



## Finance Committee Agenda



### City of Newton In City Council

**RECEIVED**  
By City Clerk at 12:19 pm, Apr 19, 2018

**Monday, April 23, 2018**

**7 PM**  
**Room 211**

**Please Bring Your Budget and CIP Books**

#### **Items Scheduled for Discussion:**

- #241-18**     **Appropriate \$350,000 from Free Cash to the Rainy Day Stabilization Fund**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend three hundred fifty thousand dollars (\$350,000) from Free Cash to the Rainy Day Stabilization Fund. This appropriation when combined with interest earned throughout FY 2018 and \$150,000 appropriated in the FY 2019 Mayor's proposed budget will allow the City to begin FY 2019 with a full 5% of the operating budget set aside in reserve.
- #195-18**     **Investment Policy for the Rainy Day Stabilization Fund**  
COUNCILOR GENTILE, on behalf of the Investment Advisory Committee, submitting its recommendation for an investment policy for the Rainy Day Stabilization Fund.
- #153-18**     **Discussion with Procurement Officer on criteria for bidding contracts**  
COUNCILORS GENTILE, MARKIEWICZ, AND NORTON requesting a discussion with the Chief Procurement Officer regarding the City's process for hiring consultants. Discussion should focus in particular on 1) the criteria which determines whether a consulting contract is put out for public bid; and 2) when there is no bid process, what criteria are used to choose consultants.

#### **BUDGET & CIP DISCUSSIONS:**

**Information Technology**  
**Human Resources**  
**Financial Information Systems**  
**Comptroller**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**Referred To Finance and Appropriate Committees**

- #250-18** **Submittal of the FY 201 Municipal/School Operating Budget**  
HER HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY19 Municipal/School Operating Budget totaling \$412,513,389 passage of which shall be concurrent with the FY19-FY23 Capital Improvement Program (#63-18).  
**EFFECTIVE DATE OF SUBMISSION 04/17/18; LAST DATE TO PASS THE BUDGET 06/01/18**

**Referred to Finance and Appropriate Committees**

- #63-18** **Submittal of the FY 2019 to FY 2023 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2019 to 2023 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. (Submitted 10/16/17)

**Referred To Finance and Appropriate Committees**

- #251-18** **Submittal of the FY 2019 – FY 2023 Supplemental Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the FY 2019 – FY 2023 Supplemental Capital Improvement Plan.

- #242-18** **Rescind Order #178-17A and transfer \$75,000 to the Library Consultants Account**  
HER HONOR THE MAYOR requesting rescission of Council Order #178-17A authorizing a bond issuance in the amount of seventy-five thousand dollars (\$75,000) for the purpose of funding library renovations and authorization of the transfer of the sum of seventy five thousand dollars (\$75,000) from the Main Library Full-time Salaries Account to the Library Consultants Account as the new funding source for this initiative.

- #237-18** **Reappointment of James Mnookin to the Investment Advisory Committee**  
PRESIDENT LAREDO re-appointing JAMES P. MNOOKIN, 40 Woodchester Drive, Chestnut Hill as a member of the INVESTMENT ADVISORY COMMITTEE for a term of office to expire April 1, 2020.

- #238-18** **Appointment of Councilor Markwiewicz to the Twombly House Fund**  
PRESIDENT LAREDO appointing Councilor Christopher Markwiewicz, 382 Wolcott Street, Auburndale as a Trustee of the TWOMBLY HOUSE TRUST FUND for a term of office to expire December 31, 2019.

Respectfully submitted,

Leonard J. Gentile, Chair



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#241-18  
Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

April 9, 2018

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation and expenditure of \$350,000 from June 30, 2017 Certified Free Cash to the Rainy Day Stabilization Fund. This appropriation when combined with the interest earned throughout FY18 and the \$150,000 appropriated in the FY2019 Mayor's Proposed Budget will allow the City to begin the fiscal year with a full 5% of the operating budget set aside in reserve.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED  
Newton City Clerk  
2018 APR -9 PM 1:52  
David A. Olson, CMC  
Newton, MA 02459

