

NEWTON CHARTER COMMISSION
Meeting Minutes

Wednesday, May 18, 2016
7:00 p.m. – City Hall –Room 222

Present: Josh Krintzman, Chair, Rhanna Kidwell, Vice Chair, Jane Frantz, Anne Larner, Brooke Lipsitt, Karen Manning Chris Steele

Absent from the Commission: Howard Haywood
Bryan Barash (arrives during CAO discussion)

Public Hearing (May 4th) minutes approved 7-0.

Public Comment

Shaul Berechman, 102 Pearl Street: Re-emphasized his support for having a special education ombudsman as part of the School Committee and included/mandated in Article 4 of the Charter.

Article 3 Discussion Highlights

Chris and Josh have done additional research on strong mayoral vs. city manager forms of government. Chris reiterates that Municipal Law Chapters 1 and 2 (posted to newtonma.gov/charter under Article 3 documentation) are useful references. He highlights that City Manager model has not held up well in MA and the value the city places on having a moral leader are part of mayoral role. The CAO/COO role is still being weighed and can be better understood by looking at other models.

Members of the Commission share their thoughts:

Anne Larner sees value in City Manager model. She believes we would need to look outside of MA for good examples of strong city managers but does not feel this is the right time for Newton to consider this model.

Jane Frantz poses question to Collins about why some cities dropped the City Manager form of government and Marilyn Contreas states that the strong mayor is valued. Jane describes Ruth Balsler's [Article 2 panel] testimony about a mayor speaking to the values of the community, and how this is important.

Brooke Lipsitt is intrigued by the council manager form of government but agrees it would not be supported, and also agrees with Ruth Balsler's views. She is disinclined to mandate CAO/COO role in the charter as Mayors' backgrounds and strengths have and will differ.

Rhanna Kidwell likes the Council Manager form of government for many reasons but does not support at this time – maybe down the road, as Anne Larner has described. She has thoughts on CAO role to share at another time.

Karen Manning also supports strong Mayoral.

Brooke Lipsitt moves that we stay with Strong Mayor form of Government. This is seconded by Chris Steele. The motion passes 7-0.

Discussion of CAO (refer to: CAO Options document).

The Commission discusses whether this role should be specified within the charter and how to define the role if it is included.

Anne Larner supports Option 2, using the word “shall” vs “may”. She views Option 1 as too prescriptive; Brooke Lipsitt describes reservations about the role being mandated within the charter; Karen Manning suggests using more general language and avoiding titles; Jane Frantz supports general language in case the language becomes dated; Rhanna Kidwell: Prefers option 2 and use of the word “shall” and feels having a CAO/COO provides a safeguard and ensures professional qualifications.

Bryan Barash brings the commission into a further discussion 3 (2) a, and who the mayor may hire.

Anne Larner makes motion: Insert Option 2 using “shall” with the CAO, without reference to advice and consent of council. Second: Rhanna Kidwell.

This shall read as: “The mayor **shall** appoint a chief administrative officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive qualifications or such other qualifications as the city council shall determine by ordinance.”

Discussion of Article 3, Section 2.

Reference to Citizens Assistance Officer is removed. Option 2 (b) from above is included.

All in favor (6). Opposed (2) (Lipsitt, Manning). Absent: Howard Haywood.

Rhanna moves to strike language in Article. 3, Section 2 (a): re: hiring assistants, but withdraws motion since new language is being proposed by Bryan, seconded by Chris.

All present agree to the following change: “...to aid the mayor with official mayoral duties, the mayor may appoint staff, fix their salaries and define their duties.”

The Commission continues to review Article 3.

Brooke Lipsitt recommends separating the paragraph into 2 pieces in 3(3)a.

There is discussion about the number of city officials and employees serving on boards and Commissions, and whether councilors should be able to Chair.

The Commission agrees the charter should (unless there is exception by ordinance) provide for:

- a) No more than 1/3 of the members of a board or commission be city officials or employees
- b) Councilors shall not chair a board or commission

Anne Larner brings up 3(3)b regarding Collector/Treasurer to confirm the Commission intended to strike the entire section. Should description of key roles be included in Article 3, and if not, where within the charter? Commission agrees to revisit this issue during the Article 5: Financial Procedures discussion.

Bryan suggests re-ordering the provisions in 3(3). Anne supports structure as is. After discussion, Brooke suggests taking out Boards and Commissions and separating [in redraft]: Officers and Department Heads, Other Staff, Boards and Commissions.

