



Finance Committee Report

City of Newton In City Council

Monday, June 25, 2018

Present: Councilor Gentile (Chair), Cote, Rice, Noel, and Lappin

Absent: Councilor Ciccone, Norton, and Grossman

Also present: Councilor Laredo

City officials present: Maura O'Keefe (Assistant City Solicitor), Jim McGonagle (Commissioner of Public Works), Sue Dzikowski (Comptroller), Maureen Lemieux (Chief Financial Officer), and Jonathan Yeo (Chief Operating Officer)

#394-18 Transfer \$240,000 for back pay owed to the former police chief

HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred forty thousand dollars from the below accounts to fund the "back pay" owed to the former police chief.

Executive Office Full-time Salaries.....	\$25,000
Assessing Full-time Salaries	\$60,000
Treasury Full-time Salaries.....	\$20,000
Human Resources Full-time Salaries.....	\$30,000
Information Technologies Full-time Salaries	\$50,000
Planning Full-time Salaries.....	\$55,000

Action: **Finance Approved 5-0**

Note: Assistant City Solicitor Maura O'Keefe presented the request to transfer \$240,000 from various full-time salaries accounts to fund back pay owed to the former Police Chief. Former Chief Cummings was terminated in October 2012. He appealed the termination to an arbitrator and the arbitrator issued a decision on October 10, 2013 concluding that the former Police Chief did not engage in conduct unbecoming of a Police Chief and awarded back pay and benefits. The City appealed the arbitrator's decision to the Supreme Court, which remanded the case back to the arbitrator. The arbitrator's decision again concluded that the former Chief did not engage in conduct unbecoming a Police Chief, and awarded back pay and benefits that Mr. Cummings would have earned under his contract if he were not terminated. The contract between the City and former Chief Cummings expired on January 12, 2014. The back pay includes step increases, vacation pay, education pay, longevity, and all stipends that were included in his contract. The agenda for the meeting included a detailed breakdown of the back pay. The total back pay that the City owes former Chief Cummings is \$226,135. The City informed former Chief Cummings of the determined amount and he has accepted that amount.

Chief Financial Officer Maureen Lemieux informed the Committee that around 80% of the back pay is owed to the City's Retirement System. Unfortunately, the City cannot pay the Retirement System directly; the former Chief must make the payment. There was a question regarding why there were so many stipends included in the contract. Ms. O'Keefe responded that the stipends are standard and included in the contracts for all police officers.

The request also includes \$14,000 to fund attorney fees owed to the former Chief. The City and former Police Chief Cummings are involved in federal and states lawsuits filed by a former employee of the Police Department against the City and former Police Chief Cummings. As part of the mediation of the cases, former Chief Cummings was awarded attorney fees by the arbitrator because it was determined that the former Chief was entitled to indemnification per the City's contract with Chief Cummings. The City has already paid attorney fees related to the federal and state claims filed by the former employee; however, the former employee appealed the court's decision. The City and the former Chief prevailed but the City is required to cover the former Chief's legal expenses associated with the appeal.

The Chair asked if there were any other cases pending related to the former Chief or the former employee. The former employee filed a case with the Massachusetts Supreme Judicial Court, which is pending but the court only hears about 5% of the cases filed. The former Chief filed a federal rights claim, which the federal court dismissed. He filed another suit seeking interest on the back pay, which the City is in the process of defending. Ms. O'Keefe is hopeful that the City will prevail in this case.

With that, Councilor Lappin moved approval, which carried by a unanimous vote.

#393-18 Appropriate \$9,837.31 to settle a claim resulting from a sewer backup
HER HONOR THE MAYOR requesting authorization to appropriate and expend nine thousand eight hundred thirty-seven dollars and thirty-one cents (\$9,837.31) for full and final settlement of a claim resulting from damage caused by a sewer backup to a finished basement at 121 Hanson Road.

Action: Finance Approved 5-0

Note: Assistant City Solicitor Maura O'Keefe explained that this is a request to appropriate \$9,837.31 to settle a claim. There was damage to a finished basement at 121 Hanson Road due to a sewer backup. Sewer issues have been ongoing at this location dating back to 2007. This is the first time that the problem breached the interior of the house at 121 Hanson Road. The requested funds will cover the cost of cleaning and disinfecting the basement, replacement of drywall and flooring, and value of damaged contents. The City is paying the full amount of the claim, as the damage is the City's fault. Going forward, the Utilities Division of the Department of Public Works will check this location weekly for any issues to avoid any future damage to the property because of sewer backups and the sewer main will be part of the routing maintenance list. The sewer main in Hanson Road is scheduled for cleaning and relining in 2021 and once that is done, there should no longer be an issue.

