

Charter Commission Meeting

April 26, 2017, 7p.m., Council Chambers

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

Public Comments

Duney Roberts wishes to question how it has been determined and proven that downsizing the city council would help improve our city government's accountability, responsiveness and effectiveness. What implies that, what is this based on?

Josh - It's a complicated answer based on extensive deliberations, discussions, and research. There is a lot of documentation on our website, [with Article 2 being particularly relevant].

Duney - Were there any rebuttals? Was anyone on the commission opposed to that or does anyone disagree with that?

Josh - There is public dissent, a range of opinions. We've discussed there are no right or wrong answers, but arguments in favor or against various components of municipal government.

Duney- I'm not talking about right or wrong, but what would increase access to democracy and that's what I'm worried about. I'm supporting "Vote No" on the charter, but am curious how streamlining (reducing the council) allows us to have better influence and communication with our representatives.

Howard points out this didn't emerge from nowhere and refers to Newton's two related ballot questions, including the 1996 non-binding referendum (overwhelmingly in favor of reduction in the size of the Board). This helped precipitate the charter review.

Duney continues to question the purpose...to what end - does the Commission think this would lead to better control over the government?

Josh - The public comment period is not intended for debate but for us to hear opinions if you want to take up to 3 minutes to tell us what you think.

Duney - I just don't think that's effective.

Sallee Lipshutz, 24 Radcliff Rd. questions discussion about ward representatives elected at-large providing ward representation within final report draft section "Explanation of Major Changes".

She considers that argument to be specious and terribly misleading, and she hopes the Commission will think about changing.

Andrea Steenstrup, 21 Kimball Terrace favors the proposal will create a more accountable government because all voters would be able to vote for all councilors. Each of the councilors will need to listen to each voter to gain their support. This lends itself to accountability.

Jane vocalizes concern about Sec. 3(3) and the decision about boards and commissions [that city employees will not take seats specifically designated for citizens]. This was raised by one person who served on one board. City employees provide a valuable conduit to supervisors that could be a great loss to the boards and commissions. We have several thousand city employees who are very involved in the city, in their jobs and as citizens. They do a good job as members of these boards. She wanted to point out that she has serious concerns and she thinks our change creates loss.

Bryan - This is still possible if it's contemplated with the setup of the board or commission.

Anne - Many committees are advisory committees to the mayor and are exempted from this rule...Do you have an example to help provide a clearer picture of your concerns?

Jane - The door can close going on the citizens on all citizen committees, going to a supervisor, for instance. The city employee acts as the conduit. The negative terms expressed at the last meeting had not been her experience. Several examples were raised [by Commissioners at previous mtg.] and she regrets that, because her experience had not been serious, and they dismissed the Mayor's pressure, and had no problem doing so. Sometimes the city employees can empower the residents to take stronger action, in her experience.

She is not asking for anything to change, but wanted to point out her concern in precluding many from being part of the boards and commissions.

Brooke has another charter draft issue, Sec. 8-4 regarding Special Elections. Does the city council set the date or is this at the recommendation of the election commission? She believes it is adequate to say that an election that would have been scheduled for July or August "Shall be held at the earliest possible date in September" and leave it with the city council. The group agrees to the change.

Discussion of Final Report

The group makes final edits to the draft which will be finalized by the next day.

Edits and main discussion points include the following:

Introduction (City Council bullet point): Voters citywide would elect one councilor from each of Newton's eight wards; the remaining four councilors would be elected citywide *and could live anywhere in the city*.

Introduction: *With these objectives in mind*, The Commission proposes a new charter. The two most significant changes to the charter are:

Explanation of Major Changes: *The Commission engaged in a thorough and comprehensive process evaluating alternative city council models*. Newton residents have twice expressed a desire to reduce the size of Newton's 24-member city council in non-binding referendums. In the United States...

Small grammatical and syntax errors are addressed.

The proposed charter retains ward-based council *seats to reflect* Newton's economic and geographic diversity and ensure that every ward has a voice on the city council.

Edits to bullet points (page 5) include:

Bullet 1. Newton's *long-standing* tradition of having a majority of councilors elected citywide...

Jane emphasizes the importance of consistency with use of grammatical structure.

The group agrees to Bullet 4:

...The villages vary dramatically in population and size; they do not align with our voting wards or precincts.

Bullet 5: Marilyn points out we should not use "distributed" or "dispersed" and instead "live throughout the city".

