

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 23, 2013

Present: Ald. Sangiolo (Chairman), Baker, Linsky, Fischman and Blazar

Absent: Ald. Hess-Mahan and Rice

Also Present: Ald. Fuller and Harney

Others Present: Matt Hill, Margie Decter (School Committee), Karyn Dean (Committee Clerk)

#223-13 ALD. HESS-MAHAN proposing an amendment to the City of Newton Charter, **Section 2-5 Filling of Vacancies**, to delete the requirement that “the Board of Aldermen *shall forthwith* call a special election to fill a vacancy” and replace it with “the Board of Aldermen *may* call a special election to fill a vacancy.”
[06/07/13 @ 1:31 PM]

AMENDED ON 9/11/13 TO INCLUDE SECTION 4-6 FILLING OF VACANCIES FOR THE SCHOOL COMMITTEE

ACTION: APPROVED AS AMENDED 4-0-1 (Ald. Sangiolo abstaining)

NOTE: The Programs & Services Committee voted to approve this amendment to the City Charter on September 11, 2013. The School Committee was invited to attend the discussion but word was sent that no one would be attending the meeting. The School Committee later contacted Ald. Sangiolo and asked that she give them an opportunity to speak to this issue and refer this item back to Committee, which she did.

Matt Hills and Margie Decter of the School Committee joined the Committee. Mr. Hills explained that he would like to report what the School Committee discussed at their October 15, 2013 meeting relative to this amendment for the School Committee elections. He noted that he read excerpts of the September 11, 2013 meeting report and understands the view of the Programs & Services Committee. The School Committee does not support the amendment as it relates to their own elections and voted 8-0 against it (the Mayor abstained from the vote). They would be receptive to discussing a different type of change, although none others were discussed or offered at their meeting, but they fully opposed the amendment as proposed. If there was an overriding issue it was that leaving it open to the full discretion of the Board with no parameters for guidance was just too broad. It could give the appearance of “politics” being played if an election were called, or not called, at a particular time. It was the feeling of the School Committee that this broad discretion would not engender confidence in the electoral process among the general population. They felt this was true for both the Board of Aldermen as well as the School Committee but they are only weighing in on the amendment that affects the School Committee. They much preferred the clarity that the current Charter provides in regard to elections for both bodies.

Ms. Decter said there was also concern that the decision to include the School Committee in this amendment came at the 11th hour. Most of the discussion on September 11th was in regard to the change for the Board elections and the decision to include the School Committee was just to keep consistency in the Charter. Both Ms. Decter and Mr. Hills felt that some sort of middle ground could have merit. For them, it felt that “shall forthwith” and “may” were opposite ends of a spectrum and they would be open to discuss something in between. The School Committee has one member from each Ward and they would not want to keep an open seat for very long. They did not want to feel that the Board might prevent them from having a timely election. Committee members said the Board would certainly listen to and respect the point of view of the School Committee in that circumstance.

Committee members agreed that it’s possible that broad discretion could engender skepticism from the population but it gives the Board an opportunity to exercise and balance common sense decisions with the needs of the City as a whole. The “shall forthwith” language has in the past, forced elections at inopportune times, such as July, when voter turnout is extremely low. This seems wasteful since another election would follow in November at a cost of approximately \$65K-\$80K for each. Having discretion could help mitigate these factors without deleterious consequences. This issue came up recently with the vacancy of the Ward 1 Alderman seat. There was a debate among the members of the Board to call a special election to fill the vacancy “forthwith” as called for by the Charter, or seek Home Rule Legislation (HRL) to forego the special election and wait for the regularly scheduled election in November. If this amendment were made, and a similar situation were to arise, the Board could still debate the merits of both sides of an election timing issue. However, there would no longer be a need for Home Rule Legislation for a particular decision and thus being at the mercy of a legislative session schedule and cycle. It would also be entirely unknown if the HRL request would be granted to the City’s satisfaction. It was pointed out that there are also timelines from the Election Commission that need to be taken into account. These timelines necessitate a certain period of time for nomination papers to be distributed and signatures to be collected, ballots to be printed, etc.

The Committee felt that they could not make a change for the Board of Aldermen and not for the School Committee in the interest of consistency. The Committee also understands that the School Committee feels that uncertainty is being substituted for certainty, however, based on the recent Ward 1 special election debate, the Committee feels this will be a better tool for the Board.

The League of Women Voters submitted a letter opposed to amending the Charter at this time. It is attached to this report.