*INVESTMENT POLICY*

*GUIDELINES*

*FOR THE*

*NEWTON RAINY DAY*

*STABILIZATION FUND*

Adopted Date

## Newton Rainy Day Stabilization Fund Investment Policy Statement

### INTRODUCTION

In 2010 the City of Newton established a Rainy Day Stabilization Fund and on December 21, 2015, the City Council (formerly known as the Board of Aldermen) of the City of Newton through Board Order # 337-15 authorized the conversion of the Undesignated Stabilization Fund (known as the Rainy Day Stabilization Fund) to a formal statutory stabilization fund per MGL Chapter 40, Section 5B to improve investment income earnings for the Rainy Day Stabilization Fund. The fund was established as a reserve for years when the City faces a multiple year economic recession or a rare, catastrophic, expenditure. These funds may be utilized to assist in addressing cyclical declines in operating revenues, generally resulting from economic factors outside the City's control, or an unusually large expenditure resulting from such things as a catastrophic weather event. The primary reason for these segregated funds is not only to prevent these reserves from being depleted for unrelated city needs, but to demonstrate that resources are in fact being set aside specifically for extraordinary and unforeseen revenue disruption or catastrophic expenditure need while creating a growing safeguard for the debt and credit rating vital to the City.

To ensure that the Rainy Day Stabilization funds are available for multiple years of an economic downturn, no more than 1/3<sup>rd</sup> of the funds can be used in any single fiscal year. Appropriations may be made from the Rainy Day Stabilization Fund into the General Fund for operating purposes, upon the recommendation of the Mayor and by a two-thirds vote of the City Council. The target size of the Rainy Day Stabilization Fund is 5% of the annual general fund operating budget. The fund reached the desired goal of 5% of the City's Budget in November 2014 and has remained at that level ever since.

Maintaining a Rainy Day Stabilization Fund that totals 5% of the City's Annual Budget requires that the City set aside 5% of the annual budget increase each year or approximately \$750,000. Because interest rates have been historically low for the past several years, the City has had to "appropriate" a large portion of this amount, consequently preventing the appropriation of these funds that would otherwise be used to provide City services or improve City infrastructure. Therefore, as mentioned previously, the City Council of the City of Newton approved Board Order # 337-15 to authorize the conversion of the Undesignated Stabilization Fund (known as the Rainy Day Stabilization Fund) to a formal statutory stabilization fund.

*Consistent with MGL c. 40 §5B, the Treasurer may invest stabilization funds in a trust company, co-operative bank or savings bank, national bank, federal savings bank or federal savings and loan association, provided these institutions have locations in Massachusetts and provided*

*federally or state-chartered banks are insured by the FDIC; in participation units in a combined investment fund established by the Treasurer of the Commonwealth pursuant to MGL c. 29 §38A; or in securities that are legal investments for savings banks under Massachusetts Law, pursuant to the “List of Legal Investments” issued annually by the Commissioner of Banks pursuant to MGL c. 167 §§15A - 15K.*

Additionally, the City Council, through Board Order # 25-15, established the City’s Investment Advisory Committee. Per the Board Order, the Investment Advisory Committee was established to maximize investment income earnings on temporarily idle cash in the City treasury, consistent with state and federal law and City investment policies. The activities of the Investment Advisory Committee shall be advisory only.

The Committee shall take no action that is inconsistent with State law or the City Charter or Code of Ordinances, nor shall it abridge any investment management authority/responsibility assigned to the City Treasurer/Collector or Trustee by virtue of State Law; City Charter or Code of Ordinance; or trust agreement.

The purposes of the Investment Advisory Committee shall be:

- 1) To advise the City Treasurer/Collector on investment management options that minimize the need for ongoing tax levy subsidies for the City’s Rainy Day Stabilization Fund, while maintaining appropriate levels of liquidity and complying with State law governing the investment of Stabilization Fund assets.
- 2) To advise the City Treasurer/Collector on investment management options to maximize investment earnings on temporarily idle operating cash that are consistent with liquidity needs; State and Federal law; and City investment policies.
- 3) To advise the City Treasurer/Collector on investment management options to maximize investment earnings on trust and internal service funds, consistent with liquidity needs; State and Federal law; and any related trust agreements.
- 4) To assist the Finance Committee in monitoring the City’s compliance with state law and City investment policies.
- 5) To recommend changes in the City’s investment policies and/or State law, when the Committee determines that such changes are appropriate in order to meet the City’s investment management safety/liquidity/return objectives.

