If the office of an elected housing authority member becomes vacant within 90 days of a regular municipal election, the seat shall be filled at such election and the housing authority member elected shall be sworn to office immediately to complete the term of the existing vacancy as well as the term to which elected.

A person serving as a housing authority member under this section shall not be entitled to have the words “candidate for reelection” printed next to that person’s name on the subsequent municipal election ballot. -

Motion by Jennifer Kannan, seconded by John Cummings to make no changes to the 2019 CRC draft – Unanimous. (Ian Gosselin absent)

Section 5-2 City Representatives to Greater Lawrence Technical School District Committee

(a) **Election, Eligibility – Two (2) voters serving as the City’s representatives to the Greater Lawrence Technical School District Committee shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of district school committee member. The City’s district school committee members will fulfill their responsibilities under state law and regulation governing regional school district school committees, and the regional school agreement among the participating towns, and shall perform all the duties and exercise the powers incumbent by law upon the office. No person shall hold the office of elected member of the Greater Lawrence Technical School District Committee for more than 3 consecutive terms.**

(b) **Term of Office – The term of office of the City’ representatives to the Greater Lawrence Technical School District Committee members shall be 2 years, beginning on the first Monday in the January succeeding the their election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and until a successor has been qualified.**

(c) **Filling of Vacancy - Should a vacancy occur in the office of an elected regional school district representative up to 90 days before a regular municipal election, the Mayor shall appoint a voter to serve in the seat until the next municipal election. Such appointment shall be subject to council confirmation under Section 2-10 of the charter. The person elected to the seat at the next regular municipal election shall be sworn to office immediately to complete the term of the existing vacancy as well as the term to which elected.**

A person serving as a regional school district representative under this section shall not be entitled to have the words “candidate for reelection” printed next to that person’s name on the subsequent municipal election ballot. **Motion by Jennifer Kannan, seconded by Eleni Varitimos to make no changes to the 2019 CRC draft of Section 5-2, sections (a), (b) & (c) – Unanimous. (Ian Gosselin absent)**

Section 5-3 Elected Members of the Nevins Library Board of Trustees

(a) Election, Eligibility - Two (2) members of the Nevins Library Board of Trustees shall be elected by the voters at large. Any voter shall be eligible to hold the office of elected library board trustee. The elected members of the Nevins Library Board of Trustees will perform all duties and exercise the powers as provided under state law and regulation governing libraries to the extent applicable, special legislation applying to the library, and bylaws adopted by the trustees relating to the operation of the library. No person shall hold the office of elected member of the Nevins Library Board of Trustees for more than 3 consecutive terms.

(b) Term of Office – The term of office of the elected members of the Nevins Library Board of Trustees shall be 2 years, beginning on the first Monday in the January succeeding the their election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and until a successor has been qualified.

(c) Filling of Vacancy – Should a vacancy occur in the office of 1 or more of the elected members of the Nevins Library Board of Trustees up to 90 days before the next municipal election, the remaining members of the Library Board of Trustees shall nominate a voter to serve until the next municipal election. The City Council shall confirm such nomination.

If the office of an elected library trustee becomes vacant within 90 days of a regular municipal election, the seat shall be filled at such election and the voter elected as library trustee shall be sworn to office immediately to complete the term of the existing vacancy as well as the term to which elected.

A person serving as a library trustee under this section shall not be entitled to have the words “candidate for reelection” printed next to that person’s name on the subsequent municipal election ballot.

The CRC had a discussion of imposing term limits on the elected members of the Nevins Library Board of Trustees. Motion by Jennifer Kannan, seconded by Eleni Varitimos to make no changes to the 2019 CRC draft of Section 5-3, sections (a), (b) & (c) – 5 yes, 1 abstention (Dennis DiZoglio) (Ian Gosselin absent)

Jennifer Kannan made a motion, seconded by Sharon Pollard to insert the language of Article 6 Finance and Fiscal Procedures - of the 2019 CRC draft into Article 5 of the original charter Financial Procedures – Unanimous.

