

COMMITTEE OF THE WHOLE

Minutes of the Meeting

February 6, 2017

1. Vice-President Logan called the meeting to Order at 8:00 pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – all Councillors were present except Councillors Fowler, Giordano, Randy LeBlanc and Marchese.
3. A motion by President Diane LeBlanc to approve the minutes of the COW meeting held on January 17, 2017 was adopted on a voice vote and the minutes were approved.
4. President Diane LeBlanc moved to take the resolution concerning the filling of vacancies–Assistant City Clerk (12/27/2016) from the table. The motion was adopted on a voice vote. Councillor O'Brien rose and recused himself from the discussion of the matter. A motion by President LeBlanc to hear from an off-committee individual, Assistant Solicitor Patricia Azadi was adopted on a voice vote. President LeBlanc stated that she had received and read the opinion of Attorney Azadi that had been requested by the Committee. President LeBlanc stated the City Council could change the job description of the Assistant City Clerk and the position was designated under Civil Service through a special act in 1975. President LeBlanc asked if the employment term be changed to three (3) years. Attorney Azadi stated no, since it is a Civil Service position. President LeBlanc stated HR Director Kristen Murphy said the position could be done as a provisional appointment. Attorney Azadi stated the City needs to follow the Civil Service procedures. Councillor Waddick inquired if the individual was hired under a provisional appointment and a subsequent special act took the position out of Civil Service, would the incumbent individual also be taken out of Civil Service. Attorney Azadi stated the subsequent special act should be written to address this specific situation. Councillor McMenimen asked questions concerning appointments under Civil Service. Attorney Azadi stated if the City Council wished to make a provisional appointment, they need to request it of the State Personnel Administrator, provide a job description and duties and call for an exam. Councillor McMenimen could not recall this procedure being followed previously; "it was who got eight votes". Councillor McMenimen questioned the reporting responsibility of the City Clerk and Assistant City Clerk. It was stated both positions report to the City Council. Attorney Azadi provide a chronological history of the Assistant City Clerk position. In 1966, a special act placed the position under Civil Service; in 1971, a special act removed the position from Civil Service; in 1975, a special act put in back in Civil Service and in 2001 the Law Department opined on taking the position out of Civil Service, but Attorney Azadi had no record of it happening. Councillor McMenimen stated if we were to create a

subsequent special act it would require approval of the City Council and the Mayor, would need to be sponsored by a member of the City's legislative delegation and that process could take several months. Councillor McMenimen inquired if we are mandated to follow Civil Service. As a point of clarification, Chairman Logan stated that Civil Service exams are now only held for police and fire applicants. Attorney Azadi reminded the Committee "as long as the special act is in effect, you still need to follow Civil Service". Councillor McMenimen asked if the City Council could appoint an Acting Assistant City Clerk. Attorney Azadi stated she was not sure and would need to research. Councillor McMenimen moved to request the Law Department to provide the opinion. The motion was adopted on a voice vote and the request was approved. Councillor McMenimen raised concerns of conflict of interest with potential candidates for the position; now and in the future. Councillor Romard stated he was confused with the process and could not reconcile the political versus the general nature of the filling the position. Attorney Azadi stated that being nominated is contrary to Civil Service procedure. Councillor Romard moved to request the Law Department opine on the legality of requiring applicants be nominated by a City Councillor. The motion was adopted on a voice vote and the request was approved. Attorney Azadi stated that the City Council can set rules/procedures for filling the Assistant City Clerk position, but the special act of 1975 requires it follow Civil Service. Councillor Romard requested that all Councillors be provided with a copy of the special act of 1975. Attorney Azadi stated she would provide it. Councillor Waddick asked about the options – do we hire the Assistant City Clerk as a provisional employee or do we change the special act to not follow Civil Service? President LeBlanc moved to ask Attorney Azadi opine on whether an individual hired as a provisional Civil Service employee to fill the Assistant City Clerk vacancy would continue to retain this Civil Service status if at a later date a home rule petition taking the position out of Civil Service were adopted. The motion was adopted on a voice vote and the request was approved. President LeBlanc earlier provided to the Committee members a copy of a marked up job description for the Assistant City Clerk that included several proposed changes. President LeBlanc asked to go through them individually and vote on their acceptance. President LeBlanc stated she was not prepared to make changes to the "education/training/experience" section of the job description. President LeBlanc moved to amend the "position purpose" section of the job description (as indicated on the attached document). On the motion, Councillor McMenimen stated she was against the motion, since there were four other Councillors absent from tonight's meeting. Councillor Waddick clarified that any action would not be final, since it would need approval at a full City Council meeting. On a roll call vote of 8 in favor (Brasco, D. LeBlanc, McLaughlin, Romard, Rourke, Vidal, Waddick & Logan), 2 against (Darcy & McMenimen), 4 absent (Fowler, Giordano, R. LeBlanc & Marchese) and 1 recused (O'Brien), the motion was adopted and the changes to the "position purpose" section were accepted. President LeBlanc moved to amend the "supervision" section of the job description (as indicated on the attached document). On a roll call vote of 8 in favor (Brasco, D. LeBlanc, McLaughlin, Romard, Rourke, Vidal, Waddick & Logan), 2

