

Charter Commission Meeting

July 12, 2017, 7p.m., Room 211

Present: Josh Krintzman, Chair, Rhanna Kidwell, Vice Chair, Bryan Barash, Jane Frantz, Howard Haywood, Anne Lerner, Brooke Lipsitt, Karen Manning. Chris Steele absent.

The first order of business is review of the meeting minutes from June 12, 2017.

Brooke moves acceptance of the June 12 minutes; seconded by Anne. Motion passes 8-0.

Public Comments

Jack Prior, 57 Grove Hill Ave, Newtonville, represents Newton Citizens for Local Representation, which is seeking a No vote on the charter. His comments are as follows:

“I am here tonight with a question and to take issue with use of “ward representation” in describing the role of the school committee and city council on the ballot summary for November.

[<http://www.newtonma.gov/civicax/filebank/documents/83754>].

Elected officials represent voters eligible to elect them, and for the school committee and the proposed city council this is the WHOLE city -- not any particular ward.

In contrast, the Ward Councilors eliminated by the proposal are elected by ward residents to represent them at the village level.

“Ward representation” has no place in an objective summary of the proposal.

I have provided edits by email that rephrase this as a ward residency requirement.

On a separate note, my remarks on April 12 and email to you on June 7th pointed out that the proposal leaves Newton as the only even numbered council in the state,

... and that this appears to violate the state statute (c.43B, §20) requiring NEW councils to be odd-numbered.

Council votes can involve choices, such as where to locate a school, as Lowell just did in a 5-4 vote, or how to settle a lawsuit, and thus deadlocks are to be avoided.

I believe this requirement for new charters was overlooked by both the Office of the Attorney General and the Collins Center consultants.

I would like to know -- just so we can be clear as we debate the charter’s merits -- if this has been clarified this with either of these parties as not being an oversight?”

There are no further comments.

Discussion: Letter to the Council:

All proposed minor edits from the draft are accepted. These include addressing the letter to the Mayor (in addition to the Council) and agreement that the letter should include all commissioners' names.

All present vote in favor of the final version of the Commission's letter to the Council as follows:

Dear Mayor and City Councilors,

It has been our honor to review the city's charter. During the 16-month charter-review process, the Commission tracked elements of our research and findings that may be of particular interest to you. We conducted our review mindful that the charter is not the appropriate vehicle to resolve all governance problems. We believe that the issues referenced below warrant consideration for further action whether or not the charter proposal is successful in November.

We hope that the following commentary and information will be beneficial to you:

311 System

A common theme throughout our review was the expectation in Newton that councilors provide constituent services (e.g. issues involving potholes, streetlights and cracked sidewalks). Councilors from other municipalities described the benefits of a successful separation of responsibilities and a carefully designed 311 system to meet citizen needs without burdening councilors.

Special Permits

During the planning article panel discussion, our panelists confirmed that special permit granting authority under Massachusetts General Laws Chapter 40A lies squarely with the City Council as the city's legislative body. Residents and councilors alike expressed frustration at the time required to review even minor projects and many supported reassigning smaller-scale or straightforward projects to another body.

The Charter Commission confirmed that, under state law, the Council may keep this power, assign it to other authorized bodies, or determine that certain classes of special permits should be issued by one body with other classes of special permits issued by another body.

Comprehensive Plan

The Commission considered a requirement that a new comprehensive plan be developed according to a designated time line, e.g., every 12 years. After additional discussion, commissioners decided against this approach given the research demands, data gathering requirements, and concern that the "correct" interval was difficult to determine. However, there was widespread agreement that consistent and serious attention to the document is critical and that each incoming Mayor should affirm or propose modifications as needed to the city's current Comprehensive Plan. With or without a new charter, we recommend the council establish a structure for Comprehensive Plan Review.

Planning and Development Board

The proposed charter also contains a new provision that requires the city council to set by ordinance the membership and term of office of the planning and development board. We recommend you consider crafting such an ordinance no matter the outcome of the charter vote.

