



Programs & Services Committee Report

City of Newton In City Council

Wednesday, October 18. 2017

Present: Councilors Rice (Chair), Auchincloss, Leary, Baker, Sangiolo and Schwartz

Absent: Councilors Kalis and Hess-Mahan

Also Present: Councilors Ciccone, Norton, Cote, Harney, Yates, Blazar, Fuller and Lipof

City Staff Present: James Freas (Deputy Director, Planning Dept.), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk), Danielle Delaney (Committee Clerk)

This item will be discussed jointly with the Public Safety & Transportation Committee:

Referred to Prog & Serv, Pub Safety & Trans, Zoning & Planning & Finance Comms

#140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.]

Public Safety & Transportation Committee Held 6-0

Action: Programs & Services Held 5-0 (Councilor Sangiolo not voting)

Note: Please refer to the October 18, 2017 Public Safety and Transportation Committee report for the details of this joint discussion.

#294-17 Acceptance of MGL to allow cooking facilities in lodging houses
COUNCILORS CROSSLEY, HESS-MAHAN AND NORTON requesting to accept the provisions of MGL c. 140 Section 22A allowing cooking facilities in Lodging Houses on a limited basis.

Action: Programs & Services Held 6-0

Note: This item will be taken up with the next discussion of lodging houses. The Committee voted to hold this item.

#194-17 Rescission of date and time notation on docket items
CITY CLERK requesting rescission of Council Order #369-06 **ALD. JOHNSON** requesting that all newly docketed items, when appearing on the new docket, shall include the date and time that the item was received by the Clerk's office and the name of the clerk who received the item. [06/09/17 @ 4:02PM]

Action: Programs & Services Approved 5-0 (Councilor Sangiolo not voting)

Note: David Olson, City Clerk joined the Committee. He explained that Alderman Johnson had requested that the date and time be added to the text of each docket item as it was added to the docket. He provided a handout with some background on that request. He explained that there is no problem with staff doing this, however, it has become problematic with the search engine. Over the last ten years, the internal search engine as well as the search engine used by the public on the website, recognize those dates and times and pull them up in inappropriate ways. For instance, when searching for docket item #119-17, the engine will pull up any item with 11-9-17 as the notation, or 9-17-XX or any combination of those numbers. This results in numerous, unrelated documents included in searches. Dates are also seen as docket numbers as well. This is frustrating for staff and the public.

Mr. Olson said he would like to request that these notations be taken out of the text of the docket items. The practice of clocking in the paper docket request will continue as it has for decades. That stays, forever, in the paper file as well as the scanned files on our servers. If anyone would like to know this specific information, it can easily be provided via email, over the phone or in person. This will help the public and staff find documents more easily. This will apply to docket items going forward only and past items will not be amended.

Committee members noted that making searches easier for the public and staff is very important. If anyone would like the information, they can contact the City Council's office in any way they would like.

Councilor Baker moved approval and the Committee voted in favor unanimously.

#193-17 Rules amendment: Referral of business

CITY CLERK requesting a Rules amendment to Section 3, Referral of business to Committees, Item D by replacing the word "petition" in the first sentence with the words "docket item." [06/09/17 @ 4:02PM]

Action: Programs & Services Approved 5-0 (Councilor Sangiolo not voting)

Note: David Olson, City Clerk explained that this request is primarily for clarity within the Rules of the Council. This is concerning the rule that states that no "petition" "disposed of" within the previous 12-months may be referred to Committee without a majority vote of the Council. Two changes are being proposed: to change the word "petition" to "docket item"; and to change "disposed of" to "approved or disapproved".

The new text would make it clear that all items, not just "petitions", would be subject to this rule. The word "petition" has a very specific connotation in the Rules and limits what it refers to (Home Rule petition, Special Permit petition, etc.) and does not include everything that comes before the Council. The new text will also clarify that any item voted "No Action Necessary" would not be subject to this rule, and could therefore, be referred to Committee within the 12-month period without any special vote by the City Council.

Committee members suggested using the term “denied” rather than “disapproved” because that is the language that has historically been used. Mr. Olson felt that was an appropriate amendment. The Committee agreed to change “petition” to “docket item”.

The Committee voted to approve this item.

#299-17 Rules change to close docket items at the end of term

CITY CLERK requesting to amend the City Council Rules to close docket items that have not made their way through the Council by the end of a term, thereby eliminating the creation of a Referral Docket, similar to state and federal legislature’s procedure. [09/11/17 @ 11:42 AM]

Action: Programs & Services Approved 5-0 (Councilor Sangiolo not voting)

Note: David Olson, City Clerk, noted that the question comes up at the end of every term why the docket items remaining on agendas are referred to the next City Council. Some have felt that the items should not be carried over, and the new City Council should begin anew with a clean slate, especially since some items can be years old.

Mr. Olson explained that he would like this Rules change to allow all items to be administratively discharged at the end of a term. He is asking for it now in order to fully implement a new agenda management software program to begin on January 1, 2018. The system does not accommodate adding already assigned numbers and does not allow for parents items, and this is true for all the systems he has looked at. At the end of the term, the items will be given the determination of “No Further Action Taken” and will be archived. This is not a vote and, therefore, could be re-docketed if a docketer would like to do so, at any time.

