2023.05.23 - Proposed Amendments to the Medford City Charter regarding the Powers of the City Council (with LG and ZB edits)

1. **City Council Authority to Amend Proposed Municipal Budget**

*Current Charter Language*

[None]

*Proposed Charter Language*

Sec. 59. - Creation and Approval of the Municipal Budget.

[Generally.] The mayor and city council of the City of Medford shall each have a role in the budget process, including the power to modify in whole or in part an appropriation order or an item within the total amount of any appropriation order, clarify budgetary procedures and take such other actions as are necessary to amend, approve or disapprove the annual budget for the City. Notwithstanding the first sentence of this section, however, the mayor shall have exclusive authority to originate an appropriation order.

The mayor, not later than the second Wednesday in May of each year, shall submit to the city council the annual budget of the current expenses of the city for the forthcoming fiscal year, and the mayor may submit thereafter such supplementary appropriation orders as they may deem necessary. Not later than the second Wednesday in June, the city council shall take definite action on the annual budget, by adopting, amending or rejecting it, provided that total amount appropriated shall not exceed the total amount of the appropriation order submitted by the mayor.

In the event of the city council fails to act on a budget submitted by the mayor by the second Wednesday in June, the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. The mayor shall have seven days from the time of the council vote on the budget or part thereof to approve or return said budget or a portion thereof to the council. In the event of the failure of the mayor to act on the budget appropriated by the council consistent with this process, all items on which the city council and the mayor agree shall be deemed formally adopted by the city council and approved by the mayor. Matters on which the council and the mayor differ shall be addressed at the next regular city council meeting, with the mayor to submit the same or revised appropriation orders concerning the items in dispute, and shall have seven days to act on an appropriation by the council; if the mayor fails to act by that time, then such amounts will be deemed to be approved as if formally voted by the council and approved by the mayor. If the mayor sends the budget items back to the council for further consideration, the city council, by a two-thirds vote of all councilors, may again approve the disputed amounts, which disputed amounts shall be deemed to have been formally voted by the city council and approved by the mayor.

It shall be the duty of the city officials when requested by the mayor, to submit to the mayor forthwith in such detail as the mayor may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall thereafter be transmitted to the city council. Provided further, however, that efforts shall be made to neither submit nor reduce total appropriations for the city council or the mayor below that appropriated in the previous year. Should the mayor file a budget with amounts for the city council or mayor’s office reduced, the mayor shall also file a statement explaining the reasons for such decision.

1. **City Council Authority to Hire Staff and Legal Counsel**

*Current Charter Language*

[None]

*Proposed Charter Language*

Sec. 58. - Appointments by the City Council.

[Generally.] Subject to appropriation, the city council may employ staff as it deems necessary. City council appointees will be supervised by the President of the City Council or their designee.

[Advisory Legal Counsel.] The city council may secure legal services, either by employment or on a contractual basis. Such legal services shall be solely in the service of the council and may include research, analysis, and drafting assistance. The mayor shall include in the proposed budget submitted annually a sum of money for such purposes. The legal services provided to the council shall not include representation of the council or any councilor in any court matter or related litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of the city in all legal matters involving the city’s government, and in the event of a conflicting opinion between the city solicitor and the person providing legal services to the council, the opinion of the city solicitor shall be the official legal opinion of the city.

[Removals and suspensions of city council appointees.] City council appointees may be suspended or removed at the sole discretion of the city council subject to limitations and requirements imposed by federal and state laws, rules and/or regulations.

1. **Council Confirmation of Mayoral Appointees**

*Current Charter Language*

Sec. 52. - Mayor to make certain appointments without confirmation.

[Generally.] Upon the adoption of Plan A, all heads of departments and members or municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council.

*Proposed Charter Language*

Sec. 52. - Appointments by the Mayor.[Generally.] The mayor shall appoint, subject to confirmation by the city council by majority vote, all members of municipal boards, committees, and commissions, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, for whom no other method of appointment or selection is provided by City Ordinance or General Laws. All members of municipal boards, committees, and commissions shall serve terms as defined by City Ordinance or General Laws. All heads of departments shall be appointed by the mayor without confirmation by the city council.

The mayor shall refer to the city council and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a member of a board, committee, or commission. The city council shall have 45 days after the date on which notice of the proposed appointment was filed with the city clerk to vote to approve or reject the appointment. If the city council does not approve or reject the appointment within 45 days, it may file a 15-day extension with the city clerk. If the time period elapses and no extension has been filed, the appointment shall be deemed approved. Members of boards, committees, and commissions may be removed at the discretion of their appointing authority subject to limitations and requirements imposed by federal and state laws, rules, and/or regulations.