Charter Objection

The proposed charter includes a small but significant change to the charter objection provision which allows the city council to limit the situations in which the charter objection may be utilized. This was done in response to public feedback that there may be certain situations in which taking no action would allow a proposal to pass without the Council's approval, e.g. with special permits or the city budget. We recommend that you carefully consider whether the charter objection should be limited and, if so, under which circumstances.

Neighborhood Area Councils

As with our planning article, the Commission found that it is unusual for cities or towns to include neighborhood area councils in their charters. Also, we learned that area councils are almost exclusively appointed (not elected) in more populous cities, such as St. Paul, Seattle, Washington D.C., and Los Angeles. The Collins Center compiled area council data that may be helpful for your reference. (See Appendix D: <http://www.newtonma.gov/civicax/filebank/documents/78300>). In short, having area councils in a city Newton's size is atypical and special consideration is warranted.

Ultimately, all commissioners agreed that if our proposal passes, the significant decisions and details pertaining to the area councils' framework are best left to the City Council. We urge you to consider the following:

1. A clear vision and purpose for area councils should be defined.
2. The creation and management of boundaries should be carefully evaluated, given that under the current charter:

Neighborhood Area Councils' boundaries do not conform to ward and precinct lines creating challenges for the Elections Office; and

Neighborhood Area Councils' boundaries may be modified at any time through a petition process creating challenges for the Legal Department.

Please note that concerns arose consistently that if the council is downsized, priorities will lie elsewhere during the transition.

Design Review

State statutes and regulations regarding design and construction of public facilities (including school buildings) have changed considerably since Newton's current charter was approved in 1971. Whether the current proposed revisions to Newton's charter are approved by the voters in November or not, the Council could significantly improve public independent review of new and renovated municipal buildings by updating and clarifying the current ordinances related to Design Review Committee.

City Councilor Compensation/Salaries

We gathered data to look at Newton officials' compensation vs. those of other similarly-sized cities in Massachusetts and found our officials at the very bottom of the range. (see <http://www.newtonma.gov/civicax/filebank/documents/76149>). The gap between Newton and those other cities is even more pronounced when factoring in the median income.

We gleaned important historic information from the city's 2005 Blue Ribbon Commission Study (<http://www.newtonma.gov/civicax/filebank/documents/79011>) which resulted in a salary increase for the mayor in 2006, with no changes since. The City Council and School Committee have not been provided a step-up in salary since 1997. The Commission fully supported a salary increase but concluded that compensation should not be addressed within the charter. We urge the Council to address this issue.

An entitlement to reimbursement of expenses was also added for City Councilors and School Committee

members as part of our proposal.

City Council Legal Counsel

The city council currently has no means of obtaining independent legal counsel in the rare instance where there is a legal disagreement between the legislature and the executive. The proposed charter allows the Council to establish a level of funding to be provided in the Mayor's budget for such legal assistance. We recommend you review this provision and consider an ordinance that would set a level for such fund

Public Comment

The Commission included a requirement in the proposed charter that city bodies create public comment policies to help set the public's expectations. Whether or not the proposed charter is adopted, we encourage you to take action to ensure the community is given reasonable notice of when and how public comment will be accepted by public bodies.

Transition

The Commission has outlined transition provisions within the proposed charter. A summary document can be found here: <http://www.newtonma.gov/civicax/filebank/documents/79600>

Additional Notes

The Commission wanted to discuss the financial impact of one of our proposed changes, term limits for city councilors and the Mayor. We interviewed several City Hall employees including David Wilkinson, Comptroller, and individuals within Human Resources and the Newton Pension System. None expressed concerns about the potential financial impact of term limits.

For more details regarding our work and conclusions, please see our [final report](#) and documentation ([newtonma.gov/charter](http://www.newtonma.gov/charter)). We hope many elements of what we learned and observed during our review will benefit the Council and city regardless of the outcome of the vote on November 7th.

We hope you contact Commission members with any questions you might have.

