



Law Department

Mission

To provide effective, professional, caring and ethical legal advice and representation to all elected and appointed officials and to all City departments to enable the City government to operate at maximum potential while minimizing risk.

The Law Department for the City of Newton provides in-house counsel representation and legal support to the City, its departments, boards, and commissions, as well as to the officials and employees of the City in all areas of municipal law. This work includes representing Newton before federal and state courts and administrative agencies in matters of civil litigation; personal injury and other torts; civil rights; labor and employment; education law; contracts; land use; zoning; real estate acquisitions, dispositions and development public construction; public records; open meeting and conflict of interest laws.

The Law Department continues to enjoy success in providing sound legal advice on policy matters important to the City and defending the City in litigation. Some noteworthy accomplishments from the past year include:

- Advised and provided legal support to the Mayor, City Council and Planning Department in the historical acquisition of Webster Woods, which will preserve the woods in perpetuity.
- Advised and provided legal support to the City Council and Planning Department in enacting legislation to regulate short-term rentals in order to protect the health and safety of City residents.
- Successfully defended the Newton Public School Department and its teachers in federal court against claims of first amendment violations in connection with the school curriculum.
- Obtained favorable judgment from the Massachusetts Appeals Court bolstering the City's right to immunity in certain tort claims.
- Provided daily support to all departments, boards and commissions in ongoing efforts to exhibit transparency in government for all services to the public.
- Advised and supported the Mayor's Office and various departments throughout the City in the successful negotiations with City unions in order to provide a safe and rewarding work environment for City employees.

In 2020 we were pleased to hire an Assistant City Solicitor to handle litigation matters involving the School Department as well as advising on day-to-day legal matters. In addition, and as planned for FY2020, we reorganized the department to emphasis teamwork in the areas of litigation, labor and

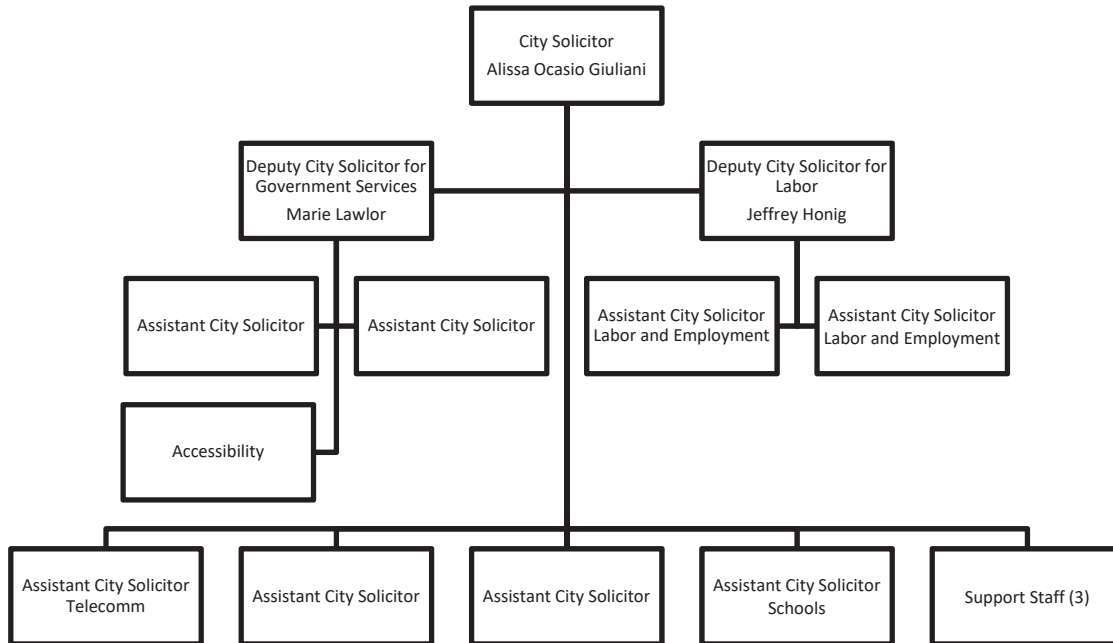
employment, and government services. As part of this reorganization, we added an additional Deputy City Solicitor position to provide additional leadership within the department or matters related to labor law and government services.

