

Ordinances & Administration Committee
Remote Meeting
Monday, September 20, 2021 – 6:00 p.m.
-Minutes-

Present: Vice Chair, Councilor Steven LeBlanc; Councilor Jamie O’Hara; Councilor John McCarthy

Absent: Chair, Councilor Sean Nolan

Other Councilors Present: Councilor Val Gilman

Also Present: City Clerk, Joanne Senos; Clerk of Committees, Sherry Karvelas

The meeting was called to order at 6:00 p.m.

*This meeting was conducted remotely through ZOOM
All votes conducted by ROLL CALL*

Vice Chairman, Councilor LeBlanc announced: Consistent with Chapter 20 of the Acts of 2021, this meeting will be conducted by remote participation. The public may not physically attend this meeting but every effort will be made to allow the public to view and listen to the meeting in real-time and participate when necessary. If you are calling in on a phone, you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options to be recognized to speak.

1. New Appointments:

Clean City Commission Matt DiGiovanni (fulfilling an unexpired term) (TTE 2/14/22)

Summary of Discussion: **Matt DiGiovanni** stated he had been a longtime resident who just returned to the City. He stated upon returning to the City he realized there was some room for improvement and wanted to help with the upkeep and beautification.

Councilor LeBlanc thanked Mr. DiGiovanni and asked him to reach out to any member of the City Council for help at anytime. **Councilors O’Hara and McCarthy** thanked Mr. DiGiovanni for his willingness to volunteer.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Matt DiGiovanni (fulfilling an unexpired term) to the Clean City Commission, TTE 2/14/22.

Magnolia Pier Advisory Committee Stephen H. Doe (fulfilling an unexpired term) (TTE 2/14/22)

Summary of Discussion: **Stephen Doe** was not in attendance for tonight’s O&A meeting, but **Members of the O&A Committee** knew **Mr. Doe** personally, stated he had an impressive resumé, and voted to recommend his appointment to the Magnolia Pier Advisory Committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed,

to recommend that the City Council appoint Stephen H. Doe (fulfilling an unexpired term) to the Magnolia Pier Advisory Committee, TTE 2/14/22.

2. CC#2020-003 (LeBlanc): Request review of City Charter pursuant to Sec. 10-1(b) (Cont. from 8/2/21)

Summary of Discussion: Councilor LeBlanc stated he had reviewed approximately twenty pages of the City Charter so far and would reach out to both Councilors Nolan and O'Hara for an update. He stated the O&A Committee would hopefully submit the proposed changes to Legal by the end of this year for review.

This matter was continued until October 4, 2021.

3. CC#2021-011 (LeBlanc): Ordered that the O&A Committee review and discuss the temporary relief granted to businesses and outdoor seating during the State of Emergency regarding the extension of seasonal liquor licenses, and possible action (Cont. from 8/2/21)

Summary of Discussion: Councilor LeBlanc stated this Council Order was put forward to help the local businesses, if possible, and stated he would reach out to General Counsel to be present at the next O&A meeting to be part of the discussion.

This matter was continued until October 4, 2021.

4. CC#2021-017 (McCarthy/Cox/Memhard): Request a management audit of the Legal Department and the Human Resources Department pursuant to City Charter Sec. 7-12 "Management Audits" subsections (a) through (d)

Summary of Discussion: Councilor McCarthy stated the Legal Department had run an increasing deficit for a period of time and stated the explanation that B&F received for this deficit was that the new Human Resources Director did not have certain qualifications. Because of this, he stated, the hours of the Assistant General Counsel were increased from part-time to full-time. He stated this created a reorganization of both departments which, by City Charter, should have come before the City Council with a Public Hearing. He stated this was never done. Councilor McCarthy then explained that a request of a management audit was sent to the Mayor last February. He stated the answer that the **Members of the B&F Committee** received, in writing, from the Mayor was that the procurement of an audit was not within the boundaries and duties of the City Council. He stated upon reviewing the City Charter, Sec. 7-12 "Management Audits" it was determined that it was the sole responsibility of the City Council to commission and oversee these audits.

Councilor McCarthy explained that at B&F during budget time the Legal Department's budget was cut with some of that money being put into the City Council's budget and set aside to run these audits. He further explained that the City Charter stated that a complete management audit of each City agency should be conducted every eight years and stated that the Charter laid out a list of elements to be considered when conducting such audits. He added that as former Police Chief his department had undergone an audit in 2017 and that the department had also been audited in 2009. He stated other departments throughout the City had undergone audits in the recent past including the Fire Department, Harbormaster and DPW. He stated these types of audits should be viewed as a positive action by the City Council and stated that all departments moving forward should be subject to a management audit at least once every eight years. Councilor McCarthy added that there had been about \$200,000 spent over the past few years for the procurement of outside legal services. Councilor McCarthy explained that this Council Order was submitted on behalf of all the **Members of the B&F Committee** and further explained that the City Council had some money set aside for the audits, but that it would be up to the Mayor's office to fund these audits with the City Council overseeing the audits.

Councilor McCarthy then wished to clarify the difference between a budgetary audit versus a management audit, and stated that it had been incorrectly reported in publication. He explained that a budgetary audit was done every year by the City Auditor and that a management audit, per the City Charter, encompassed a host of different criteria including (but not limited to) the space that the department was working within and management practices.

Councilor O'Hara and **Councilor LeBlanc** both indicated their support for the management audits, with **Councilor LeBlanc** adding that the **B&F Committee** had been extremely thorough with the budget over the past two years. He stated that as the City Council was charged with overseeing these audits and, as Council President, he would appoint one member from each subcommittee to an ad-hoc committee to oversee this matter moving forward. **Councilor McCarthy** suggested that the City Auditor be part of the ad-hoc committee. **Councilor LeBlanc** agreed.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve a management audit of the Legal Department and the Human Resources Department pursuant to City Charter Sec. 7-12 "Management Audits" subsections (a) through (d).

MOTION: On a motion by Councilor McCarthy, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:19 p.m.

Submitted by Sherry Karvelas, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>