## **RESPONSIBILITIES AND SCOPE**

### **A. RESPONSIBILITIES**

The Mayor, the Treasurer and the Comptroller, in consultation with the Investment Advisory Committee, shall develop the policy for investment of the City of Newton Rainy Day Stabilization Fund for the approval of the City Council. This policy shall be reviewed on a regular basis and, at a minimum, every five years. The Treasurer shall report on the review

to the City Council Finance Committee.

Pursuant to the City of Newton Investment Policy (Board Order # 15-13) the Treasurer has the responsibility and authority to manage the investment of City funds (see Massachusetts General Laws, Chapter 44, section 55B and Acts of 1985, Chapter 740). The Treasurer shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. If the Treasurer wishes to make a decision to deviate from the terms of this policy, the Treasurer shall obtain prior written approval from the City Council. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

The selection of financial institutions and broker/dealers authorized to engage in transactions with the City of Newton shall be at the sole discretion of the Treasurer in consultation with the Investment Advisory Committee.

The Treasurer and those responsible to the Treasurer shall be bonded as required by law and insured for their fiduciary responsibilities.

The Treasurer shall be responsible for monitoring changes to the General Laws governing the type and method of investing City funds referred to in this Investment Policy.

**B. SCOPE**

This investment policy is to be used by the Treasurer as a general guideline for the investment of the City of Newton's Rainy Day Stabilization Fund. This policy specifically applies to the Rainy Day Stabilization Fund and only the Rainy Day Stabilization Fund.

**STANDARDS OF CARE**

**A. PRUDENCE**

The standard of prudence used by the Treasurer, employees, and City of Newton Investment Advisory Committee members involved in the investment process shall be the "prudent person" standard. Such fiduciaries must act in the manner of a prudent person, with judgment and care, discretion and intelligence. They must act not for speculation but for investment, considering the probable safety of the capital as well as the probable income to be derived, with the understanding that no investment is completely without risk. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

**A. ETHICS AND CONFLICT OF INTEREST**

The Treasurer and employees involved in the investment process as well as members of the Investment Advisory Committee shall disclose any business relationship that could conflict

with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

## **OBJECTIVES**

The Rainy Day Stabilization Funds are to be invested in a manner which will meet the specific purpose of the fund – to be available for extraordinary and unforeseen revenue disruption or catastrophic expenditure, while no more than 1/3<sup>rd</sup> of the funds are used in any single fiscal year. The investment activities shall conform to all applicable federal and state statutes and City ordinances governing the investment of public funds.

*Consistent with MGL c. 40 §5B, the Treasurer may invest stabilization funds in a trust company, co-operative bank or savings bank, national bank, federal savings bank or federal savings and loan association, provided these institutions have locations in Massachusetts and provided federally or state-chartered banks are insured by the FDIC; in participation units in a combined investment fund established by the Treasurer of the Commonwealth pursuant to MGL c. 29 §38A; or in securities that are legal investments for savings banks under Massachusetts Law, pursuant to the “List of Legal Investments” issued annually by the Commissioner of Banks pursuant to MGL c. 167 §§15A - 15K.*

## **Prohibited Investments**

The City at the present time will not make direct investments in the following types of investments:

- Hedging, or speculative type of investments;
- Reverse Repos, Leveraging or similar investments;
- Master Trust and Custodial Bank Security Lending Programs;
- Unregistered or Registered Letter Stock;
- Private Placements, Short Sales, Margin Trading, Futures, Commodities;
- Non-publicly-traded Limited Partnerships and Limited Liability Corporations (LLC);
- Real Estate Purchases (excluding REITs);
- Any other investment type not authorized by this policy; and,
- Any entity doing business with Sudan pursuant to Newton City Ordinances Sec. 2-117, except as exempted by the ordinance.