There is discussion about a bullet point about minority candidates and/or candidates representing minority voices.

Howard raises that points have been raised [by proposal opponents] specifically on the issue of race.

The group decides to make the points (minorities vs. "minority voices", later termed "non-mainstream") separately, so this can be addressed directly in response to comments that have been made.

Brooke [on this note] points out that people have brought up "quirky" points of view that are impacted by the loss of ward councilors. Our proposal allows for those points of view to rise to the surface through the at-large pool. This should be addressed - also, that a majority of votes is not required to win.

Discussion continues re: how this should be captured.

Rhanna re-emphasizes we are countering the argument that districts are needed for minority voters to be elected.

Howard - the pool means we have a better chance of having minorities across the city getting elected. It's the opposite of what we are being criticized for.

He wants to include language that is being included in literature (in addition to comments made at our meetings).

Anne supports directly addressing - some of the opposition is progressive and we should be clear [in addressing their concerns].

There is brief discussion about the election of minority candidates.

Rhanna - This does not contradict the point Josh and Bryan are making [that minorities do not exclusively support minority candidates]. It's because of the national issues, lawsuits, etc. that are not relevant with this proposal.

By unanimous consent, bullet 5 remains: "While Newton once had a racial enclave, today racial and other minorities live throughout the city. Minority candidates running citywide are able to garner support from minority voters across the city."

Bullet 6: "for decades" is removed so the sentence reads "This model has worked well for our city".

The last sentence in bullet 7 will read: “Councilors elected citywide require almost 10 times the number of votes to win election”.

The sentence after the bullets will read: “We concluded that Newton would be best served if ward-based councilors were acceptable to all voters”.

The final sentence in the paragraph will read: “All but two Massachusetts cities have some or all councilors elected this way and those councilors are challenged in almost every election”.

Marilyn points out we still haven’t captured the issue of “quirky” councilors which she refers to as “emerging voices”.

Brooke points out some have conservative voices.

The group discusses which language should be used and chooses to emphasize that a candidate can win with a plurality of votes.

A sentence is added to this paragraph:

In addition to ward-based seats, the proposed charter includes four seats in which councilors can live anywhere in the city and would be elected by voters citywide. Voters can choose their preferred representatives for these four seats without ward residency constraints. *Candidates representing viewpoints out of the mainstream who are running for councilor-at-large can be elected with a plurality of votes.* These seats also offer residents an opportunity to run without challenging an effective ward-based councilor...

(note: Chris Steele joins meeting during this discussion at 8:45p.m.)

Jane is thinking of the audience at this juncture and proposes removing the introduction to the term limits section. The group agrees to open with the sentence:

“Elected bodies benefit from a balance between institutional knowledge and fresh perspectives”.

The group agrees to eliminate the first sentence. The sentence beginning “The power of incumbency” is kept as the second to last sentence in the first paragraph.

Jane proposes and the group agrees that paragraph 3 should read: “Three consecutive four-year terms (12 years) should allow a mayor ample opportunity to achieve long term goals while periodically providing for new leadership. A limit of 16 years for city councilors would allow for the buildup of experience while ensuring some turnover and acknowledges the need for a balance of power within the government.”

Page 7: Rhanna prefers we not list details (minutia) being proposed that are not consistent with the rest of the report.

Bryan does think it is important to show we were responsive to feedback we heard after the publication of the preliminary report. It might not have to be there - but people reading the report for the second time may wish to know what changed.

Brooke [agreeing with Rhanna] makes the distinction of points that are “inside baseball” or “below the radar”. [don’t necessarily need to be listed]. Calling them out competes with points we want to make. It may be adequate to say that after the publication of the prelim. report, the group continued to deliberate and take feedback.

Rhanna stresses that we took feedback all along. Josh does not want to lose that there have been changes since the preliminary report.

Chris tallies that we have had 30+ regular meetings.

There is discussion about paragraph 3. Brooke wants to ensure the message comes across that we were receptive to feedback even after the final public hearing.

For Paragraph 3 of “The Charter Review Process”, the group agrees to: “Following the citywide distribution of the Charter Commission’s preliminary report in March, 2017, The Commission held its final public hearing and continued its deliberations. The Commission made minor modifications prior to submission of this final report in May 2017”.

(note: Marilyn Contreas notes at the end of the meeting that our prelim. Report was sent in March, not February).