The City is reimbursing the homeowner directly and Ms. O'Keefe does not know the status of any insurance claim made for the damage. The Law Department gets a release from recipients at the time of settlement that releases the City from any related claims. Councilor Lappin moved approval, which carried by a vote of five in favor and none opposed.

#389-18 Appropriation of \$6,400 to fund the purchase and installation of APS equipment

HER HONOR THE MAYOR requesting authorization to appropriate and expend six thousand four hundred dollars (\$6,400) from the HP Fines – Disability Commission Receipts Reserved for Appropriation for the purpose of funding the purchase and installation of Accessible Pedestrian Signals (APS) equipment at the Waverley and Tremont Streets intersection.

Action: **Finance Approved 5-0**

Note: Commissioner of Public Works Jim McGonagle explained that this is a request to purchase and install Accessible Pedestrian Signals (APS) equipment at the Waverley and Tremont Streets intersection at the recommendation of the Commission on Disability (COD). The funding for project is through the Commission on Disability's portion of the handicapped parking fines. Their portion of the fines are used by the Commission for specific purposes or projects like the installation of APS signals or funding additional enforcement of handicapped parking regulations. The COD unanimously supported the use of the funds for the project.

The Committee members had no questions and Councilor Rice moved approval of the appropriation. The Committee voted five in favor and none opposed to support the motion for approval.

#344-18 Request to transfer funds to hire a consultant to develop a cultural strategy

HER HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Current Year Budget Reserve to the Executive Office Consulting Account for the purpose of developing a cultural strategy for the City.

Action: **Finance Approved 5-0**

Note : The above item was recommitted to the Finance Committee at the City Council meeting of June 18, 2018 with a request that the Administration provide further information including job description and the scope of work of the consultant.

Chief Operating Officer Jonathan Yeo joined the Committee for the discussion of this item. Members of the Executive Office and Parks and Recreation Commissioner Bob De Rubeis developed an outline (attached) of how the City would implement the cultural plan developed by the consultant. The Administration also began drafting the scope of work for the consultant. The draft outline is attached; however, the Mayor determined that it made sense to form an advisory committee that would include Councilors, city staff, citizens, and representatives from the arts and culture programs in the City to develop the full scope of work.

The job descriptions for the two current employees of the Mayor's Office of Cultural Affairs were attached to the Agenda for the meeting. The two employees work to coordinate the day-to-day operations of the City's cultural events and programming. They will both be very involved with developing and implementing a strategic plan for arts and culture along with members of the Planning & Development Department staff and the advisory committee. A draft request for proposals for Newton's arts and cultural plan is attached, which provides an outline of what the City is looking for in a consultant and what the Mayor's vision is in terms of advancing the plan.

The Committee was pleased with the information provided and supportive of the request to fund the cultural strategy. Councilor Noel moved approval, which carried by a unanimous vote.

Referred to Programs & Services and Finance Committees

#350-18

Request to increase the salary of the City Clerk/Clerk of the Council

COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$135,619 effective July 1, 2018 to match the percentage increase included in the FY 2019 budget for H-grade employees.

Programs & Services Approved 7-0 (Baker not voting)

Finance Approved 5-0

Note: President of the Council Marc Laredo joined the Committee to discuss increasing the City Clerk of the Council's salary to \$135,619. The Clerk received an increase this past fiscal year, which kept his salary increase in line with the FY 18 salary adjustments for department heads. The proposed increase is on par with the percentage increase that City department heads received in the FY 19 budget. There is a wage reserve account in the Clerk's budget to cover the increase.

The Clerk's salary is set by ordinance, which must be amended for each increase. The President and Vice-president are currently considering how to increase the Clerk's salary each year without requiring an annual ordinance change. There was a suggestion that the Clerk could become part of the H-Grade system, which would result in salary increases at the same time as other department heads. It was pointed out that the Council should be careful about making that type of change, as the current arrangement provides the Council with flexibility to change the salary. With that, Councilor Lappin moved approval of the increase, which carried unanimously.

