

**Charter Review Committee  
Tuesday, Oct. 1, 2019, 6:30 p.m.  
City Hall Hearing Room 18  
210 Main St., Northampton, MA 01060**

**Meeting Minutes**

Present: Stan Moulton (ward 1), Robbie Sullivan (ward 2), Sam Hopper (ward 4), Bob Boulrice (ward 5), Patty Healey (ward 6), Mollie Fox (ward 7), Lyn Simmons, Chief of Staff (Executive Branch), City Councilor Bill Dwight (Legislative Branch)

Absent: Dylan Gaffney (ward 3), Attorney Alan Seewald, City Solicitor (non-voting member)

The meeting opened at 6:32 p.m.

**1. Approval of minutes for Sept. 17, 2019, meeting**

Councilor Dwight moved to put the minutes on the floor for discussion.

**Mollie Fox moved to include the following language in the minutes of September 17, “Mollie stated that there is an unhelpful shaming and judging element to Sam’s language of “disappointment” and “time wasted”. Mollie states that the purpose of this subcommittee was to consider how we can be more inclusive in our engagement and that the communication from a member of this committee since conversations around this topic began in June have felt more targeted and negative than helpful and collaborative, both in private to Mollie as well as in public meetings. Mollie states that she did not sign up to be bullied on this committee.” Patty Healey seconded.**

**Mollie Fox moved to include the following statement in the minutes for the October 1 meeting, “I would hope that in response to expectations around responsibility, this committee would court attention to curiosity and constructive problem solving with the intent to build trust and collaboration rather than use the committee’s platform to publicly reprimand humiliate and intimidate (“I’m very disappointed,” “waste of time,” “this was a simple task,” etc.) which does more to undermine and harm and feels a lot like bullying. I’m not sure how this behavior furthers the strategic goals of the subcommittee and aspirations of the charter review to incorporate inclusion work. I initiated the conversation around equity, I have organized two agendas and tried to corral discussion into meaningful next steps. Limited as those efforts may have been, the conversation was started, documents can now be translated and that may be all I can personally do. Others are certainly welcome to do more and I’m heartened to hear that after I left the previous meeting, there was enough interest to take up the effort collectively, because it remains an important one. My intent has always been to help build support and commitment for making equity work a part of the charter review process within the parameters of my own available volunteer time and resources but perhaps most importantly, work with a group that, while may disagree with one another, values the informed, compassionate, connected, and skillful use of their power. I would appreciate if this group could be**

**intentionally mindful of taking a collaborative, rather than accusatory, approach going forward, and bring our collective resources to bear on our shared goal. Thank you in advance.” The motion passed 7-0-1 with Robbie Sullivan abstaining. The vote to approve the minutes as amended passed 7-0-1 with Robbie Sullivan abstaining.**

## **2. Public comment**

Alex Jarrett, Ward 5 candidate for City Council, was present to speak to the committee. He was pleased to see the committee voted to recommend ranked-choice voting, no-excuse voting, mailing ballots to voters, removing “candidate for re-election” from the ballot and supporting 16-year-old voting. He noted that the audit is on the agenda and mentioned that some city councilors have talked about changing the auditing firm that is used so one particular company doesn’t cut corners. He understands that the committee has had a lot of conversations about outreach which reminded him that the housing partnership, which he is a member of, tries to have some of their meetings at different public housing projects in which they publicize those meetings through their contacts they have in the respective communities. Relative to the executive and legislative branch, he understands there has also been talk about checks on the executive and while he isn’t commenting on the current mayor, he is thinking broadly about appointments by the mayor that are confirmed by the city council. He has heard from other city councilors that they don’t feel there is an avenue to say no to an appointment and wonders if there could be a way for city councilors to propose their own appointments. He understands from his research that the last meeting the charter review committee talked about an information officer and he wonders about getting new city councilors up to speed. He stated it would be interesting to have someone outside of the mayor’s office develop a road map for new committee members to bring them up to speed as well. He mentioned that the housing partnership created a manual with everything one needs to know about being on the committee and it has been extremely helpful. He stated that he is in favor of whatever can be done to have information attended to more efficiently.

Bob Boulrice spoke to Mr. Jarrett’s comments regarding the auditor. He stated that there are a lot of efficiencies to be gained by having a three-year contract. The learning curve is steep for departments to educate auditors and it’s challenging for a new auditor to come in fresh every year due to the amount of orientation and education that has to occur. A three-year term is cheaper and more efficient and the work product is better. He pointed out that there are very few firms in municipal auditing so the same firms come around very often.