Other changes:

Sentence 1: “During the 16-month charter review process...”

The sentence “Newton citizens participated in the process by commenting at the regular meetings and public hearings, emailing the Commission, and engaging in discussions with individual commissioners” is added to the end of the first paragraph.”

Jane raises the use of “coalesced” in the fourth paragraph. She emphasizes that the group came from different walks of life and places - this and our disagreements were a positive. Most important is that we all agree that the proposal will modernize and improve Newton’s government.

The group decides upon this modification:

“Through the process of research and discussion, the commissioners expressed diverse viewpoints and ideas for more effective local government. Deliberations were spirited and straw votes were rarely unanimous. Ultimately, all commissioners agree the proposal would modernize and improve Newton’s government.

The group discusses the Conclusion. A question is where and whether to include a sentence about significant change being brought to Newton. Jane raises that this point has been made in other sections.

Brooke moves to remove the sentence and there is unanimous consent.

The first two paragraphs of the conclusion will read as follows:

“The members of the Charter Commission are honored to have served the City of Newton throughout this rigorous review process. The election of a Charter Commission is a rare opportunity for a city to modernize and improve its government and we have devoted our best effort to this challenge”.

“Our charter proposal is based on considerable research, thought, and deliberation. We aimed to create a charter that will serve our city well for many years, and will allow for a more effective and responsive government as well as greater citizen engagement”.

A separate paragraph is created with these sentences which become paragraph 5:

“We encourage residents to read the entire charter proposal. For background information, please visit our website at newotnma.gov/charter where you will find the documentation that informed our decisions, the meeting minutes, and audio recordings.

The group affirms the use of “we” in the Conclusion.

Brooke suggests and the group agrees to the following changes to Term limits section on Page 6:
“Three consecutive four-year terms (12 years) *would* allow a mayor ample opportunity to achieve long term goals while periodically providing for new leadership. A *term* limit of 16 years for city councilors would allow for the buildup of experience while ensure some turnover and acknowledges the need for a balance of power within the government.

Bryan - the second sentence of page 5 should read: “thoughtfully integrated *into...*”.

The group discusses the names they would like to use and if they prefer to include their middle initials.

Marilyn brings up the wording of the Nov. 7 ballot question page 11. Newton already has a charter, so the question should read:

“Shall this city approve the charter revision recommended by the charter commission summarized below?”

Jane asks Collins how other commissions handle this page/what it looks like, and Marilyn and Tanya confirm the format has appeared in other charter [reports].

Rhanna raises whether this is a negative based on questions that were raised after publication of the preliminary report, i.e. because city funds were used, though we know it was legally defensible.

2:36

Marilyn - There are decisions and determinations by the Office of Campaign and Political Finance about advocacy for the charter. Those on the commission are not in the same class as candidates for Mayor, for instance.

Jane - An objection that was raised was that we used the city seal on the cover.

Collins confirms that our approach is standard. Amesbury (1996) produced some correspondence on this topic that might be on file but it is very clear that the commissioners are elected to advocate for what they propose, particularly since the group is unanimous.

Also, there is a preference that our names appear in the report as they appeared on the ballot.

Minor changes such as inclusion of middle initials are requested. Front page should match as well.

Josh outlines next steps of making revisions and circulating the new draft for feedback. The plan will be to meet again in the Council Chambers the evening of 4/27/17 to sign the report, then submit to the city.

The group discusses how it will be formatted for the signing and circulation. The signature page will be separate.

Marilyn points out the report was actually submitted in March, 2017 so this should be reflected on page 7 (note: change incorporated).

Anne - We might want a small website working group for this new stage.

Josh - We also wanted to create a letter to the City Council after completion of the final report. We'll also need to draft the summary of the ballot question. We can talk more tomorrow night about our meeting schedule and our next meeting date.

Marilyn - The report is due on May 4, after which no changes can be made.

Karen points out that Josh should have license to make small technical changes, i.e punctuation and Josh points out formatting.

Josh will bring the final document to the 4/27 so changes need to be sent by noon (4/27).

The meeting adjourns at 9:52p.m.

Documentation Used:

Agenda: <http://www.newtonma.gov/civicax/filebank/documents/82457>

Charter Draft: <http://www.newtonma.gov/civicax/filebank/documents/82511>

Report Draft: <http://www.newtonma.gov/civicax/filebank/documents/83186>