



## Memorandum

To: Members of the Charter Review Subcommittee

From: Lisle Baker, Chair

Subject: Planning for meeting on Monday evening 6-7 p.m. in Room 205

Date: February 23, 2018

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Dear colleagues:

To facilitate our work on reviewing changes proposed by the Charter Commission, attached to this memorandum you will find:

1. An agenda.

2. An updated copy of the memorandum from Chair Rice about the Charge to the Subcommittee, identical to what you saw before with two date typographical errors corrected. In summary, it anticipates reviewing non-structural changes this spring, reserving consideration of such matters as term limits and Council size until the fall.

3. A copy of the portion of the Final Report of the Charter Commission summarizing changes recommended. Note that the full Report is online, but this is the excerpt that outlines changes.

4. A proposed calendar of meetings. Note that Monday's meeting is an exception, in that I anticipate holding meetings at 6 p.m. on Wednesdays prior to one of the Program and Services meetings each month, which I have asked Chair Rice to defer beginning until 7:30 p.m. so we will have enough time to do what we need to do. Also, this schedule will minimize the nights we have to come in separately from that meeting, as well as the time of Ms. Dean, who would help staff the Subcommittee, and whose assistance is invaluable. If we need extra time, I would anticipate again trying to use a P&S night rather than schedule something on an off-night. Note that I have tried to space out the meetings, but also allow time for the full Committee to deliberate on our work in late June. Please review these dates and times in light of your own calendars.

5. To facilitate public communication with the Subcommittee I recommend establishing [CharterSubcommittee@newtonma.gov](mailto:CharterSubcommittee@newtonma.gov) as a preferred email address, as well as establishing a link on the City Council web page where a summary of our work can be found. Given that it may not be obvious, I recommend that we have a link underneath the Charter Commission link itself so that people interested in either, or both, need not look far. I suggest we ask for recommendations from Ms. Dean and Mr. Olson, when he returns.

6. I want to be clear that my sense of our work is not to redo the work of the Charter Commission. Its report was not adopted by the voters. My sense is that our task is to identify those elements which fall into four categories, as in the case of recodification:

A. Technical amendments as to form to update the Charter, e.g., updating references to state law.

B. Amendments which involve clarification or modification about which there is no controversy.

C. Amendments about which some discussion in the full P&S Committee is warranted, as they constitute minor policy changes that were not adopted by the Voters.

D. Amendments likely to require full Council deliberation as major policy issues are involved.

The former Chair of the Charter Commission, Councilor Joshua Krintzman, is a member of our Subcommittee. My anticipation is that we will rely on him for an explanation of some of the changes proposed by the Charter Commission. Other former members of the Commission, such as Anne Larner, have indicated a willingness to offer information about what changes were recommended. Because our time is limited, I will work with the members of the Subcommittee to help structure our deliberations to move carefully but also expeditiously as best we can.

To that end, I have asked Ms. Dean to build on some work by Mr. Olson earlier, specifically,

- A side by side comparison of the current and proposed Charter, noting if possible those elements which are unchanged.
- A redlined version of the current Charter, showing specific changes (other than formatting).

Both of these documents are works in progress, and I do not anticipate them being ready by our first meeting, but may be available for subsequent meetings. I also hope to review the minutes of the Charter Commission to see what might make the most sense for us to consider and in what order.

I have also apprised Ms. Young of the Law Department of our work in case there are legal issues we need to be aware of. By Monday evening, I hope to have a suggested work plan for us to consider, though that is a hope, not yet a promise. Your advice and input is, of course, always welcome.

Thank you.

--Lisle

Cc: City Council, Mayor Fuller, Mr. Yeo, Law Department



## Charter Subcommittee Agenda

### City of Newton In City Council

**Monday February 26, 2018**

**6:00PM**  
**Room 205**

#### **Scheduled for Discussion:**

- Review of charge to the subcommittee.
- Preliminary calendar of meetings for the spring.
- Review of materials to be provided to the Subcommittee.
- Preliminary work plan.
- Review of procedure for receiving public comment.
- Reporting format for subcommittee deliberations.
- Next steps.

**Respectfully Submitted,**

**R. Lisle Baker, Chair**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



# Memorandum

To: Programs & Services Committee  
From: Chair, John B. Rice  
Re: Charge for the Charter Subcommittee of the Programs & Services Committee  
Date: February 1, 2018

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## A. Background.