Sincerely,

The Newton Charter Commission

Josh Krintzman, Chair
Rhanna Kidwell, Vice Chair
Jane Frantz, Co-Clerk
Karen Manning, Co-Clerk
Bryan Barash
Howard Haywood
Anne Larner
Brooke Lipsitt
Chris Steele

Please note the final draft includes an edit to "Additional Notes" that was made post-meeting at the suggestion of City Solicitor Ouida Young. The group was informed, and Brooke Lipsitt also proposed a one word change to the suggested language. There were no additional changes.

Discussion of The Ballot Question Summary: (26 minutes audio)

Brooke explains that she and Anne took on the assignment of wording the charter vote question on the ballot, which is different from the language that is mailed to households.

The two tried to be sensitive to the Election Commission's request that the question not be lengthy in order to avoid a two page ballot.

They looked at ballots and came up with language that would "fit" though more words were allowable. The text highlighted what would happen if the proposal passes, and is divided into two pieces: size of council and term limits (paragraph 1) and immediate changes if the charter is adopted (paragraph 2).

Anne explains their strategy to refer to other cities' ballot questions for guidance and to figure out what was appropriate.

Objectivity was important and Everett's language was used as a reference point since their proposal was very similar to ours. Everett provided a lot of information succinctly. The proposed language was meant to be as neutral as possible. They used Everett's language in writing about the ward representation:

"Effective with the 2019 municipal election the city council will be reduced from 24 members to 12, with 8 members representing wards and 4 members who can live anywhere in the city. All members will be elected by the voters citywide for 2-year terms."

Bryan thinks the proposed language is very clear. He'd like to raise whether we should refer to replacing the current 24-member city council with a 12-member council (vs. reducing).

Brooke raises whether this suggests that the function of the city council would be different.

Bryan - Everett makes clear they had a different setup for their legislature.

Brooke and others point out Everett previously had a bicameral legislature.

Rhanna points out the importance of being clear and succinct. We have a city council now and we will if our proposal passes.

Anne reads Everett's wording and explains that being close to our situation, it was natural to go to them.

Karen would like to further discuss the point made in public comment and whether we should consider rephrasing.

Rhanna and Bryan maintain changes are not needed.

Bryan - This has become a phrasing and a talking point for those who want to vote no. We do not have a responsibility to accept their phrasing of the question. We all felt this was an effective form of representation and I have no intention of backing away from that.

Jane asks about School Committee language and Brooke responds that the school committee language indicates 8 members representing each of the wards.

Brooke explains the focused effort to use "non-loaded", unemotional language and how this may look different from the language that goes to each household (reference to vote yes/vote no pro & con summaries).

Everett's ballot language was helpful because she is a believer in not reinventing the wheel.

Josh comments it is very clear that all council members will be elected citywide.

Bryan makes a motion to accept the language. Jane initiates a brief discussion about the points highlighted in the subsequent paragraph. This is not meant to be exhaustive.

Josh confirms there is no more discussion. 8 are in favor and 0 are opposed to the proposed language.

Brooke raises question as to whether the City Solicitor will approve this language. Rhanna confirms that MGL provides that the Commission writes the language and there is not mention of any review. The Elections Commission provided guidance about the length.

The language will be as follows:

SUMMARY

Effective with the 2019 municipal election the city council will be reduced from 24 members to 12, with 8 members representing wards and 4 members who can live anywhere in the city. All members will be elected by the voters citywide for 2-year terms. Voters will continue to elect a mayor as the city's chief executive officer for a 4-year term and the school committee will continue to be a 9-member body with 8 members representing wards plus the mayor, all elected citywide. Term limits, which currently exist for the school committee, will be added for the mayor (3 consecutive terms/12 years) and councilors (8 consecutive terms/16 years).

Effective with the adoption of this charter, school committee responsibilities will be updated to reflect changes in state law. Modern practices will be adopted for financial reporting, including an annual financial audit, inventory of capital assets and progress on the capital improvement plan. Voters' access to initiative petition and referendum will be maintained, with a minimum of 20 per cent participation required in such votes. Public comment policies will be established by each city body. Charter review will be required every 10 years.

These represent the major changes to the city charter.