against (Darcy & McMenimen), 4 absent (Fowler, Giordano, R. LeBlanc & Marchese) and 1 recused (O'Brien), the motion was adopted and the changes to the "supervision" section were accepted. President LeBlanc moved to amend the "job environment" section of the job description (as indicated on the attached document). The motion was adopted on a voice vote and the changes to the "job environment" section were accepted. President LeBlanc moved to amend the "essential job functions" section of the job description (as indicated on the attached document). The motion was adopted on a voice vote and the changes to the "essential job functions" section were accepted. President LeBlanc stated there were no proposed changes to the "education/training/experience" section of the job description. President LeBlanc moved to amend the "knowledge/ability/skill" section of the job description (as indicated on the attached document). The motion was adopted on a voice vote and the changes to the "knowledge/ability/skill" section were accepted. President LeBlanc moved to amend the "physical requirements" section of the job description (as indicated on the attached document). The motion was adopted on a voice vote and the changes to the "physical requirements" section were accepted. President LeBlanc moved to keep the reference to Civil Service in the job description. On the motion, Councillor McMenimen asked to change the "Olney" reference at the bottom of each page to also include "as amended by the Waltham City Council & date". The motion of President LeBlanc, including the change offered by Councillor McMenimen was adopted on a voice vote and the changes were accepted. President LeBlanc move to have the job description of the Assistant City Clerk position, as amended, sent to the full City Council. The motion was adopted on a voice vote and the job description, as amended, is to be sent to the full City Council. Councillor Waddick spoke to the document that had been provided earlier that outlined the procedures for filling the vacant Assistant City Clerk position. Councillor Waddick explained the procedures, emphasizing it would provide an opportunity for the Committee to interview qualified candidates and it could be done at a special meeting(s). Councillor Waddick moved to accept the procedures for filling the vacancy. On the motion, Councillor McMenimen stated the nomination process is contrary to Civil Service procedures. Vice-President Logan stated the City's ordinance states the filling of this position is through an election by the City Council. Councillor Romard stated the procedures are confusing and he cannot support the motion. Councillor Rourke expressed concern about the constraints for questioning candidates and felt a time limit was preferable. Councillor Vidal inquired if applicants would be allowed to reach out to Councillors to gather support for their candidacy to which the response by President LeBlanc was yes. Councillor Brasco moved to table the matter. The motion was adopted on a voice vote and the matter of filling of vacancies-Assistant City Clerk (12/27/2016) was tabled.

NOTE: The "marked up" version and the "clean" version of the Assistant City Clerk's job description are attached to the minutes for the record.

5. A motion by President LeBlanc to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 9:55pm.

Paul G. Centofanti - Clerk to the Committee of the Whole

POSITION

ASSISTANT CITY CLERK

CLASSIFICATION:

Position Purpose:

The purpose of this position is to provide the necessary supervisory, administrative and clerical support to achieve the effective and efficient operations of the department, and to assist the City Clerk in performing the duties of the office, with a major focus on council committee activities, and to provide clerical and administrative support to the Council and its committees as required. This is accomplished by preparing ordinances-drafts of amendments to the General Ordinances and the Zoning Ordinances for the City Council or its committees as requested, making amendments to the General Ordinances and the Zoning Ordinances, representing the department at City Council meetings, and assisting the City Clerk in planning, organizing, setting up and implementing programs within the department. S/he functions as the City Clerk in his/her absence in accordance with state statutes. An Assistant City Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

Comment [RGL1]:

The Clerk does not "make amendments" to ordinances; the City Council does.