## **RETURN ON INVESTMENT**

### **TIER 1 – 1<sup>ST</sup> 34% OF THE FUND**

Safety of principal and liquidity are the foremost goals of Tier 1 (or the 1<sup>st</sup> 34%) of the City's



Rainy Day Stabilization Fund. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. Safety also is the assurance that the investment expectation will be fulfilled in a timely fashion. To attain this objective, diversification of types of investments, duration of investments and financial institutions holding the investments shall be considered. The Treasurer shall invest in quality issues and comply with state statutes regarding investment requirements.

Suitable investments for the Tier 1 – 1st 34% of the Fund include the following:

- Demand Deposit Accounts (DDA's),
- Money Market Accounts (MMA's and MMDT),
- Certificates of Deposit (CD's) with a maturity of 1 year or less, but "available" if needed within 5 business days of request of the funds, and
- Treasury securities with a 1-year maturity or less.

### **TIER 2 – 2<sup>ND</sup> 33% OF THE FUND**

Investments will be limited to relatively low risk financial instruments in anticipation of earning a fair return relative to the risk being assumed. Similarly, investments are limited to financial instruments that have higher credit risks with all fixed income investments rated A, or above by Standard & Poor's (S&P) or a similar rating by another nationally recognized rating agency.

Suitable investments for the Tier 2 – 2nd 33% of the Fund include the following:

- Longer term – 2 year CDs (brokered and collateralized),
- Treasury securities with a maturity of up to 2 years,
- Commercial Paper rated A or higher, and
- Bonds.
- Investments not to exceed 2 years in maturity, but "available" if needed within 5 business days of request of the funds.

### **TIER 3 – REMAINING 33% OF THE FUND**

The final 33% of the fund – or Tier 3 - shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and liquidity needs. Tier 3 – final 33% of the fund may be invested in those securities allowed by MGL for Stabilization Funds. Such funds should be consistent with the following guidelines:

- Portfolio diversification, liquidity, and professional management;
- Maturity of funds should be staggered;
- Regulated by the Securities and Exchange Commission;
- Portfolio contains no direct investment in derivative products; or individual stocks
- Mutual funds and other pooled products. ,

### **Tier 3 – Suitable Investments**

Suitable investments to be considered for the Tier 3 – final 33% of the Fund include index funds, mutual funds, US Treasuries, unlevered diversified exchange traded funds, U.S. agency bonds, municipal bonds, and investment grade corporate bonds.

- a. **Mutual funds** should be selected with due consideration given to performance history, current management history, and costs, including management fees,

buying and selling “loads.”

- b. **Unlevered Diversified Exchange Traded Funds**
- c. **Fixed income instruments** must be U.S. Government or its Agencies or State or corporate obligations below A. Duration of the instruments must be prudently selected by the investment managers.
- d. **Cash equivalents** must have ratings of Standard and Poor’s A-1 or Moody’s P-1.

**Tier 3 - Asset allocation targets should be as follows.** Investment management of the assets of the fund shall be in accordance with the strategic asset allocation parameters as mandated by the Treasurer who may in consult with the Investment Advisory Committee from time to time. Benchmarks are always recommended to gauge success of an investment strategy. The issue is that the investment managers are not managing the fund for growth of assets but rather to preserve capital and growth beyond the Lipper Money Market Index. Tier 3 asset allocation targets shall be as follows:

<b><u>Asset Class</u></b>	<b><u>Range</u></b>	<b><u>Benchmark</u></b>
Diversified equities or equity funds <sup>1</sup>	0% - 30%	S&P 500 or MSCI (Morgan Stanley Capital International) ACWI (All Country World Index)
Bond	0% -85%	Bloomberg Barclays US Aggregate Bond Index
Short Term Bond (1-5 year Maturities)	0% - 85%	Bloomberg <b>Barclays Capital U.S. 1-3 Year Treasuries Index</b>
Cash and cash equivalents	0% - 100%	Lipper Money Market

**Rebalancing the fund.** Adjustments shall be made to keep the asset allocation and diversification within guidelines as specified in the above table. The rebalancing should occur at the time of the semi-annual review. Exceptions to the limits as specified above can only be made with approval of three-fourths of the entire Investment Advisory Committee.

#### **OTHER POLICY REQUIREMENTS**

**Semi-Annual review.** At least semi-annually, the Newton Rainy Day Fund Investment Advisory Committee shall formally review the asset allocation plan and the portfolio performance.