ARTICLE 5

Financial and Fiscal Procedures

Section 5 6-1. Fiscal Year

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws. **NO CHANGES**

Section 5 6-2- Submission of Budget; Budget Message. Annual Budget Meeting

At least 100 days before the beginning of the fiscal year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, **chief administrative and financial officer and the school business manager and chief administrative officer** to review the financial condition of the city, and other relevant information prepared by the mayor and the chief administrative and financial officer in order to develop a coordinated budget. **Motion by Jennifer Kannan, seconded by John Cummings to amend Section 6-2 – “chief administrative and financial officer and the school business manager and chief administrative officer” to this section – Upon Vote - 5 yes, 1 no (Sharon Pollard) (Ian Gosselin absent)**

Section 6-3 (formerly Section 5-1)-Submission of Budget; Budget Message

The school budget, as adopted by the School Committee, shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the City Council. The Mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor.

Within the period prescribed by state statute, On or before May 1 of each year, the Mayor shall submit to the City Council a proposed **operating budget for all city agencies** for the ensuing fiscal year which shall provide a complete financial plan of all City funds and activities which shall **include the school department**, for the ensuing fiscal year, and with an accompanying budget message and supporting documents. including the estimated effect of the proposed budget on the tax rate. The proposed budget, including departmental requests, shall be in the same format as prescribed by the Mayor.

The message of the Mayor The budget message submitted by the mayor shall explain the operating budget for all City agencies both in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed financial fiscal policies of the City for the ensuing fiscal year, describe the important features of the proposed operating budget, indicate and include any major variations changes from the current operating budget fiscal year in financial policies; expenditures and revenues, together with the reasons for such changes; summarize the City's debt position and include such other material as the Mayor deems desirable or the City Council may reasonably require. All departments, including the school department, boards, commissions, agencies, offices and other units of city government shall submit budget requests to the mayor upon the schedule and in the form established by the Chief Administrative and Financial Officer. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities.

Motion by Jennifer Kannan, seconded by Eleni Varitimos - to move paragraph 3 to paragraph 1 in Section 6-3 – Upon Vote – Unanimous - (Ian Gosselin absent)

Section 5 6-2 4. Action on the **Operating Budget**.

(a) **Public Hearing** - The City Council shall publish in at least one or more local newspapers of general circulation in the City a notice of the general summary of the proposed **operating budget** as submitted by the Mayor. by a The notice shall state: (1) the times and places where copies of the entire proposed **operating budget** are available for inspection by the public, and (2) the date, time and place, not less than two weeks after such publication, when a public hearing on said proposed **operating budget** will be held by the City Council, not less than 14 days after publication of the notice. *The CDC discussed the language "The City Council shall publish in at least one local newspaper of general circulation in the City a notice of the general summary of the proposed operating budget as submitted by the Mayor" to expand the notification to include, at minimum, the City's website or sending a postcard to residents, in English and Spanish, of the municipal budget process.*

*****The CRC agreed to ask Edward J. Collins, Jr. Center for Public Management to weigh in on this issue.**

(b) **Adoption of the Budget** - The City Council shall adopt the proposed operating budget, with or without which may have amendments, within forty-five days following the date the budget is filed with the Clerk of the Council and the City Clerk. In amending the proposed operating budget, if the City Council may delete or decrease any programs or amounts except expenditures required by law; or for debt service, provided however that but except on the recommendation of the Mayor, if the City Council shall not increase any item in or the total of the proposed **operating budget**, unless otherwise authorized by the General Laws. If the City Council fails to take action with respect to any item in the proposed operating budget within forty-five days after receipt of the budget, such amount shall, without any action by the City Council, become a part of the appropriations for the year, and be available for the purposes specified.

(c) Availability of the Operating Budget – In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor shall cause the entire budget document to be posted on the city's website **and notice of its availability to be released on all municipal social media channels**. Said proposed budget document shall remain posted during the city council review process contained in this article. **After** The enactment of the **approved** budget, it shall be posted on the city's website and shall remain there throughout the fiscal year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor and shall indicate that it is the final budget of the city. **Financial changes to the budget that occur through the year such as, a transfer of funds from one department to another, once the City Council approves, should be updated to reflect the current status of the budget.** Eleni Varitimos made a motion, seconded by Sharon Pollard, to add at the end of the first sentence in Section 6-4 (c) “and notice of its availability to be released on all municipal social media channels.” Upon Vote – Unanimous - (Ian Gosselin absent) Jennifer Kannan made a motion, seconded by Eleni Varitimos, to amend the last sentence of Section 6-4(c) to say “approved budget” – Unanimous - (Ian Gosselin absent) Jennifer Kannan made a motion, seconded by John Cummings to add at the end of Section 6-4 (c) “Financial changes to the budget that occur through the year such as, a transfer of funds from one department to another, once the City Council approves, should be updated to reflect the current status of the budget. Upon Vote – Unanimous - (Ian Gosselin absent)