Commission discusses redundancy in 3(5)b and 3(7)a (ii). Commission agrees to remove the latter.

Commission discusses 3(6) and Temporary Appointments. (temporary vs. interim). Ouida confirmed that all temporary appointments need to be approved by Council in the same way, however they are named or described. Current language allows for dual roles.

Anne brings up 3(7) a (iii) [now (ii)] – feels report on vacancies is “petty”. Anne makes a motion to remove. Jane seconds.

Discussion on motion: Bryan comments that there is something “broken” that is a long-term systemic issue, and Commission deliberates whether the issue should be addressed in charter or as part of its report/recommendations. Josh sees its usefulness, though review possibly annually instead of semi-annually. Brooke feels strongly this does not belong in this section. Bryan makes point that this may be part of the broader issue of vacancies. Jane says similar to the issue of listing school committee policies. Can this be about posting vacancies in an accessible place?

Brooke makes a motion that this clause should be moved and re-examined. All in favor of removing: Manning, Frantz, Kidwell, Lerner. Opposed: Steele, Krintzman, Lipsitt, Barash. Motion fails.

Barash motions that we change “semi-annual” to “annual” and move elsewhere within charter. Lipsitt seconds. Placement to be determined later. 7 in favor. Opposed: Frantz. Motion passes. Relocation proposals will be considered at a later date.

Discussion of Sec. 3(10) [Executive] Permanent Vacancy, which the Commission chose to revisit and the time frame for special elections. Anne makes point we should have “sensible flexibility”. Discussion of number of days required before special election, and implications of holidays and summer, for instance.

Unanimous agreement that special election should be held within 120 days of vacancy.

Brooke suggests wording change to Sec. 3(8) to “unless City Councilor has moved for reconsideration”.

In next paragraph, Brooke brings up points about mayoral jurisdiction/veto. Council clarifies that a vote or action is a measure, and Josh reads definition of a measure. 40A SPGA is an example of law that cannot be overturned by the Mayor. Marilyn Contreas recommends language: “matters fully within the council’s jurisdiction.”

Article 4 Discussion

Jane mentions Anne’s compilation of school committee and city council election data (from 1951) and suggests the data should probably be reviewed before revisiting topic of school committee term limits. Rhanna makes point that perhaps we should revisit the topic after the Article 2, 3, 4 hearing on June 1. Josh and Bryan vocalize support for a discussion sooner. The commission votes and decides to revisit the question after June 1. (6 to 2).

Anne will send around her election data.

Article 2 Discussion

Josh proposes Filling of Vacancies for [one of five] council at-large seats would go to the next highest vote getter. The Commission decides to proceed with the proposed language.

Brooke leads discussion about outside legal assistance for City council. She mentions there have only been 2 uses of outside counsel in the past 20 years. Brooke proposes the figure be 2% of the law department's budget, and Bryan proposes slightly modified language. Article 5 would define the cap.

Article 2 Straw Vote: 8 approve as drafted, none oppose.

Number of Wards Discussion

Commission describes that it is a worthy topic that has some interest and further discussion might be valuable at a later date. Perhaps the topic will arise at the upcoming public hearing.

Article 1 Straw Vote

Article 1 contains a new preamble (list of definitions is ongoing).

Straw Vote: 8 to 0 in favor of Article 1 draft.

Public Comment:

Councilor Lisle Baker talks about council procedures and proposes there may be benefit to provisions that allow for flexibility, i.e. who can sign budget orders, etc. if there is a mayoral vacancy (not limit to President or Vice President, etc.).

He reminds the Commission that some issues identified as the review unfolds might be worth docketing with the Council.

He still supports the ward councilors and feels it brings division of labor that is beneficial.

He thinks independent counsel for council is useful but cautions against too much detail in the charter which is a local constitution, not a document that can solve all problems.

Bryan asserts that Article 3(9) addresses some of his issues.

Meeting adjourns at 9:40p.m.

Documentation used:

- [Agenda](#)
- [Minutes: 5/4 Article 7 Public Hearing/Panel](#)
- [Article 2 Draft](#)
- [Article 1 Draft](#)
- [Executive Type Grid for 5/18/16](#)
- [Article 3 Draft for 5/18](#)
- [Article 3 Email from Collins Center](#)
- [CAO Options for 5/18/16](#)
- [Collins CAO Discussion Document](#)
- [Article 4 Draft](#)