<sup>1</sup> At no time shall more than 10% of the total value of the Rainy Day Stabilization Fund be invested in this class of funds.

**Insurance.** If a custodian is chosen, the custodian must furnish insurance from the Securities Investor Protection Corporation (SIPC) and such further coverage, as the Treasurer deems necessary to protect the portfolio's value against the custodian's business failure.

**Buffer.** In order to accomplish these objectives, the City has temporarily provided a reserve of \$2 million over and above the target value of the fund (5% of the City's Operating Budget). If the value of the fund should drop below 5% of the operating budget for more than 90 days, the City shall take action to reimburse the fund up to the 5% within the following 90 days.

#### **OTHER CONSIDERATIONS**

**Reinvesting in the Newton Community.** As with the City of Newton's Overall Investment Policy, the Treasurer and/or custodian is encouraged to consider financial institutions that have a record of financially reinvesting in the Newton community when making investment decisions; such consideration to be subordinate to the specifications and guidelines set forth within this Investment Policy.

The **Newton Rainy Day Fund Investment Committee** has adopted this Investment Policy Statement on XXXX, XX, 2018. (signed copy on file).

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title III** LAWS RELATING TO STATE OFFICERS

**Chapter** UNIFORM PROCUREMENT ACT  
**30B**

**Section 1** APPLICATION OF CHAPTER

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Section 1. (a) This chapter shall apply to every contract for the procurement of supplies, services or real property and for disposing of supplies or real property by a governmental body as defined herein.

(b) This chapter shall not apply to:

(1) a contract subject to the provisions of section thirty-nine M of chapter thirty, section 11C or section 11I of chapter 25A or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine;

(2) a contract subject to the provisions of sections thirty-eight A<sup>1/2</sup> to thirty-eight O, inclusive, of chapter seven;

(3) an intergovernmental agreement subject to the provisions of section four A of chapter forty;

(4) a transaction with the commonwealth, except as pertains to subsection (i) of section 16;

(5) a contract for the purchase of materials, under specifications of the state department of highways, and at prices established by the department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of chapter eighty-one or chapter ninety;

(6) a contract for the advertising of required notices;

(7) an agreement between agencies, boards, commissions, authorities, departments or public instrumentalities of one city or town;

(8) an agreement for the provision of special education pursuant to chapter seventy-one B and regulations promulgated pursuant thereto;

(9) a contract to purchase supplies or services from, or to dispose of supplies to, any agency or instrumentality of the federal government, the commonwealth or any of its political subdivisions or any other state or political subdivision thereof;

(10) the issuance of bonds, notes or securities in accordance with procedures established by law;

(11) contracts and investments made in accordance with sections fifty-seven or fifty-seven A of chapter thirty-five or sections sixty-seven or sixty-seven A of chapter forty-four;

(12) a contract for the procurement of insurance or surety bonds, including an agreement subject to the provisions of sections one to sixteen, inclusive, of chapter forty M or the provisions of sections twenty-five E to twenty-five U, inclusive, of chapter one hundred and fifty-two;

(13) contracts for the services of expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof;

(14) any contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board, as defined by <sup>#153-18</sup> section fifty-five of chapter one hundred and sixty-four or by a municipal light commission, as defined by section fifty-six A of said chapter one hundred and sixty-four; provided, however, that any such board or commission may accept the provisions of this chapter by a majority vote of its members;

(15) contracts with labor relations representatives, lawyers, or certified public accountants;

(16) contracts with physicians, dentists, and other health care individuals or persons including nurses, nurses' assistants, medical and laboratory technicians, health care providers including diagnosticians, social workers, psychiatric workers, and veterinarians;

(17) a contract for snow plowing by a governmental body;

(18) a contract or lease by a governmental body of its boat slips, berths, or moorings;

(19) a contract for retirement board services; provided, however, that the procurements shall take place under section 23B of chapter 32;

(20) a contract which is funded by proceeds derived from a gift to a governmental body or a trust established for the benefit of a governmental body;

(21) a contract for the towing and storage for motor vehicles;

(22) a contract to provide job-related training, educational or career development services to the employees of a governmental body;

