

A photograph of the Newton City Hall building, a large, ornate, light-colored stone structure with a prominent clock tower on the right side. The building features Gothic Revival architectural elements, including pointed arch windows and a tall, slender spire. The sky is a pale, overcast blue. The building is surrounded by some greenery and a paved area in the foreground.

Law Department

Mission

Provide effective 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 matters. Some noteworthy accomplishments from the past year include:

- Advised the Planning Department in the development of a form-based zoning standards and procedures including work related to the Washington Street corridor study.
- Advised and provided legal support to the Housing Division of the Planning Department on projects involving Newton Community Development Authority (NCDA) federally funded affordable housing programs for housing rehabilitation loans and grants, first time homebuyer loans, and HOME loans.
- Supported many committees, boards and commissions in their important work, including Land Use, Zoning and Planning, Planning and Zoning Board of Appeals.
- Advised the City Council on policy issues identified by the Charter Commission during the recodification process as well as provided input into possible charter revisions as identified by the Commission and Charter Subcommittee.
- Supported the development of wireless grant of location procedures and standards to comply with changes in federal law.
- Submitted official comments on behalf of the City to the Federal Communication Commission (FCC) on proposed rules in an effort to safeguard the funding of public, educational and government (PEG) access programming and cable franchise obligations by cable operators.
- Conducted the Verizon cable franchise renewal process.
- Successfully obtained a judgment from a Massachusetts appeals court in a case

challenging a Civil Service decision in favor of the City.

- Successfully obtained dismissal of the Newton Public Schools and the School Superintendent from related state court and federal cases claiming civil rights violations; a decision upheld on appeal by the First Circuit Court of Appeals.

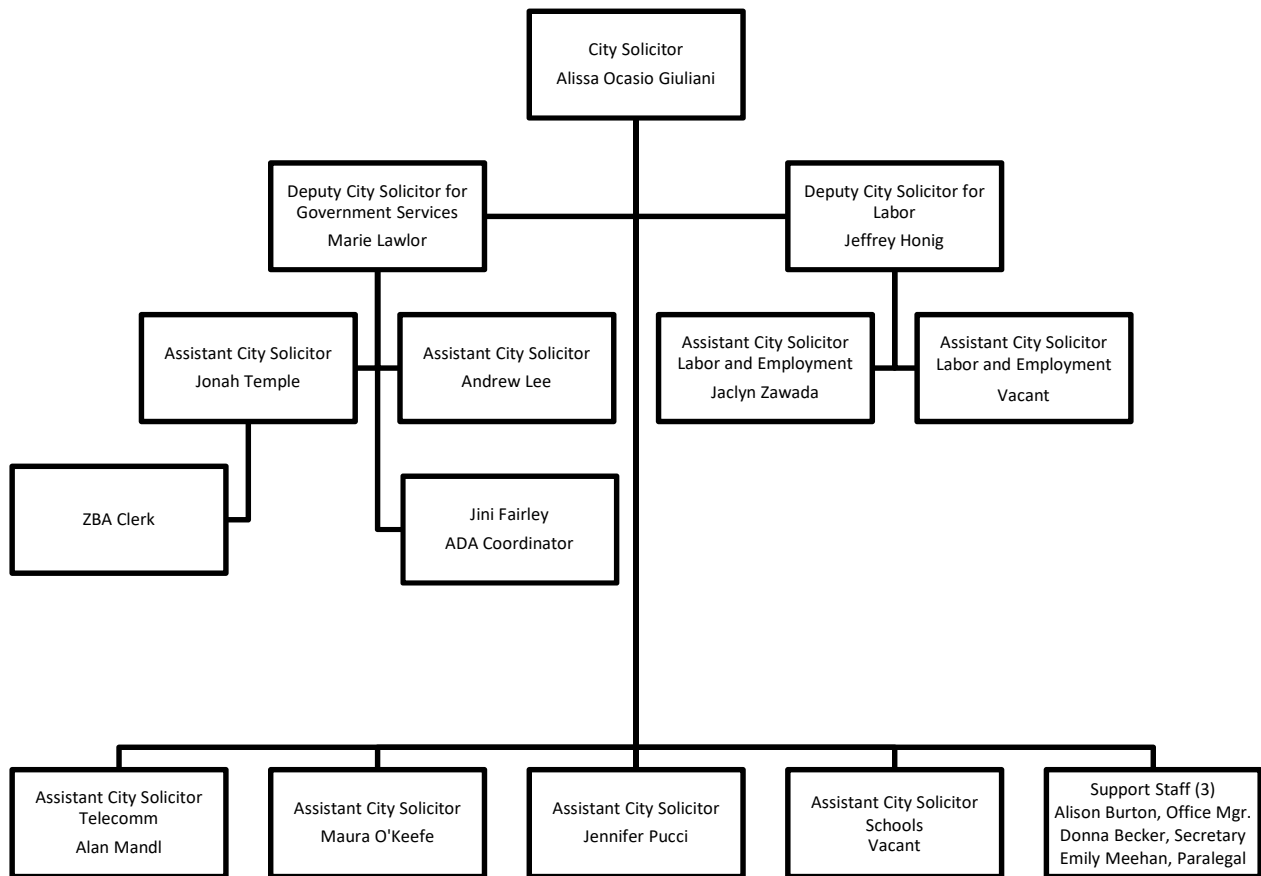
The Law Department is proud of the success it has experienced this past year even as we transition from Acting City Solicitor Ouida Young to myself.