Chair Moulton feels that it wouldn’t be wise to include in the charter that the auditors have to be a new firm.

Councilor Dwight noted that if the city council is mandated to switch firms then it would be compelled to choose a new firm over the firm that has a deeper understanding of the community. To embed in the charter a mandate to change auditors isn’t reasonable because if there are only two firms that bid, and one of them was the previous year’s auditor, then the city council would have to choose a firm that is less preferable.

Bob Boulrice spoke to Mr. Jarrett’s comments about the legislative vs. executive branch. He pointed out that the committee has spoken about this concept on more than one occasion and in most cases the

committee did not feel it was germane to the charter but that it is more appropriate in the administrative code. He furthered that with the significant turnover of city councilors approaching there will be an opportunity to visit with the mayor and discuss how communications between branches will occur including communication with and outreach to constituents.

Councilor Dwight clarified for Mr. Jarrett that the city council can make appointments, can create appointed positions, ad hoc investigative committees, long-standing committees, and council committees with citizen representation. The city council used to appoint the auditor, tax collector, building inspector and health director and it was problematic because the city council wasn't doing research into the candidates. He furthered that an interview with the executive branch can be done in private but an interview with the legislative branch is done in public which means that the public is allowed to participate which can be good or bad. He pointed out that he has known city councilors to challenge appointments and in that case the councilors have to make their case to the city council as to why they object. He stated that the cases he remembers were personal objections that didn't hold weight.

Chair Moulton asked Mr. Jarrett for clarification on whether he was asking if the city council turned down an applicant, could it then nominate its own appointment of its choosing.

Mr. Jarrett stated he mentioned it for something to think about and reiterated he is not speaking about the current mayor but what if things went bad in the future.

Councilor Dwight pointed out that the ability of the city council to check a rogue mayor was discussed thoroughly during the during the previous charter review. He furthered that the city council has two powerful means to keep the mayor in check and they are the budget and the approval of appointments. He stated that these means keep the mayor in check and at some point there has to be an aspect in trust in the individuals who are elected.

### **3. Updates from committee members**

Chair Moulton informed the committee of research he had done relating to the conversation about a tiered or sliding scale of stipends for elected officials as a way of recognizing financial hardship to encourage more diversity. Chair Moulton made some calls and ended up talking with a research analyst at the International City Management Association. The researcher just finished an analysis of 4,000 U.S. cities and he wasn't aware of any such scenario or system for city council stipends. Chair Moulton found that Seattle formed a Green New Deal oversight committee and one of the provisions in the ordinance (attached) states that if members of the committee have a financial hardship they can plead their case to receive \$50 per hour. He pointed out that it has not been put into effect yet so there isn't a clear understanding of how it works but it might make sense to include this piece of information in the final report as a topic that was discussed and that bears further study.

Councilor Dwight pointed out that the concern is representation that is not diversified other than sexual identity, and that the city council is exclusively white. He explained that unless there is an opportunity for a larger stipend that generally precludes a single Latina mother of two from even considering running. He wonders whether there could be a way for city councilors to privately submit their financial

information and whether qualified candidates could receive more money. He furthered that this can't be put into the charter because there is no state law that would allow something like this but he likes the idea of the final report reflecting this conversation.

Alex Jarrett offered that publicly funded elections should be part of it as well because a tremendous amount of time and resources go into campaigning with no guarantee of being elected and receiving compensation.

Bob Boulrice wondered if a survey to identify the barriers that prevent people from running could be done.

Chair Moulton urged committee members to go back to the Re-Energizing Democracy report recommendations because it was very valuable and lays out the three most common barriers to participation. They are:

- Lack of Knowledge/Time: Residents do not know HOW to participate
- Logistics: Some residents do not speak English as their first language and have difficulty understanding; economically disadvantaged residents may require childcare at meetings; economically disadvantaged residents may require subsidies for transportation
- Lack of Trust/Faith in Government: Residents reported not feeling welcome at meetings

Alex Jarrett pointed out that the Housing Partnership is working on fundraising with a non-profit to provide a grant that volunteers could apply for to receive reimbursement for civic participation.

