



City of Malden Massachusetts

215 Pleasant St, 4th Floor
Malden, Massachusetts 02148



MEMORANDUM

To: Members of the General Court of the Commonwealth of Massachusetts
The Honorable Maura Healey, Governor of the Commonwealth of Massachusetts

From: Gary Christenson, Mayor City of Malden
Ryan O'Malley, Malden City Council President
Stephen Winslow, Ward 6 City Councillor, Chair of the City Charter Review Committee
On behalf of the Citizens of Malden.

Re: City of Malden Home Rule Petition on Amendments to the Malden City Charter

Date: April 29, 2025

The Mayor and City Council of Malden have successfully developed a recommended set of amendments to the Malden City Charter in order to more readily update and re-organize the responsibilities of key departments, commissions and staff in order to better provide services to residents and other members of the general public. These amendments do so by proposing to delete sections of the current Charter that describe those responsibilities so as to shift description of those responsibilities to newly ordained City Ordinance sections that have or will take effect upon approval of the Home Rule Petition by the General Court and the Governor.

Need for the Home Petition to Amend the Malden City Charter

The Council and the Mayor formed a Joint Charter Review Committee that has been meeting on and off since 2017 to consider various options to re-organize the structure of Malden Government. The Committee's first task was to actually create an intelligible version of the Charter that could be shared with the Council and the public. Malden's Charter contains many provisions that date back from the time Malden transitioned from a town to a city form city of government in 1881. The 1881 Charter consolidated the authority of the town into the hands of a Mayor, City Council and key departments and commissions. Later amendments added to, or sometimes deleted the basic roles and responsibilities, creating a voluminous binder of changes that took a diligent effort led by long-time City Clerk Karen Anderson to successfully untangle. That effort allowed the Council to approve the posting of readable version of the City Charter on-line in 2018.

The 2018 version of the Charter made apparent that many sections no longer accurately reflected current roles and responsibilities while others could use updating to better adapt to future needs. The Charter Review Committee reviewed updated charters of several communities particularly those who had streamlined their charters by dropping most references to departments, commissions and staff and shifting such provisions into an "Administrative Order" that the Mayor could propose to the Council. The Charter Review Committee struggled to develop a recommendation laying out the process to adopt an "Administrative Order" so that effort stalled out in early 2024.

The Mayor in the Fall of 2024 then proposed that the Charter Review Committee focus on the sections most urgently in need of updating. The rationale of why particular sections of the Charter have been proposed to be eliminated primarily come from a November 2024 memo prepared on behalf of the Mayor by Ron Hogan the City's Chief of Innovation and Strategy that was presented to the Charter Review Committee and have been supplemented based on the work of the work of the Charter Review Committee and the City Council's Rules & Ordinance Committee.

1. Recommendation to Delete Charter Section 16 regarding Fire Commissioner and Fire Department and Adopt Section 2.12.115 of the Malden City Ordinances

Goals:

Modernize the language relative to the organization and administration of the Fire Department to reflect actual and best practices by removing the 1910 language from the Charter and replacing it with modernized language within City ordinances consistent with all other City departments.

Current Language:

Currently all language relative to the Fire Department, the Fire Chief and the Fire Commissioner is contained within the Charter. It originates from 1910 and the last change appears to be from 1957. The 1910 language provided that the Fire Commissioner was to establish a fire department and also provided authority to a board of fire engineers. Now that the Fire Department has been established for over 100 years, the Fire Chief heads the Department, the Fire Commissioner's role has been substantially diminished and oversight of fires has changed accordingly.

Action Steps:

- 1.) Repeal in its entirety Section 16 of the Malden Charter.
- 2.) Add a section 2.12.115 to City Ordinances creating a Fire Department, places the Fire Chief in command of the Department while the Fire Commissioner plays a civilian role.

2. Recommendations to Delete Charter Sections 20 and 21 regarding the Superintendent of Public Works, City Engineer and Public Works Commission and Section 23C regarding the Stadium and Athletic Field Commission and Adopt Section 2.12.100 creating a Department of Public Works, Section 2.12.108 creating a Department of Water Utilities, Section 2.12.110 creating an Engineering Department, Section 2.16.120 creating a Public Works Commission, and Section 2.16.140 creating a Parks and Recreation Commission

Goals:

a. Clarify the roles and responsibilities of the Public Works Director, City Engineer and Water Utilities staff regarding public infrastructure. Deleting Charter sections 20 and 21 and updating ordinance language for the Department of Public Works and Engineering Department helps clarify each of the roles of those in upkeep of streets, parks and water facilities. Section 21 refers to an officer who oversees water, sewer and drainage facilities a role previously within public works. Deleting Section 21 and creating a Department of Water Utilities by ordinance elevates this role up from being a division within the Department of Public Works.

b. Modernize the language relative to the oversight, regulation and policy setting of our public parks and recreation facilities by removing this responsibility from the Public Works Commission. Responsibility for parks and recreation will fall under a newly established Parks and Recreation Commission, which shall also assume responsibilities currently assigned to the Stadium Commission. Charter language relative to the Stadium Commission shall also be removed from the Charter. The Parks and Recreation Commission shall become part of City Ordinances and not the charter.

c. Make language regarding appointments of the Director of Public Works and City Engineer consistent with that of other staff by deleting Charter Language and adding language within City Ordinances consistent with most other departments and appointments.

Current Language:

Sections 20 & 21 of the Malden City Charter contain language regarding the Superintendent of Public Works, City Engineer and Public Works Commission. Section 23C contains language relative to the Stadium and Athletic Field Commission.