Supervision:

Supervision Scope: Performs a variety of very responsible functions of an administrative and supervisory nature requiring the exercise of judgment to interpret guidelines and carry out assignments independently; work at this level requires a working knowledge of departmental operations, local and state laws.

Supervision Received: Confirmed-Elected by the City Council and works under the general direction of the City Clerk and according to applicable provisions of the Massachusetts General Laws. Generally sets own daily work plan and chooses between appropriate courses of action to achieve defined objectives; refers only unusual cases to supervisor. The position is subject to review and evaluation according to the City's personnel plan.

Supervision Given: Supervises the department's employees; responsible for the day to day administrative operations of the office in the absence of the City Clerk.

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Job Environment:

Work is performed in an office environment. Majority of work is performed in a moderately noisy work environment, with constant interruptions. Frequently subjected to the stress of other individuals and the volume and/or rapidity with which tasks must be accomplished

Operates computer, printer, video display terminal, typewriter, calculator, telephone, copier, facsimile machine, and all other standard office equipment.

Makes-constant-contactsHas frequent contact with the general public; makes-has very frequent contact with other municipal departments, state officials, attorneys, developers and business owners. Contacts are primarily-in person, via e-mail, and by telephone and require persuasiveness and resourcefulness to influence the behavior ofstrong communication and interpersonal skills to effectively interact with others. Contacts with the public require considerable patience and courtesy.

Assistant City Clerk
City of Waltham
Civil Service Title: Assistant City Clerk

1

Olney-Associates-Inc-Waltham City Council
FLSA-ExemptFeb 2017
Nov-2001

Has access to some confidential information which is administered by the office; communications content frequently pertains to public information, managerial and administrative actions; information managed requires the application of appropriate judgment, discretion, and professional office protocols.

Errors could result in customer inconvenience, delay and confusion, have public and private financial repercussions, and cause adverse public relations.

Essential Job Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Prepares-Drafts ordinances, orders, and resolutions for the City Council; makes amendments to the General Ordinances and the Zoning Ordinances and prepares other documents and communications as directed by the Council or its committees as directed. Ensures that notices of meetings and public hearings are properly posted in accordance with the State Open Meeting Law and all other applicable laws and ordinances. Handles the intake of applications for various licenses and permits, including special permits, ensures that all of the required documents are included and in proper form, and provides copies to all Councillors. Ensures that the required advertising and abutters notices for special permits is are done properly and according to the schedule specified in state law. Ensures that ordinances and/or amendments are submitted to the City Solicitor in a timely fashion for review when directed by the Council or one of its committees in proper form and are legal and authorized. Submits legal notices to the newspaper for ordinance amendments and loan orders as required by local ordinance.

Assists and answers questions of department heads, attorneys, developers, businesses and citizens, in person and by telephone; receives complaints and responds to complaints appropriately; makes referrals as appropriate.

Attends all City Council meetings; serves as Clerk of Committees as required by ordinance; answers questions regarding the City Clerk's department as requested.

Maintains current knowledge of profession through peer association, review of literature and attendance at seminars/workshops. Maintains up-to-date knowledge of the City Charter, the General Ordinances and the Zoning Ordinances, the City Council Rules, Roberts' Rules of Order, Massachusetts General Laws applicable to local government, the State Ethics Laws, the State Open Meeting Law, the State Public Records Law, and Acts of the Massachusetts legislature Legislature pertaining to department operations.

Supervises the preparation and publication of the Annual City Census. Participates in all of the day-to-day operations of the City Clerk's Department including: maintains vital statistics, recording births, marriages and deaths; issues certified copies of statistics as required; files various committee and board decisions and notifies appropriate parties; assists in the issuance of

a variety of state, county, and City licenses, permits and certificates, etc.

Other Job Functions:

During elections, supervises voting machine set-up, prepares ballot information and supervises election day activities.

Assists in researching, planning, developing and implementing long and short range goals for the department; reviews and implements policies to ensure that the needs of the community and the Office are met.

Trains and cross trains staff in departmental standards and procedures.

Performs similar or related work as required, directed, or as situation dictates.

Minimum Required Qualifications:

Education, Training and Experience:

Bachelor's degree in public administration, business administration or political science or related field; and more than seven years of experience in general clerical and administrative work, including at least one year of supervisory experience; municipal experience strongly preferred; or any equivalent combination of education and experience.

