

Renewed City Charter Discussion

JANUARY 10, 2023



Charter- Two Aspects

Governmental Framework Electorate Driven (OUT OF SCOPE)	Administrative Organization Government Driven (IN SCOPE)
Composition of City Council	Executive & Legislative authority
Composition of School Committee	Appointing/confirmation authority
Terms of City Council, School Committee and Mayor	Means of organizing city (departments and boards/commissions)
Initiative and referendum guidelines	
Filling vacancies in elected offices	



How did we get here

The Charter can best be described as having two main purposes

- Provide the governmental framework for how the people elect a Mayor, Council and school committee responsible for organizing the city by defining terms, composition and makeup of elected bodies, and....
- Provide an administrative framework for the Mayor and City Council to efficiently organize government/bureaucracy

There exists a widely shared belief of the need to review our outdated Charter

By starting with the Administrative side, we set the framework for an electorate driven Charter Review

- Inclusion of language for a charter review commission and periodic review

Administrative changes require agreement between the Mayor, Council and state while governmental framework changes need to be approved by the electorate at the ballot

This effort was therefore solely focused on the opportunity to address the administrative components of the Charter, laying the foundation for a Charter Review Committee as outlined in the charter to address the more substantive components that the electorate has a stake in

Current City of Malden Organization

Current Malden City Charter

- Dated in its structure and content
- Inconsistent in its approach
- Lack of clarity between Executive and Legislative functions
- Many updates over the years, but no comprehensive rewrite
- Appears random in the topics: addresses some departments, some boards and commissions

City Charter

Originally adopted in 1881; Numerous amendments since (too many to count)

City Ordinances

- Revised Ordinances of 2019
- Overlaps in areas with Charter; no clear lines
- Addresses some org structure and some boards and commissions.

Ordinances

Revised Ordinances of 1991 as amended since

City Budget


- Funds annually all departments and expenses
- At times creates organizational structure in the absence of charter or ordinance

City Budget

Annually proposed by the Mayor and approved/adopted by the City Council



What is wrong with the current organization?

- It provides a 19th century governmental model for a city trying to operate in the 21st century;
 - Charter does not adequately differentiate between executive and legislative authority;
 - Charter includes numerous administrative details not typically found in a Charter; this limits the city's organizational flexibility, and is cumbersome to amend;
 - Both Charter and Ordinances are an organizational mess, making them difficult to work with and even more difficult to understand;
 - Charter overlaps with ordinances, leading to inconsistencies and contradictions;
 - Inconsistencies with what is in the charter versus in the ordinances.
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Typical Modernized City Structure

Charter	Ordinances	Administrative Order
Method of election for Mayor, City Council and School Committee	Regulatory provisions	Provides organizational structure
Outlines executive powers and duties	Land Use Management (zoning)	Defines the responsibilities and duties of board and commissions
Defines legislative composition, powers and duties	Health and Safety (blasting, rental units, lead, snow/ice)	Defines the responsibilities and duties of city officers and departments
Defines School Committee composition, powers and duties	Quality of life (Noise abatement, Animal & Sign Control)	Sets basic ground rules for operation
Defines method for filling of vacancies in elected offices	Solid Waste management	
Defines method of devising an administrative organization	Regulate Public Construction (residents, minority hiring, etc.)	
Defines Citizen participation mechanisms	License & Permit Fees	

How would the powers and responsibilities of the Council change?

The only change would be to the Council's appointment powers and personnel management responsibilities

- Council would continue to appoint key positions critical to the Council performing its functions:
 - The City Clerk
 - The Clerk of Committees
 - The Controller
- All other appointments would be made by the Mayor, subject to Council confirmation
- Council confirmation process strengthened with 8 votes required to confirm a Mayoral appointment
- The Mayor would assume responsibility for day-to-day management of appointees
- Organizational structure would be proposed by the Mayor, subject to Council approval

The Council's powers would remain unchanged in all other areas including:

- Adoption of ordinances
- Approval of budget and borrowing and other key financial decisions
- Granting of licenses and special permits
- Providing general legislative oversight of all city functions

Mayor

Drafts Annual Budget

Organizes City by administrative order; supervises all employees day to day

Appoints and removes most Department Heads, boards and commissions

Approves or can veto Ordinances

Council

Can cut recommended budget, or approve as submitted.

Can reject administrative order

Appoints some Department Heads; Confirms or vetos ALL Mayors appointments

Proposes and adopts Ordinances



Why is this a better way to operate?



It establishes a clear division between executive and legislative functions



The Mayor has day to day administrative control over employees, relieving the City Council of the difficulties involved in:

Providing daily oversight of numerous employees and/or board members
Reaching consensus on management, recruitment, hiring and evaluating performance of appointees and board members



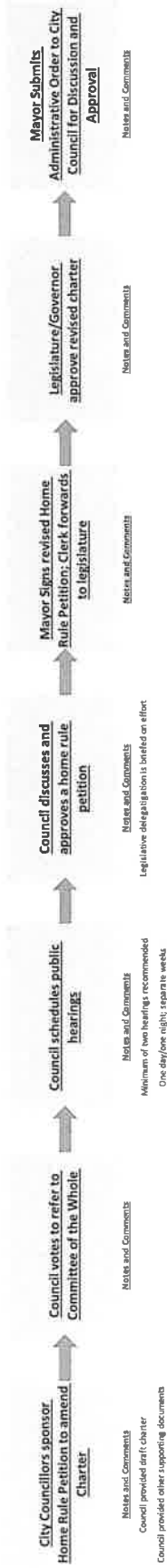
The Mayor recruits, screens and recommends candidates; the Council focuses its efforts on vetting and confirming appointments

Through the power to say "No", the Council maintains ultimate say over important positions; 8 of 11 councilors must agree to confirm a Mayoral appointment



By eliminating appointment and management responsibilities, the Council is better able to focus on its core legislative and oversight function

**City of Malden
Charter Revision Process Overview**



Charter change process overview



Comparison to Geographically Similar or Demographically Similar Cities

City	Clerk	Assessor	Treasurer	Controller	Solicitor	Others	Notes
Malden (Current)	Legislative	Legislative	Legislative	Legislative	Legislative	Executive* or Legislative	*Subject to Council confirmation
Malden (Proposed)	Legislative	Executive*	Executive*	Legislative	Executive*	Executive*	*Subject to Council confirmation
Chelsea	Executive*	Executive	Executive	Executive	Executive	Executive	*Council appoints Clerk of Council, who is separate from City Clerk;
Everett**	Legislative	Executive*	Executive*	Executive*	Executive*	Executive*	*Appointments become effective in 45 days unless rejected by Council
Framingham**	Legislative	Executive*	Executive*	Executive*	Executive*	Executive*	*Appointment of officers become effective in 30 days unless rejected by 2/3 of Council; appointment of board members become effective in 30 days unless rejected by majority of Council
Medford	Legislative	Executive	Executive	Executive	Executive	Executive	
Melrose**	Legislative	Executive*	Executive*	Executive*	Executive*	Executive*	*Appointments become effective in 45 days unless rejected by Council
Quincy	Legislative	Executive	Executive	Executive	Executive	Executive	
Revere	Legislative	Executive*	Executive*	Executive*	Executive	Executive*	*Subject to Council confirmation
Somerville	Legislative	Executive*	Executive*	Executive*	Executive*	Executive*	*Subject to Council confirmation
Waltham	Legislative	Executive*	Executive*	Executive*	Executive*	Executive*	*Subject to Council confirmation

** Indicates community has gone through a recent charter 'modernization' effort