The Committee adjourned at 7:45 PM and all other items before the Committee were held without discussion. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

CITY OF NEWTON

IN CITY COUNCIL

2018

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the transfer of the sum of two hundred forty thousand dollars (\$240,000) from various department salary accounts to the Law Department to fund the back pay that the City owes to the former Police Chief, be and is hereby approved as follows:

FROM:	Executive Office Full-time Salaries (0110301-511001).....	\$25,000
	Assessing Full-time Salaries (0110601-511001).....	\$60,000
	Treasury Full-time Salaries (0110701-511001).....	\$20,000
	Human Resources Full-time Salaries (0110901-511001).....	\$30,000
	Information Technology full-time Salaries (0111102-511001).....	\$50,000
	Planning Full-time Salaries (0111401-511001).....	\$55,000
TO:	Legal Claims & Settlements (0110893-5725).....	\$240,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2018

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the sum of nine thousand eight hundred thirty-seven dollars and thirty-one cents (\$9,837.31) to be appropriated from the Sewer Legal Claims/Settlements for the purpose of full and final settlement of a claim against the City of Newton as a result of damage to a basement from a sewer backup, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2018

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the sum of six thousand four hundred dollars (\$6,400) to be appropriated from the H-P Fines-Disability Commission Receipts Reserved for Appropriation Account, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Commissioner of Public Works to fund eight units of accessible pedestrian signals to be installed at the Waverley and Tremont intersection.

FROM:	H-P Fines-Disability Commission Receipts Reserved for Appropriation (14-3314M3)	\$6,400
TO:	Accessible Pedestrian Signals (C401083-586005)	\$6,400

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

Draft Outline for Development of Newton's Plan for Arts & Culture (NewPAC)

1. Action Plan for Establishment of the NewPAC Executive and Advisory Committees

- a. Create criteria for inclusion
 - i. Residents, Audiences, Participants (Youth, Young Adults, Millennials, Parents, Empty Nesters, Seniors, Diversity by neighborhood, type of art, ethnicity, etc.)
 - ii. Business owners, Donors, Foundations
 - iii. Artists, Makers, Performers
 - iv. Arts Organizations
 - v. City Councilor(s)
 - vi. City staff from multiple departments
- b. Define responsibilities
- c. Seek resumes
- d. Recommendation to Mayor

2. Developing Newton's Plan for Arts & Culture (NewPAC)

- a. Develop a Mission Statement for Arts & Culture in Newton
 - i. Goals
 1. Educational
 2. Participatory and Collaborative
 3. Diverse
 4. Creative and Innovative
 5. Sustainable and Accountable
 6. Inclusive
 7. Economic and Community Vitality
 - ii. Roadmap to the Future
 - iii. Concise
 - iv. Realistic
- b. Establish timelines
- c. Determine funding sources
- d. Integrate Different components of Plan
 - i. Assets and Needs Assessment
 - ii. Cultural Mapping across Newton Villages and Corridors
 - iii. Comprehensive Plan
 - iv. Potential for Cultural District Plan

Draft NewPAC Advisory Committee Work Plan

1. Assemble an Advisory Committee to aid in the development of the Newton Plan for Arts & Culture. The Advisory Team will comprise individuals involved in arts and culture, city staff, residents, business owners, artists, art organizations and a City Councilor(s) to assist in generating a broader understanding of the issues and opportunities across the city.
2. Review, analyze, and integrate the information that is collected by the Advisory Committee, as well as utilizing other existing Arts & Cultural documents (Economic Development, Arts Council, Newton Cultural Alliance, Newton Cultural Council, Newton Pride) to develop a comprehensive list of the current cultural assets in the city; this should include existing cultural planning and adjunct groups or resources working independently to promote the arts in Newton.
3. Draft RFP proposal for a consultant to write Newton's Plan for Arts & Culture (NewPAC). Work with Purchasing to put RFP out to bid (or, if MAPC is chosen, negotiate a direct contract with them).
4. Review and rate proposers. Make selection and meet with accepted firm. Set guidelines moving forward so that successful bidder understands role and the synergy that needs to exist between firm and Advisory Committee.
5. Work with the consultants to:
 1. Facilitate public meetings that work to nurture creative and constructive dialogue with the City of Newton community about current programs and practices and a future vision for the arts and culture. Attention should be given to gain participation and buy in from a large cross section of entities throughout the city.
 2. Review cultural planning documents from other communities, as well as existing programming within the City of Newton.
 3. Analyze barriers to creative potential and opportunities for creative ventures.
 4. Develop alternative scenarios and determine alternative goals, strategies and tactics with measurable milestones.
 5. Refine plan
 6. Launch plan