Discussion of the Commission's Presentation to the Council:

There is no meeting confirmation at this point but Josh did speak to Scott Lennon and it looks like the Commission will be invited to the Aug. 14 City Council Meeting.

Rhanna - Marilyn described that charter commissions typically present about two weeks after the final report as a courtesy to the City Council and we are past that time frame.

Brooke raises whether this is genuinely essential. The Council is very aware of our proposed changes are more aware of the nuanced impact than we are. So how do we best use our best opportunity to talk with them? We might want to highlight what is in the letter, which has useful information (process, functioning of the city) whether or not the new charter passes.

Bryan agrees with Brooke's points. The Council is aware of the information in the slide deck.

Howard questions the purpose and is concerned about the ground rules. He does not foresee a positive outcome. Our motives and integrity could be questioned and we don't know what the rules will be. Many

did not provide feedback over 17 months and now here's the stage.

Karen emphasizes this should be about partnership and connection, not to deliberate. Councilor Lennon would have to help set the tone.

Anne considers the councilors' perspective and is hesitant about an academic presentation. However, Lisle Baker had made the point that some of our discussion around issues might be worth raising with the Council.

Bryan sees Howard's points but he thinks it's important to show we are willing to field questions. Overall, there could be value to the presentation.

Josh pictures a combination of slide deck and points from the letter and Jane mentions that the letter does not outline the [concrete] changes. Rhanna believes this is addressed by framing the conversation. Rhanna does not support using the slide deck for the presentation and prefers focusing on the points in the letter.

Bryan suggests talking with Scott about what he feels would be valuable.

Brooke agrees. However, she does not think there should be a visual presentation. She thinks it's worth asking how long the presenter should speak and the content, and what he is anticipating as the response. Confirm if there will be an interchange with the Council members. The public is not the audience.

Rhanna points out we are not going to meet again as a group before Aug. 14, and Brooke suggests a small group of people could work out a plan.

Josh recalls that there was understanding that a presentation to the council often takes place and there was support for reporting our recommendations to the Council (as a courtesy).

Anne - We had a lot of conversation on this topic. After listening to the [last meeting's tape] it was clear there were a lot of different points of view. We did ask [Josh] to go forward to have a conversation with Scott.

Josh - I had a conversation with Scott that it is a courtesy to present our findings to the City Council, and asked him if he is interested [undertaking] over the summer. He asked how long the presentation would take and explained he was not interested in a long back and forth. The two agreed to 10-15 minutes. Josh is hearing it would be a waste of time to share the report [sounds skeptical] and agrees that we should share information from the letter.

Brooke doesn't think it's a waste of time to share findings at a high level but is thrown off by the visual presentation. It would be reasonable to highlight for Scott that there are 2 things~ a proposal overview and a preview of our letter. He could figure out how much time spent, and see how he would like to proceed.

Howard points out that Scott is going to have the role of facilitator and diplomat and the councilors are going to each speak about the presentation. He also raises the possibility that the public will be speaking.

Brooke does not expect the public to speak at a regular, public Board meeting like this and about this issue.

Josh will have the discussion with Scott about setting parameters and the 2 possible topics/directions.

He accepts that the others do not see the value in the visuals, though he disagrees.

Final Report Mailing

Karen provides an update on the mailing of the final report to 33,000 households. The Commission has over \$21K left in its account, and most of these funds can be used to offset the cost of the final report mailing. David projects the cost would be at most \$27K. We docketed a request to the city council for the additional \$6,400. This will be its own mailing. We'll partner with the Clerk's office but maintain control over the vendor, format of the report, etc. David can provide the mailing list to the vendor.

Jane points out that the extra funds will be approved at a special meeting of the Committee of the whole.

Karen, Josh, Rhanna, Jane will continue work on the project. The group agrees that 3 weeks before the election seems like the right timing for the mailing.

The meeting room is reserved if the group chooses to meet again.

The Meeting adjourns at 8:20p.m.

Documents Used:

Agenda

6/14 Minutes

Letter to Council Draft

Ballot Summary Question

Education Materials (Subset)