

## **Newton Charter Commission**

### **Article 2: Legislative Branch**

#### **Discussion: Size, Composition and Role of the City Council**

#### **Introduction**

At the April 13<sup>th</sup> and April 27<sup>th</sup> meetings, the Charter Commission will deliberate on Article 2, the Legislative Branch. The discussion will be informed by a series of three public meetings (see schedule, page 2), as well as by research conducted by the Charter Commission and the Collins Center. Some of the research is contained in this document.

On April 13, the Commission will specifically address :

- Section 2-1 (a): Composition (*including size*)
- Section 2-1 (b): Eligibility (*discussion to include term limits*)
- Section 2-3: General Powers and Duties
- Section 2-10: Delegation of Powers

On April 27, the Commission will review the rest of Article 2.

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**Article 2: Legislative Branch**  
**Discussion: Size, Composition and Role of the City Council**

**To inform the deliberations on Article 2, the Charter Commission will hold a series of meetings to gather input:**

- **Public Hearing focused on Article 2: Legislative**  
*\*\*Please note the change of date\*\**  
*Wednesday, March 30<sup>th</sup>, 7:00 pm, City Hall, City Council Chambers*
- **Round Table Discussion with Current and Former Newton Aldermen / Councilors**  
*Thursday, March 31<sup>st</sup>, 7:30 pm, City Hall, City Council Chambers*
- **Round Table Discussion with City Councilors from Massachusetts Cities of Comparable Size**  
*Tuesday, April 12, 7:30 pm, 100 Walnut Street, Education Center Room 210*

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Regular Charter Commission Meeting: Article 2  
*Wednesday, April 13, 7:00 pm, Newton City Hall*

Regular Charter Commission Meeting: Article 2  
*Wednesday, April 27, 7:00 pm, Newton City Hall*

## **Newton Charter Commission**

### **Article 2: Legislative Branch**

#### **Discussion: Size, Composition and Role of the City Council**

#### **Considerations in the Review of the Legislative Branch**

The questions we will consider in examining the size and composition of our City Council include:

- What are the essential functions of a City Council? Could a smaller Council accomplish the essential functions? How much of the role of the City Council should be specified in the charter?
- Would a smaller Council be more effective or efficient?
- Are there benefits of having 24 Councilors that outweigh possible benefits of downsizing?
- Do members of smaller councils put in more hours to accomplish the same work? Are they compensated more as a result?
- What composition best serves Newton's geographically and economically diverse population?
- How do we balance the need to represent local interests with the need to avoid parochialism (i.e. balance of at-large vs. ward representation)?
- Would a Council with a different composition or size encourage more contested races or better voter participation in elections?
- What are the implications of a smaller Council on special permit authority? *(will be primarily addressed in Article 7 but may be a part of the Article 2 discussion)*

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### Discussion: Size, Composition and Role of the City Council

#### Model City Charter Recommendations (published by the National Civic League)

##### Size and Composition:

- An odd number of Councilors is assumed.
- “The Model does not specify the exact number of council members but recommends that the council be small—ranging from five to nine members...Smaller city councils are more effective instruments for the development of programs and conduct of municipal business than large local legislative bodies.”
- 4 MCC alternatives (slightly modified to assume the mayor is not a member of the Council):
  - An odd number of councilors elected entirely at-large
  - All councilors elected at-large, with each councilor residing in one of an odd number of districts
  - An odd number of councilors elected entirely at-large and one councilor elected from each of an even number of wards by the voters of that ward.
  - One councilor elected from each of an odd number of wards by the voters of that ward.

*NOTE: Newton could get to an odd number of councilors by 1) keeping the same composition of 3 representatives per ward and changing to an odd number of wards, or 2) changing the composition of the council. A change to the number of wards must be based on the next (2020) census, so a change in number of wards could not be implemented until that data is available. We will consider the size and composition assuming 8 wards, and then discuss the ideal number of wards.*

##### Term Limits

“The Model does not restrict reelection to subsequent four-year terms. Limiting reelection restricts the citizens’ opportunity to keep in office council members of whom they approve. Unlimited terms allow voters to provide a vote of confidence for council members who represent a majority sentiment and a vote of opposition from members in the minority. Finally, the city benefits from the institutional memory of reelected council members.”

##### General Powers and Duties

The Model recommends language consistent with Section 2-3.

