

March 30, 2023

Honorable Mayor and City Council members:

I am writing to you as a very long-time citizen of Newburyport.

There is a very old adage that states: "If it isn't broken, don't fix it." Granted, "the city", whether it is determined to be the responsibility of the Department Head, Mayor or City Council, has the responsibility to look into alleged corruption and keep its citizens abreast of any wrongdoing via open meeting laws. One would also assume that the City Solicitor, Unions, etc. would have the responsibility to provide guidance to go forward in any litigious matters should they so deem. As we all know, legal processes go forward always giving all parties legal rights and judgements based upon law, facts, and past practice. Specifically, my particular concerns lay with the proposed City ordinance, ODNC 129, which Defines the Conflict Rule for Department Heads (COTW): "Department Heads are prohibited from serving on board of directors or in any position of any Assoc, External organization (profit or non-profit organization that participates in fundraising activities in support of City departments." This seems inconsistent with the operational principles of the City of Newburyport, which puts forth its first financial policy and objectives as "...operational principles that minimize the cost of government consistent with services desired by the public..."

So, in fact, our schools receive thousands of dollars through fundraising. It is my understanding that such fundraising has gone forward with the historical participation of City Department Heads -- acting or otherwise. Has this practice resulted in an adverse affect on our school children, our citizenry or our educational system? It appears not. Is this also the historical case with our libraries? In the case of the relationship of at least two Council on Aging (COA) Directors (one present and one past Director), both have been lauded for their contributions to the City and its senior citizen constituency for addressing needs such as food insecurity, tax assistance, medical needs, insurance, etc. Both Directors have been strong advocates in making supplemental funds available through a Friends group by describing such needs, maintaining privacy, and helping to bring joy when joy is difficult to muster. Senior citizens constitute a healthy voting bloc of Newburyport residents, so much so that

they have partnered with a Department Head and with our younger community, with a Friends group, and with our elected and appointed officials, all very concerned and circumspect. They have all enabled the establishment of a now renowned Senior / Community Center that brings people together and instills pride across our entire community.

All of our City's accomplishments -- be they in our schools, libraries or the Council on Aging -- are supported by and achieved through partnerships that city officials and residents alike point to with justifiable pride.

I ask that you consider the meaning of ex officio service on a board. For example, in the case of the Council on Aging, current and former Directors' board participation has been ex officio, meaning that by long-standing accepted definition they have no voting privileges and cannot participate in executive sessions. In the case of the COA, the Director provides the Friends group with informed insights and perspectives on particular needs with which the Friends group may elect to assist. Friends board members are volunteers who gather to support an organization in a time-limited, part-time capacity. While a department head/ex officio member may make general needs known -- for financial consideration for example -- privacy is maintained.

Additionally, the COA Friends group can work not only within the context of its bylaws to raise funds, but also to work to put forward the mission of COA Friends fundraising. A recent activity at the Senior / Community Center was the Spring Fling that brought well over a hundred people into the Center through the partnership between COA leadership and staff, Friends, and numerous volunteers. Its goal was to educate, inform and entertain, providing for a period of joy, for relaxing with old and new-found friends while learning about climate change and Center activities. Through the kindness and collaboration of the local HUB, the entire community has been able to benefit and appreciate the value of COA leadership and of the Center itself. The whole community benefits from the collaboration between the Council on Aging leadership and participants, many, many volunteers, and the Friends group.

Would the ordinances proposed by the City Council stifle the opportunity for such collaborative

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activities? In this case, attendees or presenters may choose to not only participate, but also to donate time, money or in-kind goods / services to the COA or to the Friends in order to further the efforts of the Department.

Participation is accomplished in other ways. The COA Friends group recently celebrated its anniversary in spite of COVID-19 restrictions via a public, Zoom-based Annual Meeting. During the Zoom meeting, numerous City officials, including Mayors and City Councilors (past or present) reminded Newburyport citizenry of their pride in being part of a monumental participatory effort to help our city grow for seniors and all citizens who utilize the Senior / Community Center. These were and continue to be positive collaborative efforts for our community.

In my recent memory, in every year, the Mayor or a City Councilor has participated in the COA Friends group Annual Meeting along with the Council on Aging Director to describe what has been accomplished, to address the needs of their ever-growing senior population, and to listen to goals designed to address additional needs. Such cooperation and collaboration has a long standing history in Newburyport. This is for good and not to the exclusion of very welcomed constructive input, feedback or criticism be it through those in the city whose jobs involve providing oversight for such matters or through such government agencies as the IRS or Commonwealth departments. Everything referenced above has been communicated publicly via newsletters, media coverage, Zoom or in-person Annual Meetings, and direct mail.

I would ask each of you to remember that our institutions will long outlive all of us and hopefully we all will leave a legacy of positive collaboration. Good efforts thrive through productive partnerships and the collaboration of many. In common parlance, I ask you to not "throw out the baby with the bath water", and to reject ODNC 129 as a City Ordinance, and to continue the "board" participation of City Department Heads with Friends groups as ex officio members.

Sincerely, a concerned citizen

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