Section 5 6-5. Financial Oversight by the Chief Administrative and Financial Officer

For each proposed appropriation order, lease or contract arrangement for a term of more than 1 fiscal year, including collective bargaining agreements, and with respect to any proposed city council vote necessary to effectuate a financial transfer, ordinance revision or special legislation which may require the expenditure of funds or would otherwise financially obligate the city for a period in excess of 1 year or with respect to a vote to authorize borrowing under a law other than section 4, 6 or 6A of chapter 44 of the General Laws, the chief administrative and financial officer shall submit in writing to the mayor and city council and, if appropriate, the school committee, a certification that it is the chief administrative and financial officer's professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services.

If the chief administrative and financial officer fails to provide such certification within 7 days after a request for such certification from the mayor, city council or school committee, the appropriation order, financial transfer, ordinance revision, special legislation, borrowing authorization, lease or contract arrangement for a term of more than 1 fiscal year, or collective bargaining agreement may be approved; provided, however, that the absence of the certification of the officer shall be expressly noted in the order or vote.

***** The CRC wants further guidance on the 2nd paragraph of Section 6-5 from the City Solicitor and the Edward J. Collins, Jr. Center for Public Management.**

Section 5-6-6-6. Capital Improvement Program.

(a) **Submission** – Not later than **March 30 April 30** of the year, **the Mayor, after consultation with the Chief Administrative Financial Officer** shall **prepare and submit annually** to the City Council **a five year** the Capital Improvement Program **at least thirty days prior to the final date for submission of the operating budget for the ensuing fiscal year.** **Motion to change the date in Section 6-6 (a) from March 30 to April 30 by Sharon Pollard, seconded by Eleni Varitimos – Upon vote – Unanimous. (Ian Gosselin absent.)**

(b) **Contents** - The Capital Improvement Program shall **include** address all capital needs of the city and shall **include:**

- (1) a **general clear** summary of its contents;
- (2) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years, with

supporting data information as to the need for each capital improvement; (3) cost estimates, methods of financing and recommended time schedules; for each improvement; and (4) the estimated annual cost of operating and maintaining each facility the facilities included and piece of major equipment involved.

~~The above~~ This information shall be annually revised and extended each year by the Mayor and Chief Administrative and Financial Officer with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(c) Public Hearing - The City Council shall publish in at least one or more newspapers of general circulation in the City the general summary of the capital improvement program and a notice stating: (1) the times and places where entire copies of the capital improvement program are available for inspection by the public; and, (2) the date, time and place not less than two weeks after such publication, when of a public hearing on the plan said program will to be held by the City Council not less than 14 days after publication of such notice. *The CDC discussed the language “The City Council shall publish in at least one local newspaper of general circulation in the City a notice of the general summary of the proposed operating budget as submitted by the Mayor” to expand the notification to include, at minimum, the City’s website or sending a postcard to residents, in English and Spanish, of the municipal budget process.*

(d) Adoption – At any time after the public hearing but and on or before the last day and on or before the twentieth day of the last month of the current fiscal year, the City Council shall, by resolution, adopt the capital improvements program, with or without amendment which may be amended, provided that each amendment must shall be voted on separately and that any increase in the capital improvement program, as submitted, must shall clearly identify the method of financing proposed to accomplish this increase.

Section 5-7 6-7. Financial Forecast

Not later than March 30 April 30 of each year, the mayor shall submit a 4-year revenue and expenditure financial forecast to the city council. Motion to change the date in Section 6-7 from March 30 to April 30 by Sharon Pollard, seconded by Eleni Varitimos – Upon vote – Unanimous. (Ian Gosselin absent)

Section 5-4 6-8. Provision for Outside Independent Audit.

At least once in every three years The city council shall annually provide for an outside audit of the books and accounts of the city shall be made to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. In the event that the Commonwealth shall fail in any such period to provide for an audit to be conducted, within ninety days following the date a written request for them to do so is made by the City Council, the City Council shall provide for such an audit to be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the City government or of any of its affairs or employees. The mayor shall annually provide to the City Council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the Mayor, in writing, by the City Council. The award of a contract to audit shall be made by the City Council on or before September 15 of each year. The report of the audit shall be filed in final form with the City Council not later than March 1 in the year following its award. At least every 5 years, the City Council shall conduct a competitive procurement process to retain these auditing services, and no certified public accountant or a firm of certified public accountants or the firm's principals shall be awarded more than 2 consecutive contracts. NO CHANGES

Section 5-5 6-9. Annual Audit of Department Heads.