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#### Benchmark City Council Data: 20 Largest Cities in Mass. (excluding Boston)

City	Population	Total City Council	At-Large	District	Residents per Councilor	# of Wards	Residents per Ward
Peabody	52,044	11	5	6	4,731	6	8,674
Chicopee	55,717	13	4	9	4,286	9	6,191
Revere	53,756	11	5	6	4,887	6	8,959
Taunton	56,069	9	9	-	6,230	8	7,009
Medford	57,170	7	7	-	8,167	8	7,146
Haverhill	59,902	9	9	-	6,656	7	8,557
Malden	60,509	11	3	8	5,501	8	7,564
Waltham	62,227	15	6	9	4,148	9	6,914
Lawrence	77,657	9	3	6	8,629	6	12,943
Somerville	78,804	11	4	7	7,164	7	11,258
<b>Newton</b>	<b>87,971</b>	<b>24</b>	<b>16</b>	<b>8</b>	<b>3,665</b>	<b>8</b>	<b>10,996</b>
Fall River	88,697	9	9	-	9,855	9	9,855
Lynn	91,589	11	4	7	8,326	7	13,084
Quincy	93,494	9	3	6	10,388	6	15,582
Brockton	94,089	11	4	7	8,554	7	13,441
New Bedford	95,078	11	5	6	8,643	6	15,846
Cambridge	107,289	9	9	-	11,921	11	9,754
Lowell	108,861	9	9	-	12,096	11	9,896
Springfield	153,703	13	5	8	11,823	8	19,213
Worcester	182,544	11	6	5	16,595	10	18,254
<b>Average (excluding Newton)</b>		<b>10</b>	<b>6</b>	<b>5</b>	<b>7,889</b>	<b>8</b>	<b>10,660</b>

- All other cities in the benchmark group have an odd # of councilors.
- The other cities have councils ranging in size from 7 to 15.
- No other city has more than 1 representative per ward.
- 6 councils have only AL representatives.
- 14 councils have a mix of AL and Ward/District representatives.

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Type of Representative	Considerations
<p><b>Ward Councilor (W):</b> Must live in and elected only by the ward</p>	<ul style="list-style-type: none"> <li>• Will ensure the interests of the ward are represented / may put the interest of the ward ahead of the interests of the city</li> <li>• Can spend less money to get elected</li> <li>• Majority of Ward representation can lead to bargaining and exchanging votes quid pro quo</li> </ul>
<p><b>At-Large-by-Ward Councilor (ALW):</b> Must live in the ward but elected by all voters in the city (<i>what Newton presently calls At-Large</i>)</p>	<ul style="list-style-type: none"> <li>• Must balance ward interests with city-wide interests / may put interest of the city ahead of the interests of the ward</li> <li>• Must run city-wide (possibly more expensive)</li> </ul>
<p><b>At-Large Councilor (AL):</b> Can live anywhere in the city and elected by all voters in the city</p>	<ul style="list-style-type: none"> <li>• Allows for additional leadership, with opportunities for strong leaders from across the city to serve regardless of residency</li> <li>• A council composed of a majority of AL councilors may not be appropriate for a city with significant geographically-based diversity.</li> <li>• May broaden the candidate pool / produce more competitive races.</li> </ul>
<p><b>District Councilor (D):</b> <i>Combine wards into districts, e.g. 4 districts from 8 wards. District councilor must live in and be elected by the district. (Worcester has this composition, 6 AL and 5 D.)</i></p>	<ul style="list-style-type: none"> <li>• Will ensure the interests of the district are represented / may put the interest of the district ahead of the interests of the city</li> <li>• Still cheaper to get elected to a district than running at-large</li> </ul>

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**Five Scenarios for the Composition of the City Council  
(Assumes 8 Wards for Discussion Purposes)**

**Scenario A: Status Quo**  
2 ALW + 1 W Councilor per Ward  
24 Total Councilors

**Scenario B: Council of 16**  
1 ALW + 1 W Councilor per Ward  
**OR** 2 ALW Councilors per Ward  
16 Total Councilors

**Scenario C: Conventional Council, Ward-Oriented**  
1 W Councilor per Ward  
+ 3 or 5 AL Councilors  
11 or 13 Total Councilors

**Scenario D: Conventional Council, City-Oriented**  
1 ALW Councilor per Ward  
+ 3 or 5 AL Councilors  
11 or 13 Total Councilors

**Scenario E: Majority AL**  
1 D Councilor per District  
+ 7 or 9 AL Councilors **OR** 8 ALW  
11, 12, or 13 Total Councilors

