

NEWTON CHARTER COMMISSION

Wednesday, August 24, 2016 7:00 p.m. – City Hall – Room 222

MEETING MINUTES

Present: Chair Josh Krintzman, Vice Chair Rhanna Kidwell, Jane Frantz, Bryan Barash, Anne Larner, Karen Manning, Brooke Lipsitt, Chris Steele. Howard Haywood not present.

Josh Krintzman called the meeting to order at 7:00pm.

Approval of minutes

Anne Larner makes motion to approve 7/12/16 minutes. Bryan seconds. Motion passes 8-0.

Public Comment

Ernest Loewenstein, 57 Hyde Street, Newton, discusses city council composition and testimony from a public official in Worcester about areas of Worcester being under-represented due to at-large council composition. He is concerned that electing 5 at-large members could wield too much influence through endorsements and slates. He advised people to remember that the League of Women Voters endorsed a slate who became the Charter Commission.

Sue Flicop, I just want to correct that the League of Women Voters did not endorse in the race for Charter Commission.

Sallee Liphutz, 24 Radcliff Road, Newton comments that Article 11, Sec. 13 does not include Neighborhood Area Councils in its definition of “city agency”, excluding NAC’s from the protection afforded to other, boards, commissions, and elected bodies. She would like this to change.

Second, if the Commission is committed to reducing the size of the Council, consider keeping 8 city councilors directly elected by ward, and 1 from each ward elected at-large, for a 16 member Council. This is sensitive to both ward and city outlooks.

Finally, if the City Council is reduced, please recognize that area councils will likely have an expanded role to fill the void that results. Please allow for easier formation of Area Councils across the entire city. The Commission should study the enabling resolutions of the existing four area councils and seek parity by updating the resolutions as needed.

Jack Prior, 57Grove Hill Ave., Newton, agrees with Sallee. He thinks there is a risk of imbalance or “skewing” and that groups could organize to support candidates and dominate an election. 8 district councilors and 8 by ward elected at-large would reduce the risk for slates.

City Council Composition

Josh shares a power point presentation as an example of possible explanatory materials for the public. He provides background of straw vote in favor of “Scenario D” within the Article 2 Discussion Guide, and describes some public feedback received since the straw vote. He then highlights a scenario with 8 councilors (1 from each ward elected at-large) and 4 at-large by district, combining the strengths of Scenario D and Scenario E (from the Article 2 discussion guide).

Bryan thinks this is a good starting point for the discussion, but does not think there should be a new straw vote at this meeting.

Brooke thought about our work over the summer and wanted to propose virtually what Josh proposed. She feels another benefit of the described scenario is having 12 councilors vs. 13. In considering [Scenario D] with the at-large pool, she prefers 4 at-large instead of 5 (for total of 12), and feels this reduces the likelihood of “stacking the deck”.

Chris likes this model and had been thinking of something similar. He agrees more time is needed before a vote, so the “population at large” knows we are revisiting the composition. His concerns are about individual accountability running for at-large seats, and thinks Josh’s example helps address this.

Anne has been thinking about the scenario Josh presented as well and benefits of keeping things dynamic, but does not currently feel the need to move away from her previous vote. An at-large pool lends itself to competitive/robust races and she is less concerned about the perception of accountability with an at-large pool. Voters may react to any coalitions that would emerge (i.e. slates or coalitions).

Over the years, opposition slates have run in Newton. Some might view Ward 2’s 2015 race (and others) as slate-based, and School Committee slates have arisen over policy issues, not geographically. This is part of politics. She is glad we are looking at both scenarios but does not want to rush into a change.

Jane has had a chance to reflect over the summer and sees many benefits to having a council with 12 councilors vs. 13. She cites a range of concerns in the feedback she has received. She has been considering the scenario Josh described in his presentation and though she sees the strengths of the first proposal, believes that the latter scenario (w/residency requirement for all councilors) could allay concerns people have shared about slates and ensuring all areas of the city have representation. She is interested in minimizing the number of races that might be won by plurality vs. majority.

