



Law Department

Mission

To provide effective, professional, caring, and ethical legal advice and representation to all elected and appointed officials and to all City departments to enable the City government to operate at maximum potential while minimizing risk.

The Law Department for the City of Newton provides in-house counsel representation and legal support to the City, its departments, boards, and commissions, as well as to the officials and employees of the City in all areas of municipal law. This work includes supporting the City in its work with all nine City unions as well as representing Newton before federal and state courts and administrative agencies in matters of civil litigation; personal injury and other torts; civil rights; labor and employment; education law; contracts; land use; zoning; real estate acquisitions, dispositions and development public construction; public records; open meeting and conflict of interest laws.

The staff in Newton's Law Department continues to work hard and with success in providing sound, independent legal advice on policy matters important to the City and defending the City in litigation matters. This past year, the Law Department maintained strong, flexible and creative support to departments, the City Council and City employees, both as the City adapts to the challenges of a post-pandemic workplace and as the Law Department continues to transition, redefine and grow its operations and leadership as we transition after the departure of a number of respected, senior colleagues. Recent noteworthy accomplishments include:

- Advised and provided legal support to the Mayor, City departments and the City Council in the advancement of the Newton Center for Acting Living project.
- Worked closely with City departments in executing pivotal contracts, including transfer of City's ambulance services, creation of mattress recycling contract to bring City into compliance with state ban, and assignment of multiple cannabis Host Community Agreements.
- Continued our work with City departments to move Newton forward as a prioritized community participant in the State's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project.
- Advised and provided legal support on successful real property acquisitions of the Walker Center and the parcel abutting Senior Center.
- Worked closely with the City Council and City departments in drafting and passing ordinance amendments establishing a permanent outdoor dining program for Newton restaurants.
- Assisted the City Council and City departments in enacting legislation, including amendments to the City's sign ordinance related to free speech,

amendments to the leaf blower ordinance, and tree preservation ordinance.

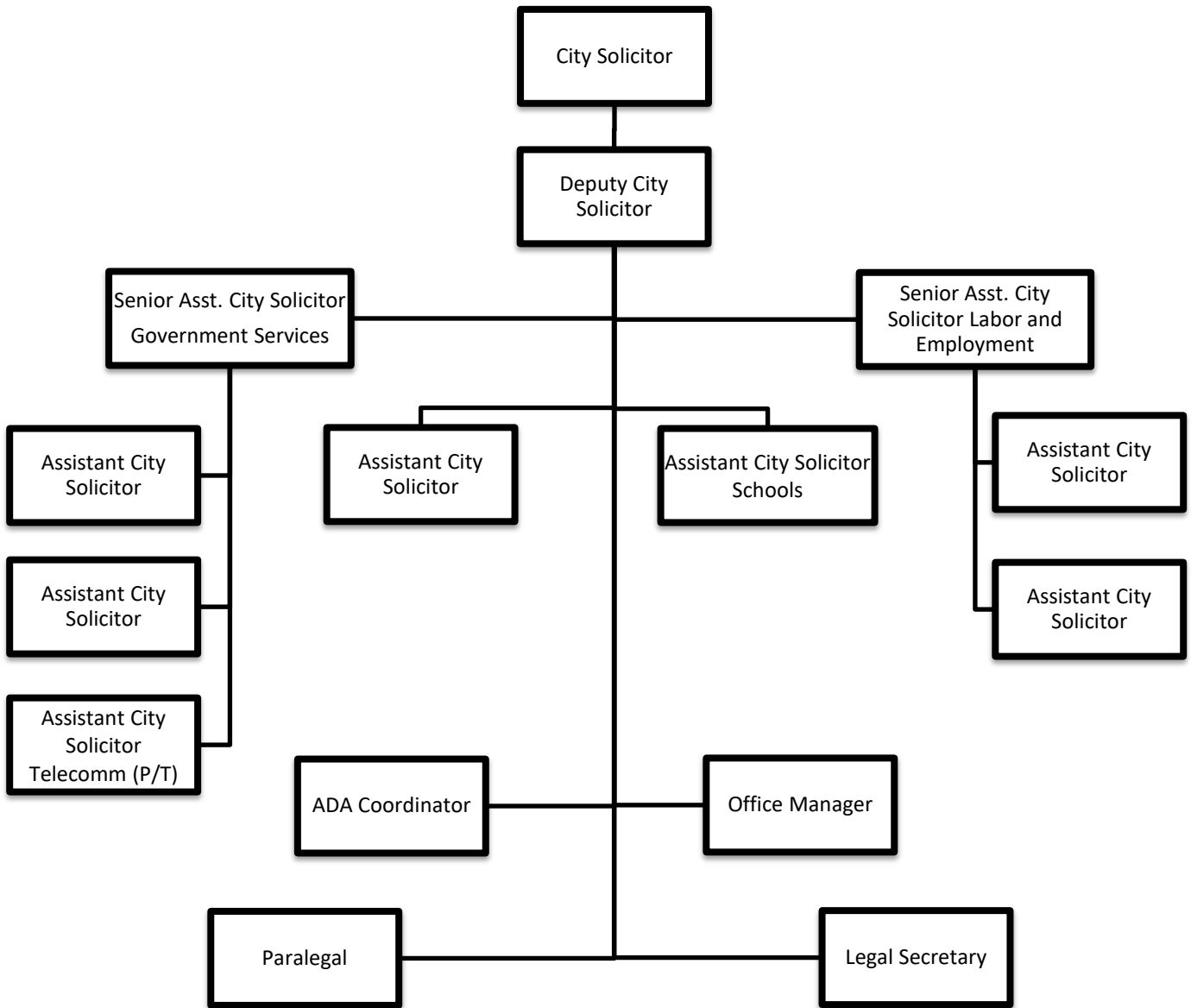
- Successfully obtained either judgment or dismissal of multiple litigation cases.
- Assisted the Planning Department, City Council, and Zoning Board of Appeals in implementing standard land use permitting conditions, as well as the creation of new conditions addressing mitigation of construction vibration impacts and rodent control.
- Advised City Council on recodification of City Ordinances.
- Worked closely with Inspectional Services Department and other departments on code enforcement, including sustained legal support on major problematical properties, advising on the City's first demolition of private property in 20 years, and defending court appeals of leaf blower and snow removal civil tickets.
- Worked closely with the Planning Department in the creation and drafting of proposed Village Center Zoning.
- Achieved the renewal of Verizon's cable license agreement through 2027 on terms which continue support for Public, Educational and Governmental programming provided by NEWTV.