Mr. Hills said he appreciated the easy communication with the Committee and said the School Committee would be happy to have more formal and informal conversations going forward, on any issues of interest. The Committee appreciated this and returned the sentiment.

Ald. Linsky moved to approve this item and the Committee voted in favor with Ald. Sangiolo abstaining. She said she would like to look into any possible ways to find a middle ground as expressed by the School Committee and will be in touch with the Law Department for ideas. Her

desire was to give them confidence that the Board will act responsibly on their behalf. She did plan on supporting this item at the Full Board meeting.

#335-12 DAVID OLSON requesting a discussion of Mayor Warren's Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and affects the Board of Aldermen's Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable.
[10/3/12 @ 4:56PM]

ACTION: **NO ACTION NECESSARY 3-2 (Ald. Sangiolo and Linsky opposed)**

NOTE: Ald. Baker reported that the Rules Subcommittee recommends voting No Action Necessary on this item. There was some sentiment that remote participation could work and that the technology would catch up with the Board. However, the overriding opinion in Rules was that City Hall was not well enough equipped with the technology to provide a comprehensive level of remote participation. Sharing of documents and visual presentations poses some challenges as does the issue of audibility, particularly in the Chamber. Ald. Sangiolo noted that Room 209 has Smart Board capabilities and telephone conferencing is not difficult to set up. Ald. Linsky agreed with this as well. He admits that an in-person deliberation and discussion is preferable, but when that cannot happen, it's better to have some method of involvement. Ald. Fischman felt that when the technology can be funded, this item can be revisited and implemented.

The Committee voted to approve the Rules Subcommittee's recommendation to vote No Action Necessary on this item. Ald. Sangiolo and Linsky were opposed.

Respectfully Submitted,

Amy Mah Sangiolo



LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 · 617-383-4598
Email: info@lwvnewton.org · Website: www.lwvnewton.org

October 22, 2013

Board of Directors**Presidents**

Sue Flicop

Vice Presidents

Jo Corro

Ellen Glusman

Clerk

Bonnie Carter

Treasurer

Andrea Kozinetz

Directors

Anne Borg

Ann Grantham

Linda Green

Rhanna Kidwell

Lois Levin

Sharyn Roberts

Sue Rosenbaum

Dear President Lennon and Members of the Board of Aldermen:

The League of Women Voters of Newton (LWVN) urges you to either postpone the vote or vote against changing the election requirement for open seats on the Board of Aldermen and School Committee. We feel that, even after an unusual year of special elections and with the current election season upon us, there is no need for fast action, while there is need for the public to weigh in and to deeply consider the implications of the proposed changes.

This year has been extraordinary regarding the number of special elections. LWVN members understand the implications to the city budget and staff time of the most recent special election for the Ward 1 Alderman-at-Large seat, in addition to other preliminary and general elections. But having another year with a similar number of elections is highly unlikely and so there is time to consider how best to address this issue. We believe pushing this change through without thorough consideration is not in the best interests of the voters.

This section of the charter was last amended by the last Charter Commission in the early 1970s, because there had been situations where the Board of Aldermen (BoA) had abused its privilege to appoint members. A candidate would run for office, win, resign shortly after winning, and then the BoA would appoint whomever the group wanted for the entire rest of the term. The change was meant to check the power of the Aldermen so that only candidates approved by the majority of the voters would fill the seats. LWVN believes that the proposed change could undo this improvement, leading to the potential for a future BoA to delay a vote for an open seat if there were no candidates of whom the Board members approved. LWVN believes that the current structure of requiring elections within a certain time frame ensures that the voters are represented as effectively as possible.

As you know, LWVN has been calling for a new charter commission for over a year. This proposal is an area where a commission would research the charters of other communities and hold open meetings where members of the public could be presented with their findings and discuss the advantages and disadvantages of such a rule change. There are certainly other options to consider that haven't been discussed using the current process.



LEAGUE OF WOMEN VOTERS NEWTON #223-13

PO Box 610207 Newton, MA 02461 · 617-383-4598
Email: info@lwvnewton.org · Website: www.lwvnewton.org

Because we feel there is no reason that we need to change the charter immediately, and because such a change could lead to abuses by future BoAs, the League of Women Voters urges you to either delay the vote or vote against a change in the charter. In addition, we invite all members of the Board to join us in our signature drive to form a charter commission, since there are issues that should be reviewed using a tried-and-true system for charter changes..

Sincerely,

A handwritten signature in cursive script that reads "Susan Flicop". The signature is written in dark ink on a light-colored, slightly textured background.

Susan Flicop
President, LWVN