



## **LAW DEPARTMENT**

### **DEPARTMENT DESCRIPTION**

The Law Department's mission is to provide effective and efficient legal advice and representation to all elected and appointed officials and to all City departments in order to enable the City government to operate at maximum potential with minimal risk.

The duties and responsibilities of the Law Department include:

- commencing and prosecuting legal proceedings;
- defending all claims and suits brought against the City, its officers and employees;
- furnishing City officials with legal opinions and advice relative to any subject affecting city business and operations;
- drafting, negotiating and reviewing deeds, contracts, leases, licenses and conveyances; and
- drafting and reviewing City Charter and Ordinance Amendments and special and general legislation.

### **ACCOMPLISHMENTS**

#### **Civil Litigation**

Successfully defended City in Civil Rights case that asserted thirty counts against seven police officers in federal court by winning seven-day jury trial.

Successfully defended City in age discrimination case by winning five-day jury trial in Middlesex Superior Court.

Won bid protest before the Attorney General regarding qualifications of bidder on sewer reconstruction project.

Resolved long-standing wrongful termination and defamation lawsuits by former department head.

#### **Contracts and Licenses**

Negotiated New Falls amendment to M.G.L. c. 121A Agreement resulting in collection of \$2.5 million in deferred taxes.

Negotiated and drafted license agreements for use of Waban and Auburndale Branch Library buildings and the Carr School.

Negotiated and drafted new contract for provision of ambulance services.

Finalized Newton Commonwealth Golf Course conservation restriction.

Assisted with legal issues surrounding implementation of automated water meter reading systems.

Assisted with legal issues surrounding the federal stimulus legislation.

### Enforcements and Collections

Successfully prosecuted criminal zoning matter against owner of two-family house with multiple illegal apartments resulting in collection of over \$12,000 in fines.

Successfully prosecuted criminal zoning matter against the owner of a commercial parking lot who was renting the lot to a third party for non-accessory purposes.

Assisted Zoning Enforcement Agent in enforcement actions against many owners of illegal apartments, owner using commercial premises without occupancy permit, owner illegally operating landscaping business in a residential district and owner illegally using garage for storage and repair of commercial vehicles.

Recovered over \$102,000 for damage to City property, unpaid police and fire details, court ordered restitution and employee injury liens.

### Ordinances

Drafted vacant building ordinance to regulate maintenance of abandoned residential buildings throughout the City.

Reviewed and edited amendment to tobacco ordinance to ban sales of tobacco products in pharmacies.

Reviewed draft amendments to the inclusionary zoning ordinance.

Served in advisory capacity to the Dogs Off-Leash Advisory Committee.

Served in advisory capacity to aldermanic snow committee.

### Real Estate

Reviewed many CPC proposals for projects to determine eligibility.

### Retirement

Successfully defended an appeal from Newton Retirement Board's denial of accidental disability retirement.

Successfully defended an appeal of the Newton Retirement Board's calculation of creditable service.

### Schools

Responded to public records requests concerning the construction of the new Newton North High School.

Won appeal of contentious special education matter in federal court.

Prevailed in case before the Bureau of Special Education Appeals concerning private placement.

### Miscellaneous

Working to implement state conflict of interest law training requirements city-wide.

Overseeing implementation of the Remediation Fund established pursuant to the Clear Channel special permit.

## **GOALS AND OBJECTIVES**

Continue to serve Mayor, Board of Aldermen, School Committee, City boards and commissions, City departments and City officials with quality legal work in the most expedient manner by prioritizing assignments and keeping clients apprised of status every other week.

Resolve matters out-of-court where liability is established.

Explore settlement for cases where liability is disputed.

Select first available trial dates for lawsuits that cannot be settled.

Bring labor work in-house for cost efficiencies and control purposes.

Review Law Department policies and procedures in responding to claims and other on-going tasks to streamline response time to claimants and clients.

Work with unions to develop labor agreements that reflect fair and equitable provisions that are mindful of current economic conditions.