Rhanna cites proposed reduction and at-large pool as what she views as most important re: council composition. The at-large pool reflects best practices throughout MA (of 54 cities, 52 have at-large component) and as defined by the model city charter. An at-large pool attracts the strongest candidates without restriction, who would answer to the whole city. Everyone shares concerns about disenfranchisement, but she feels Scenario D (vs. 8-4) more likely to attract strong, accountable at-large pool to serve the city. She has not encountered as much resistance to the concept of the at-large pool as others describe.

Bryan sees advantages to both scenarios. He supports some of the points other commissioners have made, i.e. Chris's point about advantages of targeting a specific person about and Jane's point about majority vs. plurality of votes being preferable. The at-large pool is better for competition, and the issue of having neighbors compete for seats is a factor for him. He cites widespread concern about minority voices being heard (viewpoint and geography) and the two models have different benefits in addressing those issues. He is still torn.

Karen emphasizes the point that there will be a wide range of views about the optimal composition. If we change what we have proposed, there is a risk of "displacement" of the support we have already gained. A memo to Collins inquiring after the many MA cities with partial at-large representation did not reflect that slates have been problematic. We need to bear in mind that everyone will have a different view of the ideal charter.

There is additional conversation about proposed composition scenarios (48 minutes audio):

Brooke thinks the model Josh proposed does not wholly address the concerns of those who favor ward councilors (elected by ward). Her priority is having 12 vs. 13 councilors.

The council discusses ways to get more feedback from the public about the two proposed scenarios, and the implications of having 12 vs. 13 councilors. Brooke emphasizes it is easier to understand a 2/3 vote from a 12-member body, and simplicity/simpler math is important. Rhanna points out that 2/3 of 13 is a higher (more difficult) threshold for passing measures, and some feel this is detrimental. Brooke does not see when an odd number would truly be required - is a "non-issue". Anne points out the Mayor often does not vote on School Committee, and having only 8 members voting is not problematic.

Rhanna highlights the differences between the Worcester council and Scenario D. Worcester has a majority at-large pool, and only 4 district people, not from each ward, leaving some neighborhoods under-represented. Our proposed scenario would include one person from each ward elected at-large. She is not concerned with the emergence of slates and emphasizes slates in the past have not been successful. Like Anne, she has had a chance to consult with people who share a broad range of ideas and encourages the commission to have conversations.

Jane comments on why she feels 12 councilors is preferable to 13 and shares her concerns about disenfranchisement over the years, and that an area could be underrepresented.

Bryan does not foresee changes in policy outcomes with either of the 2 scenarios on the table.

Karen, Brooke, and Anne pursue a discussion on outreach, and receiving public feedback prior to the preliminary report. Bryan makes comments on voter perception and priorities and presenting the best charter possible.

Rhanna cites that the Commission received 59 emails on topic of council. 78% approve what the commission had proposed. Of the remaining 22%, some were advocating for status quo (24 councilors, ward councilors, etc). Only 17% voiced an alternative proposal, i.e. having the 4 district councilors.

Rhanna brings up topic with Collins of 50% of charters failing (historic average). Reasons for failure include

advocating for something that did not have the broad support of the city, writing strong minority reports, 5-4 votes, etc.

Josh feels the second model would increase the support and not alienate the people who support our initial proposal.

There is agreement to take more time before revisiting the straw vote on council composition. Josh will try to find a meeting space for October 19.

Rhanna points out to Brooke, who opposes radical change, that the proposed model is well-tested in MA and conforms with best practices. Brooke remains conservative about proposing changes. Brooke believes that when the commission comes to a really tough point – it should lean in favor of doing less to change the charter.