Section 20 establishes the role of both the director of public works and city engineer. Section 21 provides for an officer to oversee water, sewer and drain facilities. These sections have been modified 17 times since 1881, as the needs to create and maintain public works and parks have changed. The Public Works Commission took over the power of former parks, street and survey commissions which had been very active during Malden's rapid development after 1881.

Currently the City has both a Director of Public Works focused on maintenance of streets, sidewalks, parks and trash removal and a Director of Water Utilities who focused on maintenance of those facilities. The City Engineer has substantial oversight of capital improvements to public streets and water utilities. The Public Works Commission's primarily focuses on granting curb cut permits and approving water rates rarely exercising its substantial powers. The City's adoption of the Community Preservation Act provides more opportunity to update existing parks and fund conservation efforts.

Action Steps:

- 1.) Repeal in its entirety Section 20, 21 and 23C of the Malden Charter.
- 2.) Approve updates to existing sections 2.12.100 (Public Works) and 2.12.110 (Engineering) within City Ordinances, add Section 2.12.108 creating a Department of Water Utilities which livens with the approval of the removal from the Charter of sections 20 and 21.
- 3.) Approve updates to existing section 2.16.120 of City Ordinances relative to the Public Works Commission, which livens with the approval of the removal from the Charter of sections 20 and 21.
- 4.) Strike City Ordinance Section 2.16.140 regarding the Stadium and Athletic Commission and replace it in its entirety with language creating Parks and Recreation Commission, which livens with the approval of the removal from the Charter of sections 20, 21 and 23C.

3. Recommendation to Delete Charter Section 23A regarding Police Commissioner and Police Department and Adopt Section 2.12.165 of the Malden City Ordinances

Goals:

Modernize the language relative to the organization and administration of the Police Department to reflect actual and best practices. Remove the 1915 language from the Charter and replace with modernized language within City ordinances consistent with all other City departments. Now that the Police Department has been established for over 100 years, the Police Chief heads a department of sworn peace officers while the Police Commissioner's role has been substantially diminished.

Current Language:

Currently all language relative to the Police Department, the Police Chief and the Police Commissioner is contained within the Charter. It originates from 1915 and the last change to it was made in 1955.

Action Steps:

- 1.) Repeal in its entirety Section 23A of the Malden Charter.
- 2.) Approve a new section 2.12.165 to City Ordinances, which livens with the approval of the removal from the Charter of the prior language with the following.

4. Recommendation to Delete Charter Section 23D regarding Traffic Commission and Adopt Section 2.16.150 of the Malden City Ordinances creating a Transportation Commission

Goals:

Modernize the language relative to the policy making and oversight for all matters related to transportation. Remove the 1950's language from the Charter relative to the Traffic Commission and replace with modernized language within City ordinances consistent with other City Boards and Commissions.

Action Steps:

- 1.) Repeal in its entirety Section 23D of the Malden Charter.
- 2.) Add a section 2.12.15 to City Ordinances.

5. Recommendation to Delete Charter Section 23F regarding Plumbing Inspector, Section 23G Code Enforcement Inspector and Section 32 regarding Board of Health, Strike Sections 2.12.060 and Section 2.12.080 of the Malden City Ordinances and Replace with Section 2.12.080 regarding a Department of Inspectional Services, Strike Section 2.12.105 Department of Public Health and Human Services in its entirety and Replace with Section 2.12.105 Department of Health and Human Services, Strike and Replace Section 2.12.130 Senior Center Program Coordinator, Strike and Replace Section 2.12.130 Teen Program Coordinator, Strike and Replace Section 2.16.020 Board of Health, Strike and Replace Language of Sections 9.16.010, 9.16.020, 9.16.030, 9.16.040 and 9.16.050.

Goals:

- a) Put all inspectors who enforce state law and city ordinances within a Department of Inspectional Services in order to facilitate uniform practices and tracking systems for all city inspections
- b) Support specialized training and certification of inspectors for routine needs while providing cross-training that can facilitate deployment of inspectors when necessary.
- c) Create a Department of Health and Human Services that provides education, creates policies and offers programs and services that protect, promote, and sustain the personal and environmental health of the community.
- d) Place various human services programs within one department to help provide better support and oversight of those programs.

Current Language:

The Inspectional Services Department, Board of Health and Code Compliance Officers under the direction of the City Council have distinct and occasionally overlapping responsibilities to oversee compliance with state and city rules. The Public Health and Human Services Department has regulatory authority through the Board of Health, undertakes inspections while also offering and overseeing various public health initiatives. The Senior Center Coordinator, Teen Coordinator and Veterans' Officer provide programs and support to residents while reporting directly to the Mayor's Office.

Action Steps:

- 1.) Repeal in its entirety Section 23F, 23G and Section 32 of the Malden Charter.
- 2.) Create a Department of Inspection Services by:
 - a. striking Section 2.12.160 of the Malden Code of Ordinances related to Compliance Officers and shifting those responsibilities to the update Department of Inspectional Services
 - b. striking Section 2.12.080 of the Malden Code of Ordinances and replacing that in its entirety with a reformulated Department of Inspectional Services that oversees (i) all building, plumbing and wiring permitting and inspections and (ii) the work of Health Inspectors, Compliance Officers and the City Planner, and
 - c. amending language of Sections 9.16.010, 9.16.020, 9.16.030, 9.16.040 and 9.16.050 of the Malden Code of City Ordinances to place Rental Unit Inspections under the oversight of the Inspection Services Department
- 3.) Create a Department of Health and Human Services by:
 - a. striking Section 2.12.105 of the Malden Code of Ordinances and replacing that in its entirety with a department that serves to protect, promote, and sustain the personal and environmental health of the community, and
 - b. placing oversight of the Senior Center Program Coordinator, Teen Program Coordinator, the Office of Veterans' Services and others upon the Director of Health and Human Services.