**4. Discussion and vote on proposed amendment to Section 7-6 (Independent Audit): Replace "The award of a contract to audit shall be made by the city council on or before Sept. 15 of each year" with The award of a three-year contract to audit shall be made by the city council on or before June 30 every three years.**

Lyn Simmons updated the committee on a response from Finance Director Susan Wright. Ms. Wright doesn't feel that the awarding date of the contract needs to be as early as June 30 but deferred to the city council and its schedule. If it is awarded this early, the first year and the subsequent year after the contract is awarded will need to be double funded because the city council can't award a contract unless the money is available. In other words, every three years there will be a need to fund two years at once, which could be an issue. Ms. Wright felt that the city council could push the date to November 1 and that would be sufficient.

Councilor Dwight stated that there isn't a need for the calendar to be switched because there is enough time.

Lyn Simmons pointed out that it doesn't preclude the city council from having the audit conversations in June, it just can't act on it until the money is available.

Chair Moulton asked Councilor Dwight if there have been any problems with the September 15 deadline date.

Councilor Dwight stated in his experience there haven't been.

**Councilor Dwight moved to change the sentence in section 7-6, "The award of a contract to audit shall be made by the city council on or before September 15 of each year." to read, "The award of a three-year contract to audit shall be made by the city council on or before September 15 every three years." Bob Boulrice seconded. The motion passed unanimously 8-0 by roll call vote.**

**5. Further discussion of whether the charter should specify content of department heads' annual reports and the format in which they should be made available to the public**

Councilor Dwight accepts the notions and ideas about the annual reports but recognizes there is no clear proposal. He did some basic research and as an example, found a police analysis and breakdown of trends for murders and violent crimes in Northampton in a federal database and it was not hard to find. He furthered that the city also has "open portal" which shows every police transaction. Councilor Dwight agrees that the public should have every opportunity for access to all the information available but if it is embedded in the charter then it becomes a stopping point and people will stop making information available because they will have felt they met that threshold. Councilor Dwight agreed that there is no one agent for disseminating information but there are many points of contact to help guide residents to where they can find information, including Laura Krutzler, the Administrative Assistant to the City Council, and Lyn Simmons, Annie Lesko and Court Cline in the Mayor's office.

Fred Zimnoch explained that he brought this topic to the committee because he felt he had an audience. Mr. Zimnoch feels strongly that the information may be out there but feels it is not up to the taxpayers to do the research on the internet. He furthered that the city has the responsibility to tell taxpayers what is going on and to provide that information. If annual reports are made available in the library anyone could walk there and find the information they are looking for.

Robbie Sullivan appreciates what Councilor Dwight noted about not wanting to put a limit on the information that should be made available because that sets a threshold which could be too low for some people and in turn may not be sufficient. She feels this topic is not charter material but should be mentioned in the committee's final report as a topic that the committee took seriously and should be looked at further. She mentioned that times have changed and the basic information that is available has changed in so much as the way information is entered and processed is so different to where it's hard to determine how much information should be available and what kind of information should be made available.

Bob Boulrice stated he has thought a lot about this topic and recognizes the city has an obligation to provide information. His hope is that there will be a new city council orientation session where a lot of this is discussed. He explained that the new reality is that people expect real-time information to be accessible to them when they want to make decisions. He appreciates Mr. Zimnoch's longing for historical annual reports but the reports don't comport with people's needs. He furthered that annual reports won't be available until about six months after the end of the year so the information may not necessarily be useful and accurate in order to get real-time answers. Bob told Mr. Zimnoch that he would happily sit down with him to go over the city's most recent CAFR (Comprehensive Annual Financial Report) page by page.

Fred Zimnoch stated he would be interested in reading the report but is more concerned that the taxpayers are getting the information they desire. He believes that the past and historical information is useful to develop a trend and also shows taxpayers what each department has done that year. He believes the budget narratives that are addressed to the mayor are thin and should be addressed to the taxpayer.

Bob Boulrice agrees with Mr. Zimnoch that the performance data is thin. He also pointed out that the city needs to be sensitive to the timing of making data available because people want information available for things that happened yesterday.

Fred Zimnoch believes the annual reports should be easy to reproduce with computers when the reports used to be done with fountain pens.

Councilor Dwight told Mr. Zimnoch that his point has been made except nowadays there is so much data available there would be too much information to include.

Fred Zimnoch stated he is not asking for all of the data.

Councilor Dwight pointed out that going to the library, finding the book and searching the index for a topic is still research, just a different means of research.