Take advantage of local training and seminars for attorneys.

DEPARTMENT:

108 - CITY SOLICITOR

## CITY OF NEWTON BUDGET DEPARTMENT SUMMARY

OBJECT SUMMARY	ACTUAL 2008	ACTUAL 2009	ORIGINAL	2010		RECOMMENDED 2011	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2010 To 2011	
51 - PERSONAL SERVICES	837,457	796,299	859,256	0	859,256	813,716	-45,540	-5%
52 - EXPENSES	423,522	390,255	279,443	275,935	555,378	237,443	-317,935	-57%
<b>SUB-TOTALS:</b>	<b>1,260,979</b>	<b>1,186,555</b>	<b>1,138,699</b>	<b>275,935</b>	<b>1,414,634</b>	<b>1,051,159</b>	<b>-363,475</b>	<b>-26%</b>
57 - FRINGE BENEFITS	100,589	97,376	105,858	0	105,858	102,977	-2,881	-3%
<b>SUB-TOTALS:</b>	<b>100,589</b>	<b>97,376</b>	<b>105,858</b>	<b>0</b>	<b>105,858</b>	<b>102,977</b>	<b>-2,881</b>	<b>-3%</b>
<b>DEPARTMENT TOTALS:</b>	<b>1,361,568</b>	<b>1,283,931</b>	<b>1,244,557</b>	<b>275,935</b>	<b>1,520,492</b>	<b>1,154,136</b>	<b>-366,356</b>	<b>-24%</b>

FUNCTIONAL ELEMENT SUMMARY	ACTUAL 2008	ACTUAL 2009	ORIGINAL	2010		RECOMMENDED 2011	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2010 To 2011	
0110801 LEGAL	1,264,315	1,183,422	1,174,557	100,000	1,274,557	1,084,136	-190,421	-15%
0110893 LEGAL SETTLEMENTS	97,254	100,509	70,000	175,935	245,935	70,000	-175,935	-72%
<b>DEPARTMENT TOTALS:</b>	<b>1,361,568</b>	<b>1,283,931</b>	<b>1,244,557</b>	<b>275,935</b>	<b>1,520,492</b>	<b>1,154,136</b>	<b>-366,356</b>	<b>-24%</b>

LEGAL	ACTUAL 2008	ACTUAL 2009	ORIGINAL	2010		RECOMMENDED 2011	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2010 To 2011	
51 - PERSONAL SERVICES	837,457	796,299	859,256	0	859,256	813,716	-45,540	-5%
52 - EXPENSES	326,269	289,746	209,443	100,000	309,443	167,443	-142,000	-46%
<b>SUB-TOTALS:</b>	<b>1,163,726</b>	<b>1,086,046</b>	<b>1,068,699</b>	<b>100,000</b>	<b>1,168,699</b>	<b>981,159</b>	<b>-187,540</b>	<b>-16%</b>
57 - FRINGE BENEFITS	100,589	97,376	105,858	0	105,858	102,977	-2,881	-3%
<b>SUB-TOTALS:</b>	<b>100,589</b>	<b>97,376</b>	<b>105,858</b>	<b>0</b>	<b>105,858</b>	<b>102,977</b>	<b>-2,881</b>	<b>-3%</b>
<b>Element Totals:</b>	<b>1,264,315</b>	<b>1,183,422</b>	<b>1,174,557</b>	<b>100,000</b>	<b>1,274,557</b>	<b>1,084,136</b>	<b>-190,421</b>	<b>-15%</b>

LEGAL SETTLEMENTS	ACTUAL 2008	ACTUAL 2009	ORIGINAL	2010		RECOMMENDED 2011	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2010 To 2011	
52 - EXPENSES	97,254	100,509	70,000	175,935	245,935	70,000	-175,935	-72%
<b>SUB-TOTALS:</b>	<b>97,254</b>	<b>100,509</b>	<b>70,000</b>	<b>175,935</b>	<b>245,935</b>	<b>70,000</b>	<b>-175,935</b>	<b>-72%</b>
<b>Element Totals:</b>	<b>97,254</b>	<b>100,509</b>	<b>70,000</b>	<b>175,935</b>	<b>245,935</b>	<b>70,000</b>	<b>-175,935</b>	<b>-72%</b>