In FY2024, the Law Department will continue to refine and advance its organizational structure and leadership roles to enhance collaboration, effectiveness and efficiency in the areas of government services, labor and litigation. Law Department staff looks forward to continued success in representing the City in litigation matters and looks forward to working with the City Council, Executive Office and all departments to support them in new and important efforts.

Alissa O. Giuliani

City Solicitor

LAW DEPARTMENT



Financial and Operating Highlights

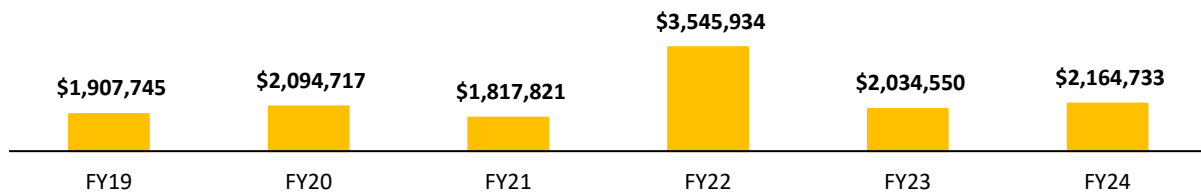
Financial Highlights

	< -----Actual ----->				Original	Proposed
	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Expenditure by Department						
Claims/Settle	\$ 368,203	\$ 470,867	\$ 130,594	\$ 1,858,593	\$ 100,000	\$ 100,000
Legal	\$ 1,539,542	\$ 1,623,850	\$ 1,687,227	\$ 1,687,341	\$ 1,934,550	\$ 2,064,733
Total	\$ 1,907,745	\$ 2,094,717	\$ 1,817,821	\$ 3,545,934	\$ 2,034,550	\$ 2,164,733
% Incr	15.64%	9.80%	-13.22%	95.07%	-42.62%	6.40%

Personnel

Full-Time	14	15	15	15	14	14
Part-Time	1	1	1	1	1	1
Total	15	16	16	16	15	15

Total Law Department Expenditures



Operating Highlights

Law	FY2020	FY2021	FY2022	FY2023 YTD
Claims Processed	59	102	150	67
Public Records Requests Completed	351	510	690	463
Contracts Drafted and Distributed	166	160	212	123
Litigation Cases	18	48	50	48
Contracts Reviewed	318	226	295	237

Law Department

Fiscal Year 2024 Outcomes and Strategies

Outcome 1

Support Land Use Decision Making

The Law Department provides legal advice regarding all land use matters, including zoning, special permitting, ordinance drafting, construction, conservation restrictions, zoning enforcement and disposition of real estate to the Executive

Office, City Council, Planning Department, Department of Inspectional Services and Engineering Department. We staff and provide legal support to the City Council committees concerned with land use, specifically Land Use, Zoning and Planning and Real Property Reuse, and the Zoning Board of Appeals and historic commissions. In addition, we provide litigation advice and defense of City Council special permits as well as for decisions of the Zoning Board of Appeals and the historic commission.