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Scenario	Considerations
A: Status Quo	<ul style="list-style-type: none"><li>• “If it’s not broken, don’t fix it.”</li><li>• Pros: greater diversity of opinion, more opportunities for people to serve, more representation, easier access to elected officials by voters</li><li>• Cons: takes longer to accomplish things, present role is unattractive to some potential candidates, even number of Councilors is not ideal, 3 representatives per ward allows for duplication of effort and diffusion of responsibility, no clear mandate with 2 at-large per ward</li><li>• Voters elect 71% of Council, 66% elected at-large</li></ul>
B: Council of 16	<ul style="list-style-type: none"><li>• Still has more than one representative per ward</li><li>• This is rooted in the current composition; it may be more familiar but may not be ideal.</li><li>• Cannot get to an odd number of councilors with two per ward</li><li>• Voters elect either 100% or 56% of Council, 50% or 100% elected at-large</li></ul>
C: Conventional / Ward-Oriented	<ul style="list-style-type: none"><li>• These 2 scenarios reflect a typical Massachusetts city council. They represent a choice between emphasis on local concerns vs. city-wide concerns.</li><li>• Voters elect either: Ward-Oriented - 36% or 46%; City-Oriented - 100% of Council; 27%, 38%, or 100% elected at-large</li></ul>
D: Conventional / City-Oriented	
E: Majority At-Large	<ul style="list-style-type: none"><li>• Allows for the presence of officials not elected city-wide, without creating a majority of them</li><li>• Voters elect 73% - 77% of Council, 62-75% elected at-large</li></ul>



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#### Benchmark City Councils - Committee Structure

In considering the essential functions of the Council, how do other cities accomplish committee work with fewer people?

*Information gathered from public websites*

City	Committee Name	# of Members	Meetings in 2015	Sample Meeting Date	Meeting Length
Waltham	Finance	5	21	5/18/2015	55 mins
	Finance			10/19/2015	15 mins
	Licenses	5		2/16/2016	20 mins
	Ordinances & Rules	5	1	3/2/2015	1 hr 40 mins
	Public Works	5	1	3/2/2015	22 mins
	Econ & Comm Dvpt	5	2		
	Long Term Debt & Capitol Plan	5	15		
	Veterans Services	5			
	Comm. of the Whole	15	18	10/19/2015	1 hr 30 mins
	City Council	15	19	10/13/2015	2 hr 50 mins
Somerville	Finance	5		1/25/2016	28 mins
	Housing & Comm Dev	3		1/26/2016	1 hr 25 mins
	Health & Safety	3		3/25/2015	
	Confirmation of Appts	5			
	Licenses & Permits	3			
	Legislative Matters	5			
	Public Health & Safety	3			
	Public Utilities & Public Works	3			
	Senior Services	3			
	Traffic & Parking	3			
	Veterans Services	3			
	Youth Services	3			
	Land Use	3			
	Land Use CoW	11		2/9/2016	2 hrs 50 mins
Board of Aldermen	11	22	10/8/2015	1 hr 50 mins	

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City	Committee Name	# of Members	Meetings in 2015	Meeting Date	Meeting Length
Haverhill	Admin & Finance	4	4	3/5/2015	*appropriations go to the whole Council
	Nat'l Resources & Public Prop	3	3	3/26/2015	
	Public Safety	3	2	4/16/2015	
	Planniing & Development	3			
	Citizen Outreach	4			
	City Council	9		meets weekly except in July and August	
Newton	Finance	8	25	3/23/2015	1 hr 55 mins (audio)
	Land Use	8	36	10/20/2015	3 hrs 35 mins (audio)
	Public Facilities	8	21	10/21/2015	2 hrs 20 mins (audio)
	Programs & Services	8	20	10/21/2015	2 hrs 21 mins (audio)
	Public Safety & Transport.	8	15	3/4/2015	1 hr 25 mins (audio)
	Zoning & Planning	8	20	3/23/2015	1 hr 39 mins (audio)
	Committee of the Whole	24	3	5/20/2015	3 hrs 12 mins (audio)
City Council	24	25	11/2/2015	1 hr 22 mins (audio)	
Lawrence	Budget & Finance	4	9		
	Ordinance & Intergov'tal Rel'ns	4	10		
	Housing	3	8		
	Personnel	4	6		
	Committee of the Whole	9	4		
	City Council	9	~22	3/3/2015	2 hrs 6 mins
Brockton	Real Estate	5			
	Public Safety	5			
	Oridnances	5			
	Accounts	5			
	Traffic	2			

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City	Committee Name	# of Members	Meetings in 2015	Meeting Date	Meeting Length
Malden	Citizen Engagement	5	1		
	City Hall Relo	5			
	Finance	6			
	License	5			
	Public Property	5	7		
	Rules & Ordinance	5		9/8/2015	44 mins
	Public Safety	5	5		
	Public Works	5	3		
	City Council				
Medford	Audit, Finance, Budget & Taxation	4			
	Business, Econ. Dev, & Signs	3			
	Cultural Arts & History	3			
	Elderly & Housing Affairs	3			
	Environmental Affairs	3			
	Inter Government Affairs	3			
	Licensing	3			
	Military & Veterans Affairs	3			
	Public Safety	3			
	Public Works	3			
	Rules	3			
	Transportation	3			
	Youth & Recreation Affairs	3			
	Zoning & Ordinance	3			
	City Council	7	40	10/27/2015	2 hrs 18 mins
City Council			10/13/2015	1 hr 30 mins	

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**History of City Council Compensation**  
**Information provided by City Clerk David Olson**

The discussions of a salary for the Board of Aldermen was first introduced in 1971. In 1972 the Board of Aldermen approved a yearly salary of \$2,500 for each member, but this Board Order was vetoed by the Mayor. The salary request was docketed again in 1973, but at the lower amount of \$1,200 per year. It was approved by both the Board and the Mayor and became an ordinance on July 2, 1973.