In FY2020, the Law Department seeks to hire two full-time Assistant City Solicitors; one to handle litigation matters involving the School Department as well as advising on day-to-day legal matters, and the other to advise and defend the City in the area of employment law. In addition, I plan to redefine the position of Deputy City Solicitor to provide additional leadership within the department and in support of the City in the areas of labor law and government services.

Alissa O. Giuliani

Alissa Ocasio Giuliani
City Solicitor

LAW DEPARTMENT



Financial and Operating Highlights

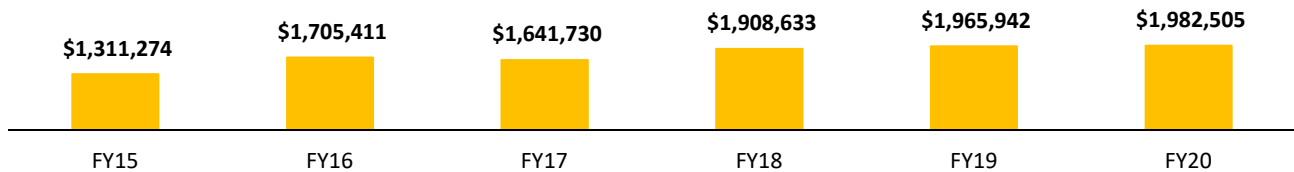
Financial Highlights

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

Personnel

| | | | | | | |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Full-Time | 10 | 12 | 12 | 12 | 14 | 15 |
| Part-Time | 1 | 1 | 1 | 1 | 1 | 1 |
| Total | 11 | 13 | 13 | 13 | 15 | 16 |

Total Law Department Expenditures



Operating Highlights

| Law | FY2018 | FY2019 YTD |
|-----------------------------------|--------|------------|
| Claims Processed | 275 | 164 |
| Public Records Requests Completed | 457 | 297 |
| Contracts Drafted and Distributed | 103 | 110 |
| Litigation Cases | 14 | 10 |
| Contracts Reviewed | 249 | 177 |

Law Department

Fiscal Year 2020 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 2020, 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 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

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 2

Develop Strategies and Procedures for Managing Retail Marijuana Establishments

The Law Department commences, prosecutes, and defends all legal actions and other matters on behalf of the City in all state and federal courts and administrative agencies. In addition to its litigation function, the Department

Outcome 3

Manage Litigation and Claims

furnishes legal opinions and advice on a daily basis on matters referred to it by the City Council, the Mayor, the Executive office and various City Departments. Such legal advice and support are also

Law Department

Fiscal Year 2020 Outcomes and Strategies

provided to City boards, commissions, and employees concerning their legal responsibilities and authorities.

The Department also provides defense to the City in claims for damages to personal property or for injuries. We undertake to investigate these claims and provide advice to the City in defending the matter or reaching 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 Innovation (RFI) Remediation Fund, Verizon cable license renewal, and City projects involving solar and renewable energy technology.

Outcome 4

Support Telecommunications Efforts

Outcome 5

Negotiate Collective Bargaining Agreements

expire at the close of this fiscal year.