The benefits of this new rule would be beneficial not only for the new software system, but for Councilors as well. There would be no scramble at the end of the term to determine which items should be carried over to the Referral Docket or voted NAN. The docketer can decide whether or not they would like to re-docket the item without getting the Committee’s approval during that Referral Docket review. There are items that have several iterations over the years, have docketers no longer on the Council, or have terminology that needs to be updated. This would be an opportunity to consolidate, update, and add or delete docketers as necessary in a new docket item. Some docket items may be outdated and no longer necessary. At the end of this term, there will be a number of new Councilors, so this would allow them to be added as well. This will generally “clean up” and update the list of docketed items. Another benefit would be to reduce the costs of using so much paper. Some current agendas are up to 9 pages long and those 9 pages go out to all Councilors every week.

Mr. Olson noted that the Massachusetts State Senate and House both administratively terminate items that have not made it through the legislative term and give them the designation of “No Further Action Taken”.

A Committee member expressed that this was a wonderful idea and overdue.

The proposed language would go under Section 3. Referral of business to Committees

“1. At the end of each council term, all pending docket items shall be administratively terminated. Terminated items may be re-docketed by the sponsor or sponsors in the new term should they so choose. The administrative termination of any pending docket item shall not constitute an approval or disapproval by the city council on that item.”

It was suggested that “sponsor/s” be replaced with “docketers”. It was also suggested that “for the new term” be replaced with “in the new term” because there may be a handful of items that might have to stay active such as zoning amendment public hearings. Mr. Olson noted that he discussed that issue with Ouida Young in the Law Department. Zoning hearings can be re-advertised and re-heard if the item has not been voted out by the end of the term. Considering there will be several new Councilors in the new term, it would probably be a good idea to re-hear public hearings anyway. A black-out date could also be established going forward so that public hearings are not scheduled too close to the end of the term, as is done with special permit hearings.

Any new docket items in the new term would go through the regular process of going to a docket then referred to Committee.

It was asked how former Councilors could re-docket their item. Mr. Olson explained that anyone can docket an item.

The Committee asked Mr. Olson to put together a memo which explains the rationale behind this Rules change, and how and when to re-docket items.

The Committee voted to approve the item with the suggested adjusted language.

#300-16 Ordinance to register lobbyists

COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton. [08/10/16 @ 3:11 AM]

Action: Programs & Services voted No Action Necessary 5-0 (Councilor Sangiolo not voting)

Note: Councilor Cote explained that the notes from the last discussion were attached to the report. The follow up from that meeting was to find out what other communities were doing in terms of an ordinance to register lobbyists and to bring that information back to Committee. However, after the last meeting, it was discovered that Newton already has an ordinance in *Chapter 4, “Section 4-3 Registration of persons receiving consideration to affect outcome of any matter pending before the city council.”* The ordinance was attached to the agenda. The City Clerk reported that he had received no registrations.

Councilor Cote said the ordinance could stay as is or the Committee could recommend incorporating the work that Maura O'Keefe had done in preparation for the first discussion. That draft language was also attached to the agenda. Councilor Cote noted that the Planning Department could also make a note on their applications that this ordinance exists and any lobbyists need to register with the City Clerk.

A Committee member wondered who would be considered a lobbyist. For example, would anyone who lobbied for any particular side in the leaf blower discussions be a lobbyist? Ms. O'Keefe reminded the Committee that anyone lobbying on their own behalf or for their own business would be exempt from this requirement. The distinction is that someone would need to be paid specifically to come before the City Council to advocate for a certain outcome. That would, therefore, not include a landscaper, or a home business owner, for example.

It was asked if there was some specific incident that occurred which is driving this ordinance amendment. Councilor Cote said that after the Austin Street vote, there were questions asking where certain pamphlets were coming from in support of the Austin Street project. Similar questions may come up in future projects so this would allow people to be able to find out if someone is a lobbyist. Councilor Leary said Livable Newton did the Austin Street pamphlets and were not being paid. They were advocating for their own interests.

Ms. O'Keefe said that the current section is quite vague and she produced the City of New York's lobbyist ordinance, which is quite long and extensive. The current ordinance is sufficient to create a policy, however, and she would be happy to work with the Clerk's office to come up with some guidelines and parameters. Another advantage of a policy would be that amendments would be much simpler to do, while amending an ordinance would be more difficult. A Councilor noted that the current ordinance expresses the desire for transparency and could continue uphold that goal.

The Committee felt it would be helpful to try to let as many people as possible know about the ordinance, perhaps through the permit applications, as one idea. Councilor Cote would speak to the City Clerk to determine if there were other ways to let the community know and Ms. O'Keefe would speak to the Clerk about creating a policy, as mentioned.

The Committee voted No Action Necessary, unanimously.

Meeting adjourned.

Respectfully Submitted,

John B. Rice, Chair