In FY 2024, we will provide legal support for the adoption and implementation of MBTA Communities zoning and Village Center zoning as well as support to the City and Council related to Newton's Climate Action Plan initiatives. We will also continue to work closely with City departments, as well as specialized outside counsel, to address private properties that are either abandoned, dilapidated and/or in significant tax arrears.

The Department is an active partner to the City Council, regularly furnishing legal opinions and advice on legislative matters. We continue to provide advice on the law as it relates on proposed docket items and to assist in drafting related orders, ordinances and home rule petitions.

Outcome 2

Provide Advice on Legislative Matters

Notably, in FY 2024, the Law Department will work with City Departments and the Council in implementation of the State's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project and will provide guidance on compliance with newly revised state legislation governing cannabis operations and the City's host community agreements.

Law Department

Fiscal Year 2024 Outcomes and Strategies

Outcome 3

Manage Litigation and Claims

The Law Department defends, prosecutes, and commences all legal actions and other matters on behalf of the City, including the Newton Public Schools, in all state and federal courts and administrative agencies, from the filing of an initial Complaint

through the trial and appellate stages of the case.

The Department also provides defense to the City from claims for damages to personal property or for injuries. We investigate these claims and provide advice to the City in defending the matter or reaching fair resolution. In addition, the Department continues to focus efforts on assessing our own losses in order to pursue opportunities for affirmative recovery of damages sustained by the City.

Continuing in FY2024, the Law Department will work in conjunction with specialized outside legal counsel to defend Boston College's legal challenge of the City's taking of Webster Woods by eminent domain. Other notable litigation that will be a focus for the Law Department includes a pending wrongful death lawsuit against the City and a challenge to the approval of the Newton Center for Active Living project.

The Department continues to work with City departments, City Council and the Mayor's office regarding the placement of wireless service facilities in public ways. The Department continues to advise City officials on federal guidelines for grant of location procedures and advise the City

Council regarding federal limitations on consideration of radio frequency emissions in the context of grant of location permitting. In the area of telecommunications, the Department provides legal advice on the administration of the Oak Hill Radio Frequency Interference (RFI) Remediation Fund, the leasing of City Hall Cupola now occupied by Verizon Wireless through 2023, and administration of three current cable licenses. The Department also interfaces with NewTV regarding public access matters, including the City's grant agreement with NewTV and the challenges created by declining cable subscribership and revenues. The grant agreement with NEWTV expires in June 2023 and must be amended or replaced with a new grant agreement.

Outcome 4

Provide Full Support for Telecommunications Efforts

FUND: 0001 - GENERAL FUND
DEPARTMENT: 108 - LAW

**CITY OF NEWTON BUDGET
DEPARTMENT LEGAL LEVEL OF CONTROL**

	ACTUAL 2020	ACTUAL 2021	ACTUAL 2022	ORIGINAL 2023	RECOMMENDED 2024	CHANGE 2023 to 2024
LAW SUMMARY						
51 - PERSONNEL SERVICES	1,340,901	1,379,995	1,374,321	1,534,425	1,562,470	28,045
52 - EXPENSES	594,512	237,892	1,979,421	269,675	294,925	25,250
57 - FRINGE BENEFITS	159,305	199,934	192,192	230,450	307,338	76,888
TOTAL DEPARTMENT	2,094,717	1,817,821	3,545,934	2,034,550	2,164,733	130,183
LEGAL CLAIMS/SETTLEMENTS						
52 - EXPENSES	470,867	126,534	1,858,054	100,000	100,000	0
57 - FRINGE BENEFITS	0	4,060	539	0	0	0
TOTAL LEGAL CLAIMS/SETTLEMENTS	470,867	130,594	1,858,593	100,000	100,000	0
LEGAL						
51 - PERSONNEL SERVICES	1,340,901	1,379,995	1,374,321	1,534,425	1,562,470	28,045
52 - EXPENSES	123,644	111,358	121,368	169,675	194,925	25,250
57 - FRINGE BENEFITS	159,305	195,874	191,652	230,450	307,338	76,888
TOTAL LEGAL	1,623,850	1,687,227	1,687,341	1,934,550	2,064,733	130,183

