

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY JULY 11, 2012

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Blazar, Merrill, Baker.

Also present: Ald. Yates and Ald. Fuller,

Also present: Assistant City Solicitor Ouida Young, School Committee member, Steve Siegel, Rick Iacobucci and Julie Sall from the Newton Schools Foundation

REFERRED TO PROG & SERV, PUB. FACIL & FINANCE COMMITTEES

#170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

ACTION: **HELD 6-0**

NOTE: Alderman Baker began the discussion reminding the Committee about a 1994 opinion issued by the Law Department and his own memo from the previous meeting, outlining the intent of the proposal. He referenced the prior meeting's discussion about the Wellesley experience where the scope of authority of the Board of Selectmen in directing the School Department and other departments with respect to naming certain assets. The thrust of this proposal is to set up an overarching procedure and limitation on what could be done. Ald. Baker referenced a discussion with the Mayor where it was suggested that the naming rights campaign was currently on hold. Ald. Baker also reported that there was an attempt to update the Law Department's 1994 memo but noted that there was nothing new to report and nothing, as a matter of law, that would stand in the way or would prevent this proposal from going forward.

Attorney Young explained that nothing has come forward since the 1994 opinion that suggests the City or Town cannot establish policy dealing with the Parks and Recreation Commission or the School Committee regarding naming rights. She added that certainly Wellesley's bylaw passed scrutiny as it was approved by the Attorney General's Office, as all bylaws would have to receive approval.

Ald. Baker clarified that there were two items before the Committee: the second being a funding question. Because Ald. Baker understands that naming rights campaign was on hold, his sense was not to ask the Committee to approve anything immediately, but possibly have a sub-committee review the proposal in further detail.

That second funding question is; however, ripe for a response. Ald. Baker's concern is not with the needs of the schools and the desirability of what the school's want to do but the parallel item is designed to express to the Mayor that things need to be funded in a conventional way – either operating or capital budget rather than relying on a collateral source. On the other hand, if the

Schools Foundation wants to go on a different route other than a naming rights model, he would support that effort.

Ald. Baker then walked the Committee through the proposal. This is a framework for an ordinance that restricts the sale of naming rights. Wellesley made a distinction between major and minor assets. Ald. Baker liked that. This proposal outlines categories of names and requires a naming policy by each board. If there were a desire to change a name, then the change would need to follow the same procedure. Alderman Baker recommends holding the item and allowing the Chair and the Committee decide on how best to proceed.

Ald. Linsky asked about the distinction between major and minor assets. Is the internal space of a building a minor asset? Ald. Baker felt that perhaps internal space was a minor asset. However, the football field would be a major asset to Ald. Baker, as would a baseball field within Albemarle. In Ald. Baker's view, if the asset is a major one, the Board should have oversight over it. Ald. Linsky suggests insertion of the term "entirety of building" as opposed to "a portion" and suggests further line drawing.

Ald. Yates sees a difficulty in the application citing two examples the Board chambers and Room 209 – which were named. Ald. Yates asked who has the prerogative. In these two cases, the Board has the prerogative over the chambers and the Mayor over Room 209; however, what about other rooms in City Hall. There is no commission, which oversees City Hall. Ald. Baker responded that it was an interesting question, which further emphasized Ald. Linsky's desire for further line drawing.

Attorney Young suggested that certain rooms in City Hall were Aldermen territory, while the rest of City Hall was mostly under executive authority. Permits to use the building go to the building department. City Hall is unique. The second question she raised had more to do with the prohibition of the traditional thanking of donors by installing a plaque that recognizes the donor – the example cited were trees at the Main Library. While it is not naming an asset, it is a way to recognizing a donation and she wanted clarity to know whether that practice could continue under this proposal. Attorney Young added that the last point she had was looking at the category of names. If one does not fall into one of the named categories, then one cannot name the asset. She recommended making it clearer that the name must fall into one of the categories.