There will be a financial audit done by a private public accountant or firm of all department heads who are responsible for any negotiating or any individual who awards any contracts or investments in the interest of the City.

This audit shall be done annually and if this audit finds that there is no wrongdoing as far as the residents of the City are concerned, a report stating such shall be placed on file with the City Clerk. If any wrongdoing is found, then the private accountant shall forward to the District Attorney's office of Essex County, any such evidence of wrongdoing for his **their** necessary action.

Section 6-9 Financial Impacts of Long Term Commitments

Upon receipt of a written request from the mayor or a written request from the city council, the chief administrative and financial officer shall within a reasonable period of time provide an oral or written assessment, or both, as the mayor or city council may request, of the current and future financial impact of the cost of any proposed appropriation, lease or contract arrangement for a term of more than 1 fiscal year, collective bargaining agreement or borrowing authorization which shall include, but not be limited to, an assessment of how that cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, the assessment shall include an analysis or other information of a financial nature requested by the mayor or the city council. The assessment and analysis shall be provided by the chief administrative and financial officer as a professional opinion.

*** *The CRC had an extensive discussion and wants further guidance and to know how other cities and towns act on the old Section 5-5 – newly amended Section 6-9 from the Edward J. Collins, Jr. Center for Public Management.*

Section 5-6. Chief Financial Officer Obtaining Five (5) Quotes from Banks.

~~The Treasurer shall obtain not less than five (5) quotes on interest rates from separate corporate financial institutions when borrowing or investing City funds and shall file such records of transaction with the City Council. This section does not pertain to bond issues.~~

Section 6-10 Expenditures in Excess of Appropriations

No official of the city, except in the case of an emergency, shall knowingly expend or cause to be expended in a fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with law and no official shall commit the city or cause the city to be committed to any obligation for the future payment of money in excess of that appropriation, except for court judgments. An official who intentionally violates this section shall be personally liable to the city for the amounts expended in excess of an appropriation to the extent that the city does not recover these amounts from the person to whom the amounts were paid. The superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city or by the attorney general under this section and to order relief that the court finds appropriate to prevent further violations of this section.

Notwithstanding any general or special law to the contrary, any violation of this section shall be considered sufficient cause for removal by the school department or general government appointing authority pursuant to subsection (c) of section 10-13 of article 10 of the city charter.

Jennifer Kannan made a motion, seconded by Sharon Pollard to insert the language of from Article 7 of the 2019 CRC draft into Article 6 of the original Charter – Administrative Departments – Unanimous. (Ian Gosselin absent)

ARTICLE 6 7 Administrative Departments

Section 6 7-1. Reorganization Plans by City Council.

Except as otherwise prohibited by law or the Charter, the City Council may, by ordinance, reorganize, consolidate or abolish any existing City agency, in whole or in part; establish new City agencies and prescribe the functions of any City agencies. All City agencies under the direction and supervision of the Mayor shall be headed and administered by officers appointed by ~~him~~ the Mayor.

Section 6 7-2. Reorganization Plans by Mayor.

- (a)** The Mayor may, from time to time, prepare and submit to the City Council, reorganization plans which may, subject to applicable law and the Charter, reorganize, consolidate or abolish any City agency, in whole or in part, or establish new City agencies, as ~~he~~ the Mayor deems necessary or expedient. Such reorganization plan shall be accompanied by an explanatory message when submitted and shall address the need for revision of existing ordinances or adoption of new ordinances to implement the proposed reorganization.
- (b)** Every such reorganization plan shall, upon receipt by the Clerk of the Council, be referred to ~~an appropriate committee~~ of the City Council which shall, not more than thirty days later, hold a public hearing on the matter and shall, within ten days following such hearing, report either that it approves or that it disapproves of the plan. Said plan shall be posted on the city website with a general description of the proposed plan and the date of the hearing thereon. A reorganization plan shall become effective ninety days after the date it is received by the City Council, unless the City Council has, prior to that date, voted to disapprove the reorganization plan, or, unless a later effective date is specified in the plan. A reorganization plan presented by the Mayor to the City Council under this section may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to ~~the~~ a charter objection as provided in Section 2-9(c). **Motion by Jennifer Kannan, seconded by John Cummings to amend Section 7-2 (b) by adding the words ‘a charter’ before ‘objection’ in the last sentence – upon vote – Unanimous – (Ian Gosselin absent)**

Section 6 7-3. Publication of Reorganization Plan.