Special Requirements:

Ability to achieve the status of Certified Municipal Clerk (CMC) within ~~five~~three (3) years. Certified as a Notary Public. Willingness to work night meetings as necessary.

Knowledge, Ability and Skill:

Knowledge: Strong knowledge of contemporary records management policies, procedures, and the use of archival and automated systems in the maintenance of public and confidential records. General knowledge of local government and its operations helpful. Familiarity with pertinent Massachusetts General Laws, City Ordinances, and City Council Rules and procedures relating to departmental operations preferred. Knowledge of Parliamentary law and procedures highly desirable. Must be proficient in Microsoft Word, Microsoft Excel, and Microsoft Access.

Ability: Excellent administrative skills. Ability to organize time, work independently and accomplish goals despite frequent interruptions. Ability to maintain detailed statistics, records, and clerical records. Ability to supervise subordinates effectively. Expertise and skill in utilizing personal computers, popular word processing, database, and spreadsheet applications. Ability to read and decipher plot plans and other building plans.

Skill: Skill in all of the above referenced methodologies, equipment and systems. Superior customer service skills.

Physical and Mental Requirements:

The work has a high level of intellectual demand, requiring the ability to comprehend, record and communicate complex issues clearly, effectively, and efficiently. While performing the duties of

this job, the employee is frequently required to sit and talk or hear; occasionally required to walk, use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to ~~40-30~~ pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus. This position requires the ability to operate a keyboard and calculator at efficient speed. The employee must be able to hear normal sounds, distinguish sound as voice patterns and communicate through human speech.

~~(For positions covered by civil service regulations, the established requirements of civil service shall be substituted for the recommended minimum qualifications listed here. No part of this position description shall restrict or exclude the eligibility of candidates for employment or advancement as defined by the regulations of the civil service system.)~~

(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)

Position Purpose:

The purpose of this position is to provide the necessary supervisory, administrative and clerical support to achieve the effective and efficient operations of the department, to assist the City Clerk in performing the duties of the office, with a major focus on council committee activities, and to provide clerical and administrative support to the Council and its committees as required. This is accomplished by preparing drafts of amendments to the General Ordinances and the Zoning Ordinances for the City Council or its committees as requested, representing the department at City Council meetings, and assisting the City Clerk in planning, organizing, setting up and implementing programs within the department. S/he functions as the City Clerk in his/her absence in accordance with state statutes. An Assistant City Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

Supervision:

Supervision Scope: Performs a variety of very responsible functions of an administrative and supervisory nature requiring the exercise of judgment to interpret guidelines and carry out assignments independently; work at this level requires a working knowledge of departmental operations, local and state laws.

Supervision Received: Elected by the City Council and works under the general direction of the City Clerk and according to applicable provisions of the Massachusetts General Laws. Generally sets own daily work plan and chooses between appropriate courses of action to achieve defined objectives; refers only unusual cases to supervisor.

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Operates computer, printer, video display terminal, typewriter, calculator, telephone, copier, facsimile machine, and all other standard office equipment.

Has frequent contact with the general public; has very frequent contact with other municipal departments, state officials, attorneys, developers and business owners. Contacts are in person, via e-mail, and by telephone and require strong communication and interpersonal skills to effectively interact with others. Contacts with the public require considerable patience and courtesy.

Has access to some confidential information which is administered by the office; communications content frequently pertains to public information, managerial and administrative

actions; information managed requires the application of appropriate judgment, discretion, and professional office protocols.

Errors could result in customer inconvenience, delay and confusion, have public and private financial repercussions, and cause adverse public relations.

Essential Job Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Drafts ordinances, orders, and resolutions for the City Council; and prepares other documents and communications as directed by the Council or its committees as directed. Ensures that notices of meetings and public hearings are properly posted in accordance with the State Open Meeting Law and all other applicable laws and ordinances. Handles the intake of applications for various licenses and permits, including special permits, ensures that all of the required documents are included and in proper form, and provides copies to all Councillors. Ensures that the required advertising and abutters notices for special permits is are done properly and according to the schedule specified in state law. Ensures that ordinances and/or amendments are submitted to the City Solicitor in a timely fashion for review when directed by the Council or one of its committees. Submits legal notices to the newspaper for ordinance amendments and loan orders as required by local ordinance.

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