Work with the City team to negotiate collective bargaining agreements with the City's ten unions. The Department is currently in negotiations with those unions whose contracts have expired and, in FY 2020, we will begin negotiations with those bargaining units whose contracts are set to

FUND: 01 - GENERAL FUND
DEPARTMENT: 108 - CITY SOLICITOR

CITY OF NEWTON BUDGET
DEPARTMENT LEGAL LEVEL OF CONTROL

| | ACTUAL 2017 | ACTUAL 2018 | AMENDED 2019 | YTD 4/11/2019 | RECOMMENDED 2020 | CHANGE 2019 to 2020 |
|---------------------------------------|------------------|------------------|------------------|------------------|---------------------|------------------------|
| CITY SOLICITOR SUMMARY | | | | | | |
| 51 - PERSONAL SERVICES | 1,196,888 | 1,236,739 | 1,486,351 | 968,339 | 1,492,199 | 5,848 |
| 52 - EXPENSES | 310,589 | 528,909 | 290,540 | 225,420 | 283,701 | -6,839 |
| 57 - FRINGE BENEFITS | 134,253 | 142,985 | 189,052 | 109,856 | 206,605 | 17,553 |
| TOTAL DEPARTMENT | 1,641,730 | 1,908,633 | 1,965,942 | 1,303,615 | 1,982,505 | 16,562 |
| LEGAL | | | | | | |
| 51 - PERSONAL SERVICES | 1,196,888 | 1,236,739 | 1,486,351 | 968,339 | 1,492,199 | 5,848 |
| 52 - EXPENSES | 144,854 | 173,390 | 148,411 | 110,200 | 183,701 | 35,290 |
| 57 - FRINGE BENEFITS | 134,253 | 142,985 | 189,052 | 109,856 | 206,605 | 17,553 |
| TOTAL LEGAL | 1,475,994 | 1,553,114 | 1,823,813 | 1,188,395 | 1,882,505 | 58,691 |
| LEGAL CLAIMS/SETTLEMENTS | | | | | | |
| 52 - EXPENSES | 165,736 | 355,519 | 142,129 | 115,220 | 100,000 | -42,129 |
| TOTAL LEGAL CLAIMS/SETTLEMENTS | 165,736 | 355,519 | 142,129 | 115,220 | 100,000 | -42,129 |