*[ Clause (23) of subsection (b) effective until November 7, 2016. Deleted by 2016, 218, Sec. 5.]*

- (23) a contract pursuant to which a governmental body obtains services from a bank, as defined in section one of chapter one hundred and sixty-seven, subject to the maintenance of a compensating balance;
- (24) a contract for ambulance service by a governmental body;
- (25) a contract to sell lease or acquire residential, institutional, industrial or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of said real property in accordance with a plan approved by the appropriate authorizing authority;
- (26) a contract for the collection of delinquent taxes or for the services of a deputy tax collector;
- (27) contracts or agreements entered into by a municipal hospital or a municipal department of health;
- (28) contracts entered into by a governmental body on behalf of a hospital owned by such governmental body where such contract is funded by expenditures from an operations account, so-called, or a special account, established pursuant to a special act that is maintained for the benefit of and designated with the name of such hospital;
- (29) any contracts, agreements or leases entered into by a municipal airport commission established under the provisions of section fifty-one E of chapter ninety; provided, however, that such contracts, agreements or leases apply to aviation uses or the sale of aviation fuel;
- (30) a contract for the collection, transportation, receipt, processing or disposal of solid waste, recyclable or compostable materials;
- (31) an agreement for the purchase of photography services entered into by a public school;

(32) energy aggregation contracts entered into by a political subdivision of the commonwealth for energy or energy related services arranged or negotiated by such subdivision on behalf of its residents; <sup>#153-18</sup>

(32A) contracts with architects, engineers and related professionals;.

(33) energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the commonwealth, for energy or energy related services; provided, however, that within 15 days of the signing of a contract for energy or energy related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of public utilities, the department of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract; provided, further, that for any such contract determined to contain confidential information under subclause (r) of section 7 of chapter 4, the governmental body shall instead maintain a record of the procurement processes and awards for 6 years after the date of the final payment. The governmental body shall make such records available to the inspector general upon request; provided, however, that the inspector general shall not disclose said information; or

(34) a contract made in accordance with section 5 of chapter 111C.

(c) This chapter shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven when one political subdivision, as defined in said section twenty-two A, acting on behalf of other political



subdivisions, complies with the provisions of this chapter, or when purchases are made from a vendor pursuant to a contract with the commonwealth for the item or items being purchased.

(d) Where a procurement involves the expenditure of federal assistance or contract funds, the provisions of this chapter shall not apply to the extent that such provisions prevent compliance with mandatory provisions of federal law and regulations.

(e) Notwithstanding the provisions of any general or special law to the contrary, a governmental body may enter into a contract, in conformance with this chapter, for the construction and for services at a facility owned by a private party or parties, whether such facility will be located on public or private land for the disposal, recycling, composting or treatment of solid waste, sewage, septage or sludge without said contract being subject to the competitive bid process as set forth in sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine; provided, however, that this subsection shall not apply to a procurement of proprietary environmental technology in accordance with subsection (5) of section forty-four A of chapter one hundred and forty-nine.

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration federal supply schedule that is available for use by governmental bodies.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title II</b>	EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH
<b>Chapter 7C</b>	CAPITAL ASSET MANAGEMENT AND MAINTENANCE
<b>Section 44</b>	PURPOSE OF SECS. 44 TO 58 RELATING TO PROCUREMENT AND QUALITY OF DESIGN SERVICES; DEFINITIONS

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Section 44. (a) Sections 44 to 58, inclusive, shall: ensure that the commonwealth receives the highest quality design services for all its public building projects; provide for increased confidence in the procedures followed in the procurement of design and design related services; promote consistency in the methods of procurement of design and design related services for all public building projects in the commonwealth; foster effective broad-based participation in public work within the design professions; provide safeguards for the maintenance of the integrity of the system for procurement of designers' services within the commonwealth;

(b) As used in sections 44 to 58, inclusive, the following words shall have the following meanings, unless the context clearly requires otherwise, or a different definition is prescribed for a particular section or provision.

"Applicant", any person or entity applying to perform design services, the principal personnel responsible for the provision of such services for the project, and the persons who will be the principal staff for the project.

"Board", the designer selection board.