Ald. Fuller suggested that Ald. Baker's terminology needed to be clarified particularly with regard to plaques and naming rights. She thinks it is perfectly appropriate for plaques. She wants to make sure that the Board thinks it through – do we really want to restrict all buildings? She also recommends further defining what constitutes an "outstanding individual" because what may make an individual "outstanding" may be the person who gave the first million to build a school and maybe that individual did not do anything else other than to open their pocket book. Alderman Baker sees that recognition needs to be earned rather than a monetary donation.

Alderman Fuller said another question she had was whether, in a school building, a wall that has a list of generous people who have helped donate money to fund programs and variations on it was something some people might feel comfortable with. Alderman Yates recalled that during the public meeting the merit in the decision to continue the auditorium to be named in honor of

Henry Lasker was discussed and he questioned whether that would be considered “minor”. Alderman Baker confirmed that under the proposed model, the auditorium would be considered “minor”. Alderman Yates thinks the ability to have something named after you should be open to graduates of the schools – citing someone that has some connection or benefit from the program. He disagrees with the prohibition on the sale of naming rights and thinks it should have been done in terms of actual building/construction – starting out with graduates. He mentioned the Newton Wellesley Hospital’s Hall of Donors, as an example where recognition is made for the donation but the physical room that was supported – was not physically, where the recognition was.

Attorney Young also mentioned that the Board might consider whether bricks should be included, as the 911 memorial campaign is selling bricks to raise money. Are bricks like plaques on a wall?

Alderman Baker said he would be happy to spend time on many of these ideas. The Chair recognized Rick Iacobucci from the Newton Schools Foundation to explain where they were in their fundraising activities. He said they were not moving forward under any authority. They respect the process and they are waiting for the Board to decide so they can figure out how they can participate.

Ald. Hess- Mahan added that we might want to consider further defining the categories of naming for people informing the committee that some policies only allow naming for dead people. Alderman Baker said he was aware that there are policies to name only for people who are no longer living and a prohibition for those who are currently serving in public office. Ald. Hess-Mahan shared the story of his mother’s church naming in her honor before she had passed on.

The Chair, in summing up the discussion, recommended that since there seems to be interest in pursuing the proposal, that a subcommittee be formed to define what the various issues that have been brought up. The subcommittee will consist of Ald. Baker, Blazer and the Chair and they will work on the issues over the summer and have committed to bring some report back to the Committee by the second meeting in September.

A motion was made to hold the item. The motion carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#185-12 ALD. BAKER, BLAZAR, SANGIOLO, LINSKY, ALBRIGHT & DANBERG requesting that the Board of Aldermen adopt a RESOLUTION to His Honor the Mayor asking that, when the Mayor seeks future Board approval for bonding the cost of additional capital facilities or equipment for the schools, he include in that funding request, as well as in the city-wide Capital Improvement Plan, the estimated costs needed for funding the capital technology needs of the Newton Schools, including the appropriate portions of the estimated project costs of the School Committee's three-year district-wide technology plan not anticipated to be funded by the Information Technology Department budget; the anticipated technology grants from Boston College for the elementary schools; and/or

estimated revenue from the E-rate Technology Reimbursement Program.

[06/11/12 @ 11:23 PM]

ACTION: **APPROVED 6-0**

NOTE: Ald. Linsky chaired this portion of the meeting. Ald. Baker explained that he is concerned about the mechanism not the needs of the schools. The Resolution is designed to say to the Mayor, please fund the technology needs of the schools like everything else on the city side, as part of our capital and operating budget. The funding mechanism should be the same with our schools.

Ald. Hess-Mahan said he had no problem with the item. Alderman Sangiolo reported her conversation with Chief Operating Officer, Bob Rooney. She reported that he suggested that this was not necessarily an issue to put technology on the Capital budget, but smaller items did not make sense. It may make more sense to put the larger items on the capital budget.

Alderman Baker said if there is a \$5 million need, some components would be expensive and likely to go on the capital budget. Alderman Fuller suggested the technology stuff would most likely go on the operating budget and not be bonded. Alderman Sangiolo reported that Mr. Rooney suggested infrastructure could be a major cost to the school technology plan and could be put in but that it would be prioritized with everything else.