DRAFT REQUEST FOR PROPOSALS

Newton's Arts & Cultural Plan (NewPAC)

GENERAL INFORMATION

The City of Newton, Massachusetts ("The City"), through its Executive Office and Parks & Recreation Department, is seeking proposals from firms or teams of firms experienced in arts and cultural policy, strategic planning, and technical support, along with involvement in working with arts organizations, local governments, and community residents in defining and creating a City Strategic Plan for Arts and Culture, to be called NewPAC.

NewPAC should provide the vision, policy framework, implementation strategies, organizational structures, and funding requirements needed to further develop the current programming and build upon the rich cultural history of not only the City but the Metropolitan area as well.

BACKGROUND

Newton History

The City of Newton is located in Middlesex County on the south bank of the Charles River, about 8 miles northwest of Boston. The city is comprised of 13 "villages," each with its own distinct character and many containing their own small downtown areas. In addition to Boston, Newton is also bordered by Wellesley (to the west), Needham (to the southwest), Waltham (to the north), and Brookline (to the east).

Known as the Garden City, Newton was settled in 1630 as part of Cambridge (whose original name was "Newtowne"). In 1688, Newton separated from Cambridge and became known as Cambridge Village and later Newtown before finally becoming Newton in 1766. Incorporated as a city in 1873,

As of 2016, the population of Newton was estimated at approximately 89,000. The city has a rich and diverse cultural heritage that can be seen throughout its villages.

Mayor's Office for Cultural Affairs

The Mayor's Office for Cultural Affairs ("MOFCA") has several major functions:

- Originates cultural programming for Newton residents of all ages and interests
- Supports the activities of Newton's 80 diverse arts and cultural organizations
- Manages and supervises the Newton Arts Lottery Council, a program of the Massachusetts Cultural Council

Founded in 1985, MOFCA currently plans and administers more than 100 individual activities, events and courses throughout the city every year. MOFCA supports Newton's cultural organizations in many ways: It recently established a city-wide online arts calendar, free to all

Newton arts and cultural organizations and programs, called newtonartscalendar.org. The Festival of the Arts, developed with Newton Community Pride, brings together 60 arts organizations annually, enhancing their presence in the community. Newest development is the support of a year-round Social Media Manager.

SCOPE OF SERVICES

Vision

Mayor Fuller's Arts & Cultural Vision: "I envision a Newton which supports all forms of cultural expression and artistic endeavors; a Newton where organizations engaged in the arts are empowered to nurture creativity; a Newton where artists creating the art are encouraged to express that creativity, and a Newton where people working, living and learning here have their lives enriched by experiencing that creativity."

To accomplish this vision, the Mayor advances that culture and the arts must have a prominent standing within Newton's city government. Newton's Plan for Arts & Culture will promise new strategies to fulfill the Mayor's vision and build on the current programming across the City. The plan will take a long-term view for the arts in Newton, and examining the possibility of having an appropriate location in Newton certified as a Cultural District.

Consultant Role

Consultant proposals should outline an inclusive, citywide research process to gather ideas, analyze assets and needs, create maps and a strategic arts and culture vision statement, and develop an action plan. Information should be garnered from city residents, business owners, developers, city and regional arts & cultural organizations, artists, city departments, and current cultural program users. Discussion can be engaged through public meetings, social media, programmatic observation and other acceptable methods of informational dissemination. This City envisions a dynamic process that is creative, engaging and creates an environment of universal inclusion.

NewPAC Project Development

1. Development of a comprehensive project plan
 - a. Plan should identify a clear vision, specific goals to meet the vision and a detailed methodology to achieve those goals
2. Meet with the Advisory Committee to review the proposal and project timing
3. Outline a comprehensive communications plan for the NewPAC project
 - a. Plan should increase awareness across the community
4. Ensure strong community engagement, through;
 - a. Message boards
 - b. Media releases
 - c. Dedicated website
5. Produce a timeline for release of plan

Public Engagement

1. Methods of Outreach
 - a. Facilitate stakeholder meetings
 - b. Hold public events
 - c. Conduct interviews with cultural providers and other local stakeholders
 - d. Create survey of the general public regarding their participation and interest in cultural activities
2. Memorialize meetings with notes and comments
3. Develop takeaways that can be developed for further input
4. Report back to Advisory Committee