FUND: 0001 - GENERAL FUND
 DEPARTMENT: 108 - LAW

CITY OF NEWTON BUDGET
 DEPARTMENTAL DETAIL

	ACTUAL 2020	ACTUAL 2021	ACTUAL 2022	ORIGINAL 2023	RECOMMENDED 2024	CHANGE 2023 to 2024
108 - LAW						
0110841 - LEGAL CLAIMS/SETTLEMENTS						
EXPENSES						
572500 CLAIMS/SETTLEMENTS	470,867	126,534	1,858,054	100,000	100,000	0
TOTAL EXPENSES	470,867	126,534	1,858,054	100,000	100,000	0
FRINGE BENEFITS						
57MEDA MEDICARE PAYROLL TAX	0	4,060	539	0	0	0
TOTAL FRINGE BENEFITS	0	4,060	539	0	0	0
TOTAL LEGAL CLAIMS/SETTLEMENTS	470,867	130,594	1,858,593	100,000	100,000	0

CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL
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		ACTUAL 2020	ACTUAL 2021	ACTUAL 2022	ORIGINAL 2023	RECOMMENDED 2024	CHANGE 2023 to 2024
0110851 - LEGAL							
PERSONNEL SERVICES							
511001	FULL TIME SALARIES	1,275,581	1,313,991	1,259,971	1,466,440	1,490,932	24,492
511101	PART TIME < 20 HRS/WK	2,450	0	960	0	0	0
511102	PART TIME > 20 HRS/WK	56,970	59,064	61,451	63,295	65,498	2,203
514001	LONGEVITY	5,900	6,440	8,240	4,690	6,040	1,350
515005	BONUSES	0	500	0	0	0	0
515006	VACATION BUY BACK	0	0	43,698	0	0	0
TOTAL PERSONNEL SERVICES		1,340,901	1,379,995	1,374,321	1,534,425	1,562,470	28,045
EXPENSES							
524010	OFFICE EQUIPMENT R-M	2,387	1,107	0	0	0	0
524100	SOFTWARE MAINTENANC	0	7,718	8,104	8,000	9,000	1,000
527400	RENTAL - EQUIPMENT	3,337	2,547	4,435	4,000	4,000	0
530100	CONSULTANTS	9,000	18,193	0	15,000	25,000	10,000
530219	ARBITRATION SERVICES	25,624	11,096	17,103	25,000	25,000	0
530900	LEGAL SERVICES	3,146	2,171	9,294	25,000	50,000	25,000
531400	REGIST/RECORDING FEES	2,909	3,227	3,460	3,500	5,000	1,500
531500	COURT COSTS/WITNESS F	127	254	175	1,000	750	-250
534010	TELEPHONE	383	411	383	500	500	0
534020	CELLULAR TELEPHONES	512	498	465	675	675	0
534100	POSTAGE	1,616	1,261	1,114	2,000	3,000	1,000
534200	PRINTING	10,975	6,390	11,960	15,000	13,000	-2,000
537300	ADA REASONABLE ACCO	1,078	1,095	550	5,000	4,000	-1,000
542000	OFFICE SUPPLIES	3,940	3,304	4,847	5,000	5,000	0
559200	BOOKS/MANUALS/PERIODI	53,480	48,600	53,563	50,000	40,000	-10,000
571000	VEHICLE USE REIMBURSE	913	0	50	1,000	1,000	0
571100	IN-STATE CONFERENCES	130	319	395	4,000	3,000	-1,000
573000	DUES & SUBSCRIPTIONS	4,089	3,167	5,469	5,000	6,000	1,000
TOTAL EXPENSES		123,644	111,358	121,368	169,675	194,925	25,250
FRINGE BENEFITS							
57DENT	DENTAL INSURANCE	4,247	4,609	4,070	3,612	5,604	1,992
57HLTH	HEALTH INSURANCE	121,796	151,415	148,107	174,427	229,973	55,546
57LIFE	BASIC LIFE INSURANCE	340	388	378	399	417	18
57MEDA	MEDICARE PAYROLL TAX	18,489	18,946	18,676	22,446	22,919	473
57OPEB	OPEB CONTRIBUTION	14,433	20,517	20,421	29,566	48,425	18,859
TOTAL FRINGE BENEFITS		159,305	195,874	191,652	230,450	307,338	76,888
TOTAL LEGAL		1,623,850	1,687,227	1,687,341	1,934,550	2,064,733	130,183
TOTAL LAW		2,094,717	1,817,821	3,545,934	2,034,550	2,164,733	130,183