"Commissioner" and "division", the commissioner and the division of capital asset management and maintenance.

"Continued services", authorization for a designer or interior designer who has been appointed for 1 stage of a project to act as the designer or interior designer for a succeeding stage or stages of the same project.

"Construction manager", any designer or any other corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of construction management or construction scheduling.

"Design services", any of the following services provided by any designer, interior designer, programmer, or construction manager in connection with any public building project:

- (i) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- (ii) preparation of drawings, plans, or specifications, including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- (iii) supervision or administration of a construction contract;
- (iv) construction management or scheduling.

"Designer", an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of architecture, landscape architecture, or engineering, which satisfies the following:

- (i) if an individual, the individual is a registered architect, landscape architect, or engineer;
- (ii) if a partnership, a majority of all the partners are persons who are registered architects, landscape architects, or engineers;
- (iii) if a corporation, sole proprietorship, joint stock company or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, landscape architects, or engineers, and the person to have the project in his or her charge is registered in the discipline required for the project;
- (iv) if a joint venture, each joint venturer satisfies the requirements of this section.

"Director", the director of the office of project management, or in the case of agencies subject to section 4B of chapter 7, the chief executive official of the agency or his designee.

"Extended services", authorization for a designer or interior designer who has been appointed to provide design services for a project to act as designer or interior designer for work to be done on another project not originally included in that designer's or interior designer's contract.

"Interior Designer", an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the practice of interior design, who may serve as the prime consultant for projects that primarily involve construction or other work relating to

the nonstructural interior elements of a building or structure and who provides services that do not require a registered architect, landscape architect or engineer; provided, however, that an interior designer shall demonstrate competence by completion of a nationally-recognized certification.

"Nonstructural", interior elements or components that are not load-bearing and do not require design computations for a building's structure, including, but not limited to, ceiling and partition systems and excluding the structural frame supporting a building.

"Partition", a wall which does not support a vertical load of a structure other than its own weight, but may support loads attached to it, such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a structure designed for human habitation or occupancy to the underside of the deck of that structure.

"Programmer", any designer or any other individual, corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the preparation of architectural facility programs or studies.

"Public agency", a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth or two or more subdivisions thereof other than cities and towns, and any agency, unit, authority, or instrumentality thereof but not including the State College Building Authority or the University of Massachusetts Building Authority.

#153-18

Date	Contract #	Company	Scope of Work	Department	Payment Total
1/25/2016	L-6185	Weston & Sampson	Engineering Services - Sewer Rehab	DPW	\$679,906
3/11/2016	L-6195	Langdon Environmental	Environmental Monitoring Fumford	DPW	\$152,500
3/11/2016	L-6197	Street Scan	Pavement Inspection	DPW	\$126,560
4/7/2016	L-6160	Tata & Howard	Tank Decommission	DPW	\$67,300
5/4/2016	L-6212	Tata & Howard	Lead Service Replacement	DPW	\$384,600
6/22/2018	L-6203	HDR Engineering	West Newton Square Concept Design	DPW	\$168,441
9/14/2016	L-6249	Tata & Howard	Water Main Rehab	DPW	\$178,800
10/21/2016	L-6244	Environmental Partners	Contract and Amendment - Dedham St Intersection Improvements	DPW	\$157,965
11/14/2016	L-6272	Beta Group	On-call Pavement Management Services	DPW	\$50,000
11/16/2016	L-6262	Lerner/Ladds & Bartels Inc	Library Feasibility Study	Library	\$75,000
12/2/2016	L-6276	Weston & Sampson	Cinspection & Assessment -Sewer Area 7	DPW	\$818,949
1/11/2017	L-6199	Environmental Partners	Complete Streets Prioritization Plan	DPW	\$60,000
2/3/2017	L-6292	Stantec	Needham St/Oak/ Christina Sts Improvements	DPW	\$56,000
2/6/2017	L-6291	HDR Engineering	West Newton Square Final Design	DPW	\$250,000
2/23/2018	L176295	City Point Partners	Crescent St Project	Public Buildings	\$114,470