The City Council's current salary of \$9,750 was approved on September 15, 1997

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**City of Newton Alderman-at-Large Elections History**  
**Blank Votes in Contested Races**  
*(Number of Voters Who Did Not Cast a Vote in that Contest)*

<b>November 3, 2015</b>	<b>November 5, 2013</b>	<b>November 8, 2011</b>	<b>November 3, 2009</b>
Total Ballots 11,100	Total Ballots 13,298	Total Ballots 9,859	Total Ballots 22,515
Ward 2: 991	Ward 5: 3,191	Ward 1: 2180	Ward 1: 7,931
Ward 3: 1,938		Ward 6: 1,349	Ward 5: 7,966
Ward 5: 1,952	Total Unused Votes in	Ward 8: 2,069	Ward 6: 2,720
Ward 8: 2,979	Contested AAL Races		Ward 7: 6,897
	(excludes bullet votes):	Total Unused Votes in	Total Unused Votes in
Total Unused Votes in	6,382	Contested AAL Races	Contested AAL Races
Contested		(excludes bullet votes):	(excludes bullet votes):
AAL Races (excludes bullet		11,196	51,029
votes): 15,720			

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**Newton Voter Turnout History**

In considering term lengths, what is the impact of the mayoral race on voter turnout?

Year	Turnout	%	Type	# of Contested Races (excl Mayor)			
				Total	Ald AL	Ward Ald	SC
1993	24,187	49%	Contested Mayoral: Mann, Schur	13	2	3	8
1995	8,112	18%	Non-Mayoral	7	4	2	1
1997	23,835	49%	Open Seat Mayoral: Cohen, Concannon	6	4	2	0
1999	7,809	16%	Non-Mayoral	10	2	0	8
2001	15,623	31%	Contested Mayoral: Cohen, Lupo	12	4	3	5
2003	15,369	32%	Non-Mayoral	20	8	4	8
2005	15,822		Contested Mayoral: Cohen, Striar	6	3	1	2
2007	8,904		Non-Mayoral	7	4	2	1
2008	24,564	47%	<i>Override</i>	-	-	-	-
2009	22,515	41%	Open Seat Mayoral: Warren, Balsler	11	3	2	6
2011	9,859		Non-Mayoral	6	3	0	3
2013	17,882	32%	<i>Override</i>	-	-	-	-
2013	13,298	24%	Contested Mayoral: Warren, Hess-Mahan	4	1	2	1
2015	11,100		Non-Mayoral, Charter Commission	7+CC	4	1	2
<b>Average Turnout 1993 to 2015:</b>				<i>Average Contested Seats:</i>			
	19,213		Mayoral elections	9	4	2	4
	10,192		Non-mayoral elections	<i>Number of Seats:</i>			
	17,233		Mayoral elections, Incumbent running	32	16	8	8
				<i>% Contested:</i>			
<b>Average Turnout 2001 to 2015:</b>				28%	22%	23%	47%
	16,815		Mayoral elections				
	11,308		Non-mayoral elections				
	14,914		Mayoral elections, Incumbent running				

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#### Special Permit Granting Authority (supplied by the Collins Center for Public Management)

CITY	Planning Board/ZBA	City Council	NOTES
Brockton	x ZBA/PB		PB for projects subject to site plan review
Fall River	x ZBA		See Chapter 86 – Ordinances of Fall River
Lawrence	x ZBA		
Lynn		x	See SS. 4-12 of zoning ordinance
Quincy	x ZBA/PB	x	PB for projects subject to site plan review; council for certain defined projects
Springfield		x	
Waltham	x ZBA	x	Council – planned residential; river overlay district; PUDs
Worcester	x ZBA/PB		<u>See</u> : “Building in Worcester – A Developer’s Guide” (on city web site)
<i>Other:</i>			
Beverly		x	Council – public building reuse
Chicopee		x	
Taunton		x	Council – defined – certain projects

#### SPECIAL PERMIT GRANTING AUTHORITY

**Chapter 40A, Section 9 (excerpt):** Zoning ordinances or by-laws may provide that certain classes of special permits shall be issued by one special permit granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits. *(emphasis supplied)*

NOTE: There are many ways to separate projects by “class” – e.g., square footage, location, conversion from current use, redevelopment of certain size