1. While the Charter public debate leading up to the vote on a new Charter last November focused largely on issues of the size and composition of the City Council, the proposed Charter contained a number of changes from the current Charter which were also recommended by the Charter Commission.
2. Aside from a vote on a recommendation of a duly elected Charter Commission, a City Charter can also be amended by a special act of the General Court relating only to such City or Town through passage of a Home Rule Petition. Such an act can occur in a city like Newton only if the City Council body votes in favor of a Home Rule Petition effecting the change, the Mayor affirmatively signs it, the General Court enacts it, and the Governor signs it.
3. In the case of changes to the composition of the City Council, the expectation is that such a change would also require a subsequent vote in its favor by a majority of Newton voters at the next municipal election at which such a vote can be scheduled, and if it passed, it would take effect for the next municipal election thereafter.
4. While it is being researched, a change in terms of office, such as term limits, might also require such a vote. For ease of reference, these might be called "structural changes." Other changes, like the change of name of the Board of Aldermen to City Council, occurred without requiring such a subsequent vote by the Newton electorate.
5. At the end of the last term, the City Council voted in favor of a Home Rule Petition to reduce the City Council by one Councilor-at-large, leaving eight Ward Councilors and Eight at-large Councilors from each of the eight Wards. Mayor Warren did not concur, so the Petition died at the end of the 2016-17 Council term. The specific proposal, however, has been re-docketed by one member of the 2018-19 Council, so a structural change in the Charter will be before the Council in the 2018-19 term.
6. The City Council has a number of responsibilities upcoming in the first half of 2018, including work on zoning, as well as the City budget, which is traditionally completed by Memorial Day. In addition, the Council has seven new members, and the Council is working with a new Mayor. Finally, the public has just spent a year in intense discussion about Charter questions and fatigue can easily set in.

## B. Recommendation.

1. Mindful of all these considerations, the Programs and Services Committee recommends the following:
  - a. **Establishment of a Charter Subcommittee.** The Chair of the Committee establish a Charter Subcommittee to look at the prior Charter recommendations and docket items related to it.
  - b. **Subcommittee membership.** The Charter Subcommittee should be composed of two members who opposed the Charter and two who supported it. As of this writing, Chairman Rice has asked Councilors Albright, Baker, Kalis and Krinzman, to serve, with Councilor Baker as Subcommittee Chair, choices he has confirmed with President Laredo.

c. **Subcommittee work initially on non-structural issues.** The Subcommittee begin its work with non-structural issues and report its conclusions as to them, if possible, to the full Programs and Services Committee by the summer recess, recognizing that consideration of some Council matters would need to be suspended, for example, during the Budget deliberations.

d. **Structural issues considered second.** While structural issues may be implicated by some of the non-structural recommendations, the Charter Subcommittee would defer consideration and recommendation, if any, about such matters until the non-structural recommendations are disposed of by the Committee and the Council.

e. **Structural issue timing.** If that process is successful, then the Charter Subcommittee would reconvene and continue to examine structural issues referred to it by the full Committee, with the expectation that conclusions and recommendations, if any, would be considered during the second half of 2018, so that they could be determined and voted by the Committee, and then the full Council, in time for them to be considered and passed by the General Court, signed by the Governor and available for a vote in the municipal election of 2019.

f. **Timing continued.** Without a hard deadline, that would mean a target vote by the full Council, including time for Charter objections and reconsideration, if any, no later than the end of March, 2019, so as to avoid running into budget deliberations beginning in April, 2019 as well as provide time for the General Court, the Governor, and the 2019 Newton election process to respond. The point is not to limit the speed or care of the Subcommittee but ask it to conduct its work so as to avoid, if at all possible, structural changes to the Charter for the 2021 election, if any, being foreclosed by the passage of time rather than substantive decision by all those needed to be involved.

g. **Staff and resources.** To facilitate efficient work by the Subcommittee, the Clerk of the Council will provide a staff Clerk or Clerks to assist in notices, agendas, and reports, as well as help provide a special email address and acknowledgement by the subcommittee to citizen communications. The Clerk will also look into whether a red-line comparison of as much of the proposed changes can be made easily so that the Subcommittee can focus on the substance of the changes considered.