DEPARTMENT:

108 - CITY SOLICITOR

**CITY OF NEWTON BUDGET  
PERSONAL SERVICES SUMMARY**

ACCOUNT	POSITION TITLE	RANGE	2010 BUDGET		2011 RECOMMENDED	
			FTE	SALARY	FTE	SALARY
511001	Interim City Solicitor	H15	1	110,812	1	110,812
	Assoc. City Solicitor	H12	1	105,412	1	105,412
	Asst. City Solicitor	H11	1	87,851	1	87,851
	Asst. City Solicitor	H11	5	426,443	5	429,137
	Office Manager	H06	1	61,266	1	61,266
	Legal Secretary II	H02	1	46,038	1	48,863
<b>Account Totals:</b>			<b>10</b>	<b>837,822</b>	<b>10</b>	<b>843,341</b>
<b>Report Totals:</b>			<b>10</b>	<b>837,822</b>	<b>10</b>	<b>843,341</b>

DEPARTMENT:  
108 - CITY SOLICITOR

**CITY OF NEWTON BUDGET  
CLASSIFICATION DETAIL**

ACCOUNT	DESCRIPTION	EXPENDED FY2008	EXPENDED FY2009	CURRENT YEAR 2010				RECOMMENDED	APPROPRIATION CHANGE BETWEEN FY2010 AND FY2011	
				APPROPRIATION	ADDITIONAL APPROPRIATION	TOTAL APPROPRIATION	YTD EXPENSES			
<b>108 - CITY SOLICITOR</b>										
<b>0110801 - LEGAL</b>										
<b>PERSONAL SERVICES</b>										
511001	FULL TIME SALARIES	771,335	737,672	854,806	-66,238	788,568	625,091	810,341	21,773	3%
511101	PART TIME < 20 HRS/WK	61,572	0	0	13,000	13,000	12,000	0	-13,000	-100%
511102	PART TIME > 20 HRS/WK	0	49,475	0	0	0	0	0	0	0%
514001	LONGEVITY	4,550	3,775	4,450	0	4,450	3,575	3,375	-1,075	-24%
515002	SEVERANCE PAY	0	5,377	0	53,238	53,238	39,672	0	-53,238	-100%
<b>PERSONAL SERVICES TOTALS:</b>		<b>837,457</b>	<b>796,299</b>	<b>859,256</b>	<b>0</b>	<b>859,256</b>	<b>680,338</b>	<b>813,716</b>	<b>-45,540</b>	<b>-5%</b>
<b>EXPENSES</b>										
52401	OFFICE EQUIPMENT R-M	540	540	1,443	0	1,443	540	1,443	0	0%
52410	SOFTWARE MAINTENANCE	582	0	600	0	600	0	600	0	0%
5301	CONSULTANTS	1,875	7,175	8,000	0	8,000	1,225	8,000	0	0%
5309	LEGAL SERVICES	254,372	221,813	142,000	100,000	242,000	236,500	100,000	-142,000	-59%
5314	REGIST/RECORDING FEES	6,078	4,591	3,000	-100	2,900	1,117	3,000	100	3%
5315	COURT COSTS/WITNESS FEES	3,401	2,954	1,000	100	1,100	1,223	1,000	-100	-9%
5321	TUITION ASSISTANCE	0	0	0	0	0	0	0	0	0%
53401	TELEPHONE	765	761	1,900	0	1,900	564	1,900	0	0%
5341	POSTAGE	2,228	1,985	2,000	0	2,000	1,605	2,000	0	0%
5342	PRINTING	8,733	679	7,000	0	7,000	4,267	7,000	0	0%
5343	ADVERTISING/PUBLICATIONS	0	0	0	0	0	0	0	0	0%
5420	OFFICE SUPPLIES	4,158	4,136	4,000	0	4,000	3,780	4,000	0	0%
5592	BOOKS/MANUALS/PERIODICALS	35,740	37,485	30,000	0	30,000	28,357	30,000	0	0%
5710	VEHICLE USE REIMBURSEMENT	2,039	2,057	2,500	-138	2,362	1,073	2,500	138	6%
5711	IN-STATE CONFERENCES	1,387	1,741	3,000	138	3,138	355	3,000	-138	-4%
5720	OUT-OF-STATE TRAVEL	0	0	0	0	0	0	0	0	0%
5730	DUES & SUBSCRIPTIONS	4,370	3,830	3,000	0	3,000	1,400	3,000	0	0%
<b>EXPENSES TOTALS:</b>		<b>326,269</b>	<b>289,746</b>	<b>209,443</b>	<b>100,000</b>	<b>309,443</b>	<b>282,005</b>	<b>167,443</b>	<b>-142,000</b>	<b>-46%</b>
<b>FRINGE BENEFITS</b>										
57DENTAL	DENTAL INSURANCE	2,366	1,726	1,912	0	1,912	1,118	1,107	-805	-42%