FUND: 01 - GENERAL FUND
DEPARTMENT: 108 - CITY SOLICITOR

CITY OF NEWTON BUDGET
DEPARTMENTAL DETAIL

| | ACTUAL FY2017 | ACTUAL FY2018 | AMENDED 2019 | YTD 4/11/2019 | RECOMMENDED 2020 | CHANGE 2019 to 2020 |
|--------------------------------|------------------|------------------|------------------|------------------|---------------------|------------------------|
| 108 - CITY SOLICITOR | | | | | | |
| 0110801 - LEGAL | | | | | | |
| PERSONAL SERVICES | | | | | | |
| 511001 FULL TIME SALARIES | 1,138,735 | 1,168,123 | 1,394,506 | 867,942 | 1,414,763 | 20,257 |
| 511102 PART TIME > 20 HRS/WK | 52,168 | 53,539 | 55,145 | 42,428 | 57,261 | 2,116 |
| 514001 LONGEVITY | 5,450 | 13,400 | 11,700 | 8,467 | 4,675 | -7,025 |
| 515003 SPECIAL LEAVE BUY BACK | 0 | 0 | 10,000 | 10,000 | 0 | -10,000 |
| 515005 BONUSES | 0 | 0 | 0 | 500 | 0 | 0 |
| 515006 VACATION BUY BACK | 535 | 1,678 | 0 | 39,002 | 0 | 0 |
| 515102 CLEANING ALLOWANCE | 0 | 0 | 0 | 0 | 500 | 500 |
| 5197 CURRENT YEAR WAGE RE | 0 | 0 | 15,000 | 0 | 15,000 | 0 |
| TOTAL PERSONAL SERVICES | 1,196,888 | 1,236,739 | 1,486,351 | 968,339 | 1,492,199 | 5,848 |
| EXPENSES | | | | | | |
| 52401 OFFICE EQUIPMENT R-M | 1,466 | 1,252 | 2,876 | 2,348 | 2,876 | 0 |
| 52410 SOFTWARE MAINTENANC | 7,000 | 0 | 0 | 0 | 10,000 | 10,000 |
| 5274 RENTAL - EQUIPMENT | 3,160 | 3,257 | 3,400 | 2,544 | 3,400 | 0 |
| 5301 CONSULTANTS | 45,000 | 53,632 | 12,000 | 8,000 | 20,000 | 8,000 |
| 530228 ARBITRATION SERVICES | 12,270 | 20,232 | 29,883 | 21,743 | 30,000 | 117 |
| 5309 LEGAL SERVICES | 2,778 | 11,086 | 17,536 | 10,214 | 17,500 | -36 |
| 5314 REGIST/RECORDING FEES | 4,109 | 2,636 | 1,500 | 946 | 2,500 | 1,000 |
| 5315 COURT COSTS/WITNESS F | 2,764 | 2,000 | 2,024 | 2,024 | 3,000 | 976 |
| 53401 TELEPHONE | 535 | 477 | 600 | 289 | 500 | -100 |
| 53402 CELLULAR TELEPHONES | 565 | 280 | 675 | 73 | 675 | 0 |
| 5341 POSTAGE | 3,336 | 2,500 | 2,417 | 1,639 | 3,500 | 1,083 |
| 5342 PRINTING | 3,948 | 19,278 | 15,000 | 11,136 | 20,000 | 5,000 |
| 5343 ADVERTISING/PUBLICATIO | 199 | 0 | 0 | 0 | 1,250 | 1,250 |
| 5373 ADA REASONABLE ACCO | 1,000 | 542 | 1,000 | 756 | 1,000 | 0 |
| 5420 OFFICE SUPPLIES | 5,688 | 5,817 | 6,000 | 5,219 | 6,000 | 0 |
| 5592 BOOKS/MANUALS/PERIODI | 41,283 | 41,014 | 42,000 | 35,176 | 50,000 | 8,000 |
| 5710 VEHICLE USE REIMBURSE | 1,890 | 2,030 | 2,000 | 347 | 2,000 | 0 |
| 5711 IN-STATE CONFERENCES | 3,683 | 2,997 | 5,000 | 3,885 | 5,000 | 0 |
| 5730 DUES & SUBSCRIPTIONS | 4,180 | 4,359 | 4,500 | 3,859 | 4,500 | 0 |
| TOTAL EXPENSES | 144,854 | 173,390 | 148,411 | 110,200 | 183,701 | 35,290 |
| FRINGE BENEFITS | | | | | | |
| 57DENTAL DENTAL INSURANCE | 2,732 | 3,074 | 3,144 | 2,570 | 3,846 | 702 |
| 57HLTH HEALTH INSURANCE | 114,547 | 121,733 | 150,756 | 87,121 | 158,822 | 8,066 |
| 57LIFE BASIC LIFE INSURANCE | 335 | 340 | 342 | 208 | 342 | 0 |
| 57MEDA MEDICARE PAYROLL TAX | 14,650 | 15,789 | 21,542 | 12,412 | 22,241 | 698 |
| 57OPEB OPEB CONTRIBUTION | 1,989 | 2,048 | 13,268 | 7,545 | 21,354 | 8,086 |
| TOTAL FRINGE BENEFITS | 134,253 | 142,985 | 189,052 | 109,856 | 206,605 | 17,553 |
| TOTAL LEGAL | 1,475,994 | 1,553,114 | 1,823,813 | 1,188,395 | 1,882,505 | 58,691 |

| |
|--|
| CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL |
|--|

| | ACTUAL FY2017 | ACTUAL FY2018 | AMENDED 2019 | YTD 4/11/2019 | RECOMMENDED 2020 | CHANGE 2019 to 2020 |
|---|------------------|------------------|------------------|------------------|---------------------|------------------------|
| 0110893 - LEGAL CLAIMS/SETTLEMENTS | | | | | | |
| EXPENSES | | | | | | |
| 5725 CLAIMS/SETTLEMENTS | 165,736 | 355,519 | 142,129 | 115,220 | 100,000 | -42,129 |
| TOTAL EXPENSES | 165,736 | 355,519 | 142,129 | 115,220 | 100,000 | -42,129 |
| TOTAL LEGAL CLAIMS/SETTLEMENTS | 165,736 | 355,519 | 142,129 | 115,220 | 100,000 | -42,129 |
| TOTAL CITY SOLICITOR | 1,641,730 | 1,908,633 | 1,965,942 | 1,303,615 | 1,982,505 | 16,562 |