In FY2021, the Law Department looks forward to continued success in representing the City in litigation matters and looks forward to working with City Council, Executive Office and all departments to support them in new and important efforts.

Alissa O. Giuliani

Alissa Ocasio Giuliani
City Solicitor

LAW DEPARTMENT



Financial and Operating Highlights

Financial Highlights

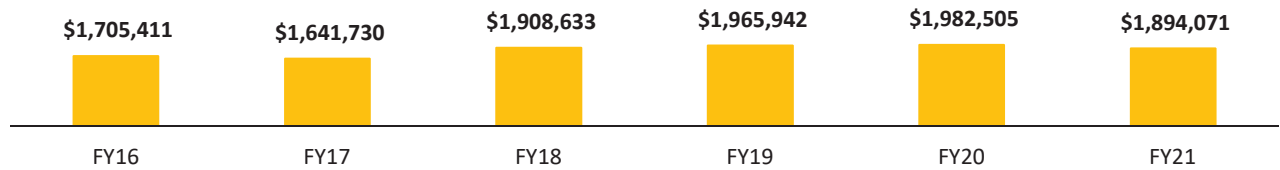
	<-----Actual----->				<-Adj Budget->		<-Proposed->
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Expenditure by Department							
Legal	\$ 1,203,992	\$ 1,329,126	\$ 1,475,994	\$ 1,553,114	\$ 1,823,813	\$ 1,882,505	\$ 1,794,071
Claims/Settle	\$ 107,282	\$ 376,285	\$ 165,736	\$ 355,519	\$ 142,129	\$ 100,000	\$ 100,000
Total	\$ 1,311,274	\$ 1,705,411	\$ 1,641,730	\$ 1,908,633	\$ 1,965,942	\$ 1,982,505	\$ 1,894,071
% Incr		30.06%	-3.73%	16.26%	3.00%	0.84%	-4.46%

Personnel

Full-Time	12	12	12	14	15	15	15*
Part-Time	1	1	1	1	1	1	1
Total	13	13	13	15	16	16	16

*Assistant City Solicitor deferred to January 2, 20121

Total Law Department Expenditures



Operating Highlights

Law	FY2018	FY2019	FY2020 YTD
Claims Processed	275	164	58
Public Records Requests Completed	457	297	292
Contracts Drafted and Distributed	103	110	151
Litigation Cases	14	10	18
Contracts Reviewed	249	177	301

Law Department

Fiscal Year 2021 Outcomes and Strategies

Outcome 1

Provide Land Use Support

The Law Department provides legal advice regarding all land use matters, including zoning, special permitting, ordinance drafting, construction, conservation restrictions, zoning enforcement and disposition of real estate to the Executive

Office, City Council, Planning Department, Department of Inspectional Services and Engineering Department. We staff and provide legal support to the City Council committees concerned with land use, specifically Land Use, Zoning and Planning and Real Property Reuse, and the Zoning Board of Appeals and historic commissions. In addition, we provide litigation advice and defense of City Council special permits as well as for decisions of the Zoning Board of Appeals and historic commission.

In particular in FY 2021, we will be providing legal support pertaining to the Zoning Redesign, revisions to the inclusionary zoning ordinance, a new short-term renewal ordinance, the Washington Street zoning overlay, the proposed acquisition of Webster Woods and the Northland and Riverside special permits.

The Department is an active partner to the City Council, the Mayor, the Executive office and various City Departments, regularly furnishing legal opinions and advice on matters referred to it. Such legal advice and support is also provided to City boards, commissions, and employees concerning their legal responsibilities and authority.

Outcome 2

Proactive Legal Advice and Risk Management for Our Clients

Outcome 3

Manage Litigation and Claims

The Law Department commences, prosecutes, and defends all legal actions and other matters on behalf of the City, including the Newton Public Schools, in all state and federal courts and administrative agencies, from the filing of an initial

Complaint through the trial and appellate stages of the case.