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the City Clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the City. **NO CHANGES**

Section 7-4 Department of Administration and Finance

- (a)** There shall be in the city a department of administration and finance which shall be responsible for the overall budgetary and financial administration of the city. The department shall be under the direction and control of a chief administrative and financial officer. The department shall include the chief assessor, treasurer-collector, director of information technology, purchasing agent, director of human resources, auditor, and the school business manager. Employees performing similar duties but with different titles shall report to and be under the direction of the chief administrative and financial officer. The chief administrative and financial officer, with the approval of the mayor and city council, shall appoint all such officers and employees.

(b) The chief administrative and financial officer shall report to and be under the charge and direction of the mayor. Nothing in this section shall abrogate the powers and duties of the city council or the school committee under any general or special law, except as specifically provided in this section.

Whenever the term "chief financial officer" or "director of budget and finance" appears in a general or special law, charter provision or an ordinance, regulation, contract or other document with reference to the city, it shall mean the chief administrative and financial officer of the city.

The chief administrative and financial officer shall not hold an elective office and shall devote the officer's full time and attention to the duties of the position. *There was a discussion amongst the CRC to strengthen the language to add, 'in person' to the CAFO job description. Chair Saba will seek guidance on this issue from the City Solicitor.*

(c) Duties of the Chief Administrative and Financial Officer - The powers and duties of the chief administrative and financial officer shall include:

(i) coordinating, administering and supervising all financial services and activities in all departments, including the school department, boards, commissions, agencies, offices and other units of city government;

(ii) assisting in all matters related to municipal financial affairs in all departments, including the school department, boards, commissions, agencies, offices and other units of city government;

(iii) implementing and maintaining uniform systems, controls and procedures for all financial activities in all departments, including the school department, boards, commissions, agencies, offices and other units of city government, the operations of which have a financial impact upon the general fund and enterprise funds of the city, and including, but not limited to, maintaining all financial and accounting data and records;

(iv) implementing and maintaining uniform financial data processing capabilities for all departments, including the school department, boards, commissions, agencies, offices and other units of city government;

(v) supervising all financial data processing activities of agencies, offices and other units of city government as identified in (ii), (iii) and (iv) above;

(vi) reviewing all current and proposed activities of all departments, including the school department, boards, commissions, agencies, offices and other units of city government;

(vii) implementing and maintaining uniform budget guidelines and procedures within all departments, including the school department, boards, commissions, agencies, offices and other units of city government;

(viii) assisting in the development and preparation of budgets and spending plans of all departments, including the school department, boards, commissions, agencies, offices and other units of city government, including contracts to which the city is a party;

(ix) monitoring the expenditure of all city funds, including periodic reporting by and to appropriate agencies of the status of accounts; and

(x) reviewing the spending plan for each department, including the school department, boards, commissions, agencies, offices and other units of city government.

If a duty is not expressly charged to any other department, city council, school committee, board, commission, agency or office, it shall be the duty of the chief administrative and financial officer to promote, secure and preserve the financial interests of the city. **NO CHANGES**

Section 7-5 Combined School and Municipal Finance Functions

As authorized by Chapter 278 of the Acts of 2018, *An Act Providing for the Financial Stability of the City of Methuen*, the city shall be deemed to have accepted section 37M of chapter 71 of the General Laws for the

purposes of consolidating the business and financial operations and functions of the school department with those of the city under the authority of the chief administrative and financial officer.

The acceptance of said provision may be revoked but neither the school committee nor the city shall revoke acceptance of said section 37M of said chapter 71 in any year in which a loan issued by the commonwealth to the city remains outstanding. **NO CHANGES**

Section 7-6 Merit Principles

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position. **NO CHANGES**

8. Confirm the next meeting date and time – Thursday, March 13, 2025 at 7:00 PM

Respectfully Submitted,

Lisa Yarid Ferry
Assistant City Council Clerk