ACCOUNT	DESCRIPTION	EXPENDED FY2008	EXPENDED FY2009	CURRENT YEAR 2010				RECOMMENDED	APPROPRIATION CHANGE BETWEEN FY2010 AND FY2011	
				APPROPRIATION	ADDITIONAL APPROPRIATION	TOTAL APPROPRIATION	YTD EXPENSES			
57HLTH	HEALTH INSURANCE	89,113	86,458	94,171	0	94,171	74,249	90,907	-3,264	-3%
57LIFE	BASIC LIFE INSURANCE	274	283	284	0	284	212	227	-57	-20%
57MEDA	MEDICARE PAYROLL TAX	8,836	8,908	9,491	0	9,491	7,308	10,736	1,245	13%
<b>FRINGE BENEFITS TOTALS:</b>		<b>100,589</b>	<b>97,376</b>	<b>105,858</b>	<b>0</b>	<b>105,858</b>	<b>82,887</b>	<b>102,977</b>	<b>-2,881</b>	<b>-3%</b>
<b>FUNCTIONAL ELEMENT TOTALS:</b>		<b>1,264,315</b>	<b>1,183,422</b>	<b>1,174,557</b>	<b>100,000</b>	<b>1,274,557</b>	<b>1,045,230</b>	<b>1,084,136</b>	<b>-190,421</b>	<b>-15%</b>
<b>0110893 - LEGAL SETTLEMENTS</b>										
<b>EXPENSES</b>										
5725	CLAIMS/SETTLEMENTS	97,254	100,509	70,000	175,935	245,935	238,938	70,000	-175,935	-72%
<b>EXPENSES TOTALS:</b>		<b>97,254</b>	<b>100,509</b>	<b>70,000</b>	<b>175,935</b>	<b>245,935</b>	<b>238,938</b>	<b>70,000</b>	<b>-175,935</b>	<b>-72%</b>
<b>FUNCTIONAL ELEMENT TOTALS:</b>		<b>97,254</b>	<b>100,509</b>	<b>70,000</b>	<b>175,935</b>	<b>245,935</b>	<b>238,938</b>	<b>70,000</b>	<b>-175,935</b>	<b>-72%</b>
<b>01D108 - CITY SOLICITOR</b>										
52	EXPENSES	0	0	0	0	0	0	0	0	0%
<b>TOTALS:</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>FUNCTIONAL ELEMENT TOTALS:</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>CITY SOLICITOR TOTALS:</b>		<b>1,361,568</b>	<b>1,283,931</b>	<b>1,244,557</b>	<b>275,935</b>	<b>1,520,492</b>	<b>1,284,168</b>	<b>1,154,136</b>	<b>-366,356</b>	<b>-24%</b>