Research and Analysis – Assets and Needs

1. Evaluation
 - a. Review cultural assets and programs in all City facilities
 - b. Review independent and private programs
 - c. Identify the direct and indirect benefits of cultural services to all aspects of the City's development, including the impacts on economic and community development, current demographics, and proposed future development
 - d. Identify areas in the City that would qualify as a Cultural District
2. Assessment
 - a. Look at emerging trends and future considerations related to the delivery of arts and cultural programs
 - b. Provide service delivery options which will support changing demographics, societal expectations, industry trends and best practices.

Development and Dissemination of the Arts& Culture Plan

1. Develop a draft plan providing;
 - a. Executive Summary
 - b. Cultural Plan Definitions
 - c. Summary of all Research and Consultations
 - d. Mapping Assets and Monitoring and Evaluation Measures
 - e. Cultural Plan Vision Statement
 - f. Principles and Roles and Partnerships
 - g. Implementation Strategy
 - h. Short, mid and Long-term goals
 - i. Funding Plan
 - j. Identify Cultural District Plan: through a set of goals and strategies pertaining to a specific geographic area within a community
2. Review draft plan with the Advisory Committee and based on feedback, revise as needed. Present the final Plan to Mayor for approval.

Proposal Evaluation

1. Demonstrated understanding of the Project Objectives and Scope of Work
2. Clear understanding of the City of Newton and the current cultural environment

3. Recent and relevant experience in similar projects
4. Demonstrated reliability to perform and manage projects of the nature described herein
5. Qualifications/expertise of team members in visioning, planning, programming, and developing successful arts and culture plans & districts
6. An ability to reach and engage a range of constituents from within the arts, as well as other sectors

Job Summaries – Mayor’s Office of Cultural Affairs

Director of the Mayor’s Office of Cultural Affairs

Designs, implements and evaluates programs that nurture a culturally rich community, that offer Newton residents the opportunities to participate in cultural programs and that support the activities of Newton artists, musicians and cultural organizations. The Director manages staff, volunteers and performers. The Director manages the department budget, grants and payroll.

The Director works closely with the Executive Office, city departments, Massachusetts Cultural Council, Newton Pride as well residents and local businesses. The Director works many evenings and weekends throughout the year, and manages complicated facility, performer, organizational, and financial arrangements.

Associate Director of the Arts in the Parks Program and of the Mayor’s Office of Cultural Affairs

Assists the Director of the Mayor’s Office of Cultural Affairs in designing, implementing and evaluating programs that nurture a culturally rich community, that offer Newton residents the opportunities to participate in cultural programs and that support the activities of Newton artists, musicians and cultural organizations. Responsibilities include supervising and evaluating, performers, programs and volunteers and providing administrative support as needed for more than 40 projects and programs twelve months a year. Public relations, advertising, and contract management for all these monthly events is a key component of the job. Outstanding communication and computer skills are required, and work hours may extend well into weekends and evenings.

CITY OF NEWTON

IN CITY COUNCIL

2018

ORDERED:

That, in accordance with the recommendation of the Finance Committees through its Chair Leonard J. Gentile, a transfer of funds in the amount of thirty thousand dollars (\$30,000) from Budget Reserve to the Executive Department to fund the development of a cultural strategy for the City, be and is hereby approved as follows:

FROM:	Budget Reserve (0110498-5790).....	\$30,000
TO:	Executive Department Consulting (0110301-5301).....	\$30,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2018

ORDINANCE NO. B-

BE IT ORDAINED BY THE CITY COUNCIL

That the Revised Ordinances of Newton, Massachusetts, 2017, as most recently amended by Ordinance B-3, dated February 20, 2018, relative to **ARTICLE II. CLERK OF THE COUNCIL** are hereby further amended as follows:

In **Sec. 4-21. Salary.**

1. Delete the words " July 1, 201" and insert in place thereof "July 1, 2018"

and

2. Delete the figure "\$131,640.57" and insert in place thereof "135,619"

Approved as to legal form and character:

QUIDA C.M. YOUNG

Acting City Solicitor

Under Suspension of Rules

Readings Waived and Approved

(SGD) DAVID A. OLSON

City Clerk

(SGD) RUTHANNE FULLER

Mayor