The Department also provides defense to the City from claims for damages to personal property or for injuries. We investigate these claims and provide advice to the City in defending the matter or reaching

Law Department

Fiscal Year 2021 Outcomes and Strategies

fair resolution. In addition, the Department continues to focus efforts on assessing our own losses in order to pursue opportunities for affirmative recovery of damages sustained by the City.

The Department continues to work with the City and City Council regarding wireless service facilities in public ways. This includes advice and support on federal guidelines for grant of location procedures, standards and fees for service facilities as well as

developing license agreements for wireless attachments to city-owned street lights. In further support of the City's efforts in the area of telecommunications, the Department continues to provide legal advice and advocacy on matters such as the Oak Hill Radio Frequency Interference (RFI) Remediation Fund, Verizon cable license renewal, amendments to current cable licenses due to the FCC's Franchise Fees Order as well as leases and licenses for use of city space and property.

Outcome 4

Provide Full Support for Telecommunications Efforts

Outcome 5

Assist in Labor and Employment Matters and Collective Bargaining

contracts have expired in prior fiscal years and, in FY 2021, we will continue negotiations with those bargaining units in an effort to settle the contracts by the end of FY 2021.

Provide advice, support and management in employee grievances and arbitrations for all City departments. Work with the City team to negotiate collective bargaining agreements with the City's nine unions. The Department is currently in negotiations with those unions whose

Assist in developing strategies to manage the development of this new industry in the City of Newton, working closely with the Executive Office, Planning and Development Department, Newton Police Department and Health and Human Services Department. Assist in the development of Host Community Agreements (HCA) for Newton, and in the development of standards and orderly procedures for selecting retail marijuana establishments to be granted an HCA, given the limited number of retail establishments which will be permitted to operate in the City. Provide legal advice and support to the City Council pertaining to zoning for marijuana establishments and special permitting for marijuana establishments seeking to locate within the City.

Outcome 6

Develop Strategies and Procedures for Managing Retail Marijuana Establishments

FUND: 0001 - GENERAL FUND
DEPARTMENT: 108 - CITY SOLICITOR

CITY OF NEWTON BUDGET
DEPARTMENT LEGAL LEVEL OF CONTROL

	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	ORIGINAL 2020	RECOMMENDED 2021	CHANGE 2020 to 2021
LAW SUMMARY						
51 - PERSONAL SERVICES	1,196,888	1,292,011	1,239,719	1,474,352	1,446,222	-28,129
52 - EXPENSES	311,034	528,909	439,956	281,451	273,051	-8,400
57 - FRINGE BENEFITS	134,253	142,985	143,125	206,605	174,798	-31,807
TOTAL DEPARTMENT	1,642,174	1,963,904	1,822,800	1,962,408	1,894,071	-68,336
LEGAL CLAIMS/SETTLEMENTS						
52 - EXPENSES	165,736	355,519	242,129	100,000	100,000	0
TOTAL LEGAL CLAIMS/SETTLEMENTS	165,736	355,519	242,129	100,000	100,000	0
LEGAL						
51 - PERSONAL SERVICES	1,196,888	1,292,011	1,239,719	1,474,352	1,446,222	-28,129
52 - EXPENSES	145,298	173,390	197,827	181,451	173,051	-8,400
57 - FRINGE BENEFITS	134,253	142,985	143,125	206,605	174,798	-31,807
TOTAL LEGAL	1,476,439	1,608,386	1,580,671	1,862,408	1,794,071	-68,336

FUND: 0001 - GENERAL FUND
 DEPARTMENT: 108 - CITY SOLICITOR

CITY OF NEWTON BUDGET
 DEPARTMENTAL DETAIL

	ACTUAL FY2017	ACTUAL FY2018	ACTUAL FY2019	ORIGINAL 2020	RECOMMENDED 2021	CHANGE 2020 to 2021
108 - LAW						
0110841 - LEGAL CLAIMS/SETTLEMENTS						
EXPENSES						
572500 CLAIMS/SETTLEMENTS	165,736	355,519	242,129	100,000	100,000	0
TOTAL EXPENSES	165,736	355,519	242,129	100,000	100,000	0
TOTAL LEGAL CLAIMS/SETTLEMENTS	165,736	355,519	242,129	100,000	100,000	0

CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL
--

		ACTUAL	ACTUAL	ACTUAL	ORIGINAL	RECOMMENDED	CHANGE
		FY2017	FY2018	FY2019	2020	2021	2020 to 2021
0110851 - LEGAL							
PERSONAL SERVICES							
511001	FULL TIME SALARIES	1,138,735	1,168,123	1,123,213	1,397,416	1,378,768	-18,647
511101	PART TIME < 20 HRS/WK	0	0	2,521	0	0	0
511102	PART TIME > 20 HRS/WK	52,168	53,539	55,157	57,261	58,754	1,493
514001	LONGEVITY	5,450	13,400	8,917	4,675	6,900	2,225
515002	SEVERANCE PAY	0	55,272	0	0	0	0
515003	SPECIAL LEAVE BUY BACK	0	0	10,000	0	0	0
515005	BONUSES	0	0	500	0	0	0
515006	VACATION BUY BACK	535	1,678	39,411	0	0	0
519700	CURRENT YEAR WAGE RE	0	0	0	15,000	1,800	-13,200
TOTAL PERSONAL SERVICES		1,196,888	1,292,011	1,239,719	1,474,352	1,446,222	-28,129
EXPENSES							
524010	OFFICE EQUIPMENT R-M	1,466	1,252	3,278	2,876	2,876	0
524100	SOFTWARE MAINTENANC	7,000	0	0	10,000	4,000	-6,000
527400	RENTAL - EQUIPMENT	3,160	3,257	3,392	3,400	4,000	600
530100	CONSULTANTS	45,000	53,632	54,392	20,000	15,000	-5,000
530219	ARBITRATION SERVICES	12,270	20,232	35,318	30,000	30,000	0
530900	LEGAL SERVICES	2,778	11,086	12,527	17,500	17,500	0
531300	TEMP STAFFING SERVICE	444	0	0	0	0	0
531400	REGIST/RECORDING FEES	4,109	2,636	1,630	2,500	3,500	1,000
531500	COURT COSTS/WITNESS F	2,764	2,000	2,384	3,000	3,000	0
534010	TELEPHONE	535	477	513	500	500	0
534020	CELLULAR TELEPHONES	565	280	219	675	675	0
534100	POSTAGE	3,336	2,500	2,364	2,500	2,500	0
534200	PRINTING	3,948	19,278	15,329	20,000	17,500	-2,500
534300	ADVERTISING/PUBLICATIO	199	0	0	0	0	0
537300	ADA REASONABLE ACCO	1,000	542	2,228	1,000	2,500	1,500
542000	OFFICE SUPPLIES	5,688	5,817	5,798	6,000	7,000	1,000
559200	BOOKS/MANUALS/PERIODI	41,283	41,014	49,212	50,000	50,000	0
571000	VEHICLE USE REIMBURSE	1,890	2,030	664	2,000	2,000	0
571100	IN-STATE CONFERENCES	3,683	2,997	4,720	5,000	5,000	0
573000	DUES & SUBSCRIPTIONS	4,180	4,359	3,859	4,500	5,500	1,000
TOTAL EXPENSES		145,298	173,390	197,827	181,451	173,051	-8,400
FRINGE BENEFITS							
57DENT	DENTAL INSURANCE	2,732	3,074	3,340	3,846	3,612	-234
57HLTH	HEALTH INSURANCE	114,547	121,733	112,980	158,822	131,558	-27,264
57LIFE	BASIC LIFE INSURANCE	335	340	293	342	285	-57
57MEDA	MEDICARE PAYROLL TAX	14,650	15,789	16,165	22,241	21,879	-362
57OPEB	OPEB CONTRIBUTION	1,989	2,048	10,348	21,354	17,464	-3,890
TOTAL FRINGE BENEFITS		134,253	142,985	143,125	206,605	174,798	-31,807
TOTAL LEGAL		1,476,439	1,608,386	1,580,671	1,862,408	1,794,071	-68,336
TOTAL LAW		1,642,174	1,963,904	1,822,800	1,962,408	1,894,071	-68,336