#153-18

4/28/2017	L-6291	HDR Engineering	Amendment West Newton Square Final Design	DPW	\$104,059
5/5/2017	L-6301	Environmental Partens	Walnut St Enhancements	DPW	\$400,000
5/16/2017	L-6268	Woodard & Curran	Rehab of Forest Grove / Flowed Meeadow Pump Station	DPW	\$71,800
6/19/2017	L-6332	Abacus Architects + Planners	Design Crescent St Project	Public Buildings	\$456,745
6/30/2017	L-6321	Tata & Howard	PCCP Valve Replacemtne Cross Connection Control	DPW	\$160,300
7/12/2017	L-6303	Weston & Sampson	Program	DPW	\$185,000
7/19/2017	L-6335	Weston & Sampson	Project Area 5 Construction & Re-test Services	DPW	\$563,500
7/19/2017	L-6343	Weston & Sampson	Cabot Culvert Replacement	DPW	\$218,400
8/21/2017	L-6348	Beta Group	On-call Pavement Management Services	DPW	\$60,000
9/18/2017	L-6347	Beta Group	Engineering Services - Roadway Rehab	DPW	\$430,000
1/16/2018	L-6382	CWL O& M Solutions	Engineering Services for FOG Characterization and Management Program	DPW	\$80,000



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#242-18  
Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

April 9, 2018

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to rescind Board Order #178-17A authorizing a bond issuance in the amount of \$75,000 for the purpose of funding Library renovations.

Additionally, I respectfully Request that your Honorable Council authorize the transfer of the sum of \$75,000 from Acct # 0160103-511001 Main Library Full Time Salaries to Acct # C-0160101-5301 Library Consultants as the new funding source for this initiative. Savings from attrition are sufficient in the Library budget to fund this expenditure.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED  
Newton City Clerk  
2018 APR -9 PM 1:53  
David A. Olson, CFO  
Newton, MA 02459



**JAMES P. MNOOKIN**  
MANAGING DIRECTOR, CAMBRIDGE ASSOCIATES LLC

### Focus and Experience

Jim is a Managing Director in Cambridge Associates' Boston office. He advises a number of private clients, universities, independent schools, foundations, and pension clients based in the U.S. and U.K. His clients' portfolios range in size from \$25 million to \$125 billion. Jim works both as a generalist on total portfolios and as a hedge fund specialist, helping clients develop and implement hedge fund programs. He was recently named Hedge Fund Consultant of the Year by *Institutional Investor Magazine*. Jim is also a member of Cambridge Associates' Hedge Fund Investment Committee and the Research Navigator Advisory Committee.

The following are highlights from Jim's recent client work:

- Serves as a member of the outsourced investment office for a college with approximately \$500 million in assets.
- Created a customized portfolio and hedge fund program for a multi-billion dollar U.S. foundation. Has advised the client for over a decade on asset allocation, investment objectives, diversification, and the generation of capital.
- Sourced new manager ideas for the firm by maintaining relationships with domestic and international hedge fund managers. Monitors individual hedge fund managers through on-site visits and quarterly conference calls.
- Oversees a client's \$400 million hedge fund program on a discretionary basis.
- Conducted due diligence and established a framework for a new client's existing hedge fund program.
- Conducted a large-scale governance project for a major U.S. foundation.
- Developed an investment policy statement for a college with \$300 million in assets.

Prior to joining Cambridge Associates in 2000, Jim was a Vice President at Goldman Sachs Asset Management for three years, focusing on endowments and foundations. In this role, he advised clients on asset allocation, risk management, and spending policies. Prior to this, he was a Manager at Grantham Mayo Van, Van Otterloo and Co. LLC for six years, where he performed equity research, asset allocation, and client service for endowments and foundations. For fifteen years, he was the President and CEO of Kaufmann Trading Corporation, a multi-company firm trading physical commodities around the world. Early in his career, he was a university administrator at Princeton University and City University of New York.

**Education and Professional Credentials**

- PhD and MPA, Woodrow Wilson School of Public and International Affairs, Princeton University
- BA in Economics, Harvard College

**Community Involvement and Board Affiliations**

- Advisory Committee Member, Beaver Country Day School
  - Undergraduate Student Recruitment, Harvard College
  - Finance Committee Trustee and Member, the Goddard House
  - Board Member, Nevo Technologies
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