The commission revisits an Article 11 clause about public comments and Bryan's new iteration:

All public bodies consisting of more than one member shall provide for a period of public comment at reasonable intervals. All public bodies must also make best efforts to provide for public comment at the beginning of meetings and provide public notice of when public comment periods are likely to occur. Nothing in this charter should be read to prevent a public body from allowing unanticipated public comment at any time.

A motion to resect the language is made by Brooke Lipsitt and seconded by Chris Steele. After discussion, the Commission accepts Brooke's revised language, 8-0. The clause shall read as follows (though Josh may uncover another term for "public bodies") :

All public bodies consisting of more than one member shall provide for a period of public comment at reasonable intervals, shall consider the convenience of the public in scheduling such public comment periods and provide public notice of when such periods are likely to occur. Nothing in this charter should be read to prevent a public body from allowing public comment at any time.

Process for Article 9 Review

Jane, Chris, and Karen discuss the Article 9 review strategy. The public hearing will be September 14th and the actual review is scheduled for September 28. The three have had meetings with stakeholders and will consult with Collins. September 14th's panel will include members of all four neighborhood area councils, a member of a Neighborhood Association, and Councilor John Rice (Ward 5). A discussion guide is being finalized. Jane describes the extent to which the article is outdated and needs to be updated. Jane and Chris have attended NAC meetings and the NAC's are providing valuable feedback that will be helpful for 9/28 review.

Final Report

Rhanna, Karen, Jane, and Josh will start the draft of the report. Jane asks about the timeline, and the goal is to have a solid draft by the end of the year. Rhanna encourages commission to review the final reports posted on the website. (Everett, Chelmsford, Newburyport). Anne notes the reports are simply formatted and succinct.

New Business

Bryan brings up recent TAB article focusing on council salary/compensation discussion. Josh will add the topic to a future agenda so the Commission may bring closure to the question of whether or not to include language about salary/compensation in charter.

Public Comments (audio 1:25-1:45)

Sallee Liphutz restates her question about Article 11 Section 13, which will be revisited when the Commission discusses Article 9.

Ernest Lowenstein asks for clarification about the 5 at-large pool. At this point, the top 5 vote-getters would be elected. We have not addressed the topic of preliminary elections which would affect the number of people on the ballot.

Kathleen Hobson expresses concern about the extent to which the Commission is rethinking its proposed composition model [Scenario D]. She had been impressed by the April meeting (when initial straw vote on council composition was taken) and this meeting made her uncomfortable. She hasn't heard anything in the public record that helps her understand the shift.

Several commissioners explain how their thinking evolved.

Sue Flicop is also surprised by/uncomfortable with the shift in thinking. She wants to provide more feedback to the Commission as she still supports the initial straw vote.

Anne and Brooke stress that the Commission observes the open meeting law.

Karen and Bryan share thoughts on public feedback.

Jack Prior asks for confirmation that all elections would be at-large with the 8-4 scenario. He thinks local campaigning makes it easier to break into the system and is glad that the question of the composition is being reconsidered.

Jane supports that the Commission is revisiting this critical topic/the straw vote.

Sue Flicop is glad that a new straw vote was not taken during the meeting.

Meeting closes at 9:20p.m.

Documentation Used:

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/77321"Agenda](http://www.newtonma.gov/civicax/filebank/documents/77321)

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/77324"](http://www.newtonma.gov/civicax/filebank/documents/77324)7/12 Minutes Draft for Approval

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/77323"](http://www.newtonma.gov/civicax/filebank/documents/77323)Collins Memo Re: City Council Composition and Term Limits (Manning)

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/77322"](http://www.newtonma.gov/civicax/filebank/documents/77322) Article 11: Public Comments Proposed Language (Barash)

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/70720"](http://www.newtonma.gov/civicax/filebank/documents/70720)Current Newton Charter

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/76772"](http://www.newtonma.gov/civicax/filebank/documents/76772)Chelmsford

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/76771"](http://www.newtonma.gov/civicax/filebank/documents/76771)Everett

[HYPERLINK "http://www.newtonma.gov/