Robbie Sullivan questioned who would be the decider of what information should be included and what information should be left out.

Chair Moulton stated that this is a challenging topic and the committee agrees with Mr. Zimnoch's goal of being transparent and providing information to citizens so they know how the city is operating. The disagreement is what vehicle should be used to accomplish the goal.

Mollie Fox asked if it is possible for the charter review committee to facilitate a one-stop-shop for information.

Councilor Dwight stated that he has identified a few information facilitators and that residents can virtually call any department and get a prompt and proper response. He furthered that it is not something to put in the charter because it is too broad. He pointed out that this problem is not specific to Northampton, but more of a universal problem because of the amount of information available.

Sam Hopper concurred that this doesn't belong in the charter because there is no meaningful way that it could be inserted.

Lyn Simmons pointed out that there is already something in the charter which outlines what needs to be in the budget. She stated that the issue is what the charter says and what the mayor puts forward is not necessarily what Mr. Zimnoch wants. She asked the committee if it wants to make a change to the charter for the two or three people that are seeking annual reports or is what is already prescribed in the charter enough. She pointed out that each administration does the budget different and changes are made as technology changes.

Bob Boulrice stated that now he is more comfortable with the fact that there is already something in the charter and believes it needs to be conveyed to the mayor that there has been an expression of dissatisfaction with the activity being reported in the annual budget.

Mollie Fox stated this request is relatively small and specific and the idea that it can't be inserted into the charter feels like the slippery slope argument. She believes that by making information available in this format would satisfy a large number of people and could prove the city's commitment in making information more accessible.

Councilor Dwight pointed out that the committee doesn't actually know the amount of people who are seeking this information. He furthered that Mr. Zimnoch is a rare exception of someone who has the desire for this information. He offered his research assistance to Mr. Zimnoch.

Robbie Sullivan asked Mr. Zimnoch if he believes he is a rare exception.

Fred Zimnoch stated he was shocked to learn of the lack of participating and interest that people have in local government. He reiterated that he was not petitioning the committee because he wants the information, he did it because the government has a responsibility to the taxpayers.

Chair Moulton understands that everyone agrees the one-stop-shop is the budget and questioned whether or not it's possible to include the transcript of department heads testimony from the budget hearings in the final budget document.

Councilor Dwight pointed out that all that information is a public record, available through the city council office, and audio/video recorded. He stated the whole conversation is recorded but there is no transcript besides the minutes.

**Robbie Sullivan moved to not include annual reporting in the charter and to submit a summary of the discussion in the committee's final report indicating that the committee had a robust discussion and it should be considered by the mayor's office. Councilor Dwight seconded. The motion to not include annual reporting in the charter passed 7-0-1 with Mollie Fox abstaining.**

**Bob Boulrice moved to send a letter to the mayor drawing attention to the robust discussion and informing him that some believe there may be a better way to present departmental activity data. Councilor Dwight seconded. The motion to send a letter to the mayor passed 7-0-1 with Lyn Simmons abstaining.**

## **6. Further discussion of content and format of the committee's final report**

Chair Moulton asked the committee if there were any topics or ideas that were left out that haven't been discussed yet.

There were none.

There was a brief discussion on the final product which included formatting and including the executive

summary with the Google Doc, minutes, supporting documents and appendices.

Chair Moulton explained that the committee will present the report formally to the new city council because it will be acting on the recommendations. Chair Moulton will make a request to the current city council president to be included on the December 5 city council agenda.

Chair Moulton, Sam Hopper and Bob Boulrice will work to complete the final report.

#### **7. Plan outreach for community forum Oct. 29 at Jackson Street School**

The charter review committee will not be meeting on November 5 because of Election Day but will instead meet for a community meeting on Tuesday, October 29 at the Jackson Street School gymnasium. City council candidates will be invited to provide comments on the recommendations that the committee will be putting forward.

Lyn Simmons created a flyer for the meeting and sent it to UMass translation services for translation into Spanish.

Chair Moulton will prepare a press release for publication and also send it to El Sol Latino for publication.

Patty Healey will make contact with the Pioneer Valley Workers Center to inquire about a translator for the meeting.

#### **8. Adjourn**

**Councilor Dwight moved to adjourn the meeting at 8:53 p.m. Lyn Simmons seconded. The motion to adjourn passed unanimously 8-0.**