h. **Subcommittee process.** Because this Subcommittee is in the first instance a second look at what the Charter Commission recommended, the expectation is that it will not be a time for public hearings or extensive testimony, unless invited by the Chair on behalf of the Committee. If and when the Subcommittee examines proposals not recommended by the Charter Commission, it may decide to entertain public testimony or comment, recognizing, however, that extensive deliberation about the last proposal in 2017 occurred in the Programs and Services Committee and the full Council, all of which is available. Also, the full Committee, or even the Council in Committee of the Whole or as a Council, may wish to carry on that conversation.

i. **Timing of meetings.** As to the timing of Subcommittee meetings, the option is to find an evening when all members of the Subcommittee can attend without hardship, and interested members of the public or City staff with special knowledge can also attend.

j. **Timing continued.** Unlike standing Council Committees, the Subcommittee Report need not be done in time for a Friday packet before the next full Board meeting. That makes the second and fourth Wednesdays possible meeting nights. Another option, subject to scheduling, is prior to a Programs and Services Committee meeting, and in such a case, the Chair of Programs and Service might elect to defer starting that meeting later than 7 or even 7:45. A third option might be on a second or fourth Thursday. A fifth might be on 5<sup>th</sup> week Mondays or Wednesdays when regular Committee work is not scheduled.

k. **Timing continued.** The resolution of meeting scheduling, however, is likely to best await the formation of the Subcommittee and its members having time to work with the Clerk of the Council on both a work plan for the Subcommittee and on how the schedule of Subcommittee members and Council staff work best in concurrence with daytime schedules of subcommittee members and their other Council work.

2. The hope and expectation of the Committee is that this Charter Subcommittee process will assure a thorough and timely review of the Charter recommendations coming before the Council during this 2018-19 term.

Thank you.

# Newton Charter Commission Final Report Excerpt

## Highlights of the Charter Proposal

### The Mayor

The strong mayoral form of government has served Newton well so the proposed charter would retain this structure. The mayor may serve for three consecutive four-year terms.

### The City Council

A 12-member city council would replace the current 24-member council. All councilors may be eligible to serve for up to eight consecutive two-year terms.

### The School Committee

The school committee composition, term lengths, and term limits have been effective and would remain the same under the proposed charter. School committee responsibilities would be updated to reflect substantive changes in state law.

### Financial Procedures

In keeping with widely accepted financial practices that ensure transparency, the proposal would require the mayor to provide:

- a five-year forecast of the city's financial condition;
- an annual inventory of city's capital assets;
- an annual report on the city's progress in executing the capital improvement plan.

The city council would be required to provide for an annual independent audit of city finances. This audit would be conducted by a certified public accountant in accordance with generally accepted accounting principles.

### Planning

The state-mandated comprehensive plan that provides a planning and development roadmap for the city would be subject to periodic review. Under the new proposal, the plan would be reviewed within two years after the inauguration of a new mayor. The reviews are intended to ensure that the comprehensive plan reflects the current state of the city and provides direction forward.

According to state law, the city council determines which legally authorized bodies shall be assigned special permit granting authority. As a result, this subject is not addressed in the proposed charter.

### Initiative, Petition, and Referendum

To support and continue Newton's tradition of enabling residents' right to petition their government, the proposed charter would update the process in accordance with modern standards.

**Neighborhood Area Councils**

The city's commitment to citizen engagement in government through neighborhood area councils is reaffirmed in the proposal. The city council would set by ordinance the boundaries, election process, and functions for all area councils.

**Conflict of Interest**

A clear and explicit conflict of interest statement would clarify that elected officials and members of boards and commissions could not seek to unduly influence the official acts of any city employee.

**Public Comment**

Citizens providing feedback to the Commission expressed interest in establishing protocols for public participation at city meetings. The proposed charter would require each city body to create and publish a policy for receiving public comment.

**Ten-Year Review of the City Charter**

To ensure that the charter is reviewed regularly, a charter review committee established by ordinance would conduct a review every 10 years. The committee's final report and any proposed amendments would be submitted to the city council.

**Transition**

If Newton voters approve a new charter in November 2017, most of the elements would go into effect immediately. However, changes to the size and composition of the city council would be implemented with the election of November 2019. Other transition details can be found in Article 12.



**Charter Subcommittee**

**Preliminary Spring Meetings Calendar**

Monday, February 26 - 6:00PM – 7:00PM

Wednesday, March 21 - 6:00PM – 7:30PM

Wednesday, April 18 - 6:00PM – 7:30PM

Wednesday, May 9 - 6:00PM – 7:30PM

Wednesday, June 6 – 6:00PM-7:30PM