Alderman Baker said that he wants to see if the Mayor will respond to the technology needs of the schools, and that those needs should not function on donations. If they need it, it should be funded like everything else.

Ald. Yates agrees but also thinks it is foolish not to avail ourselves to other possible funding sources. He does not want to foreclose any possibilities. Ald. Sangiolo said the resolution does not foreclose other funding sources. Ald. Yates thinks it might. Ald. Linsky, a co-docketor of the item, responded to Ald. Yates that the resolution should not be read with that intent.

Ald. Fuller said she was not sure about the role of the Board of Aldermen and the role of the School Committee. She said she believes there are many things we, the Board, think the School Committee should be doing. She said she can imagine 20 resolutions from the Board to the Mayor and the School Committee. She sees this as a slippery slope, and while she understands the instinct, she does not necessarily think that it is a role of the Board. She asked, is not that the role of the School Committee, given all the priorities, to sort it out. Isn't that their job?

Ald. Sangiolo responded that there is a role for the Board to play. When the School Committee needs funding, they come to the Board for approval. In terms of setting policy, the most we can do is to let them know how we feel and more importantly, how our constituents feel and that is through resolutions. She likened it to resolutions filed by Ald. Fuller in the past to the Executive Department regarding several city departments – for example sewer infrastructure or resolutions regarding funding the unfunded pensions. The Board does not have authority to interfere in the role of the Executive – all we can do is submit resolutions to the Mayor to let him know how our constituents and we feel and how we would like him to proceed.

Ald. Baker said the Schools have identified this as a priority and that the docketors do not want to let this go unfunded and thinks the Mayor should take notice.

Ald. Fuller responded that then this is choice for the Mayor and he would have to make to take the funding from one pot to another. Ald. Baker agreed that yes, it is a choice similar to other choices he has to make with other departments and other needs.

Ald. Linsky added, that he thinks Ald. Fuller raises some good points. He thinks that this is not micro managing it but just recognizing the need. It was obvious to many Aldermen that funding technology has been a scattered approach. Ald. Linsky broke the issue down into three categories: 1) is it comprehensive; 2) is it sufficient; 3) is it being funded the right way. He also sees this as not about limiting the ability to get resources in, just coordinating it. He understands that some of the co-docketors may feel differently. He said it is up to us to decide how we want to proceed.

Ald. Sangiolo, in addressing Ald. Fuller, added that when it comes to the Schools, there seems to be a sense that we cannot touch them that they are an entity unto themselves. Yet, with other municipal departments, we have free range. That should not be the case.

Ald. Baker moved approval of the item. The item carried unanimously 6-0.

#207-08(2) PROGRAMS & SERVICES COMMITTEE requesting discussion with the Executive Department and various City Department heads regarding use of debt exclusions to address city needs. [03-14-11 @ 10:26AM]

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: The item has been discussed several times in Committee and with the Executive Department. The Executive Department is aware of their options; therefore, further discussion is not needed at this time. There was a motion for no action necessary, which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY on 3/8/10

ACTION: **HELD 6-0**

NOTE: Ald. Johnson asked that the item be held in order to have the Human Resources Director present for the discussion. A motion to hold was made and voted unanimously.

#298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend Article 2, Section 2-1(c) Composition; Eligibility; Election and Term of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: Ald. Sangiolo reported to the Committee that she left an email message for former Ald. Mansfield informing him that the item was up for discussion. Because the item has been discussed several times in the past, she urged the Committee to vote no action necessary on the item and said the item could be re-docketed at any time. A motion was made to no action necessary the item and carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

ACTION: **NO ACTION NECESSARY 6-0.**

NOTE: Ald. Johnson reported to Ald. Sangiolo that because the Executive Department has followed through on this item, that the item should be voted no action necessary. A motion was made to no action necessary the item and it carried unanimously by a vote of 6-0.

Respectfully Submitted,

Amy Sangiolo, Chairman