

March 3, 2025

Malden City Council
City of Malden, Massachusetts
215 Pleasant Street
Malden, MA 02148

To: Steven Winslow, Chair, Rules and Ordinances Committee, Charter Committee
Amanda Linehan, Vice Chair, Rules and Ordinances Committee
Ryan O'Malley, Vice Chair, Charter Committee

Re: Draft Changes to the Malden City Charter / Draft Ordinances for Non-Charter Governance

Dear Councillors:

Friends of Fellsmere Heights has the following comments and concerns about the planned changes to the Malden City Charter and related new Ordinances:

- The proposed Ordinances do not adequately represent the duties of the proposed entities in a way that allows them to fulfil their purpose as currently defined in the Charter. The Charter's language regarding the Public Works Commission, the Traffic Commission, and others includes terms and requirements that seem to address the responsibilities of the City under state law. Such language is appropriate to a Charter and should not be open to revision by ordinance. If the City Council and Mayor are hampered in fulfilling their constituents' needs by the language of the Charter, the standard procedure would be to amend the Charter.
- The language proposed to create the various Commissions refers almost all appointments to the Mayor, with only the Transportation Commission including a member at large of the City Council appointed by the Council President. Regarding the Police Commissioner and the Fire Commissioner (civilian appointments meant to represent these departments to the public), the City Council has no input at all. Otherwise, the City Council is restricted to confirming or vetoing the Mayor's appointees. We believe the City Council should have the complementary authority to appoint some citizen members of these important entities, subject to the Mayor's approval.
- There is no definition of what constitutes "approval" by the City Council in the proposed Ordinances, whereas the Charter defines specific approval requirements. Documents reviewed by the Charter Committee included language increasing the votes required for approval of an appointee to a super-majority. We believe that appointee approval requirements should be part of the Charter, and not be subject to change through simple majority approval of a change in the Ordinances.

- Finally, there is no provision for limiting the number of terms to which Commission members can be appointed. As the Councillors are aware, there is an unfortunate tendency in public bodies for members to serve perpetually. We think there should be a limit on how many consecutive terms an appointee can serve, either as a member or as the chair or co-chair of a commission or board.

The City Charter is, in effect, the constitution of the City, and is designed to prevent concentration of power in any one part of City government. We look forward to the free and open public meetings on these changes as alluded to in the draft Home Rule petition, and will be watching this process unfold with great interest.

Respectfully submitted,

Board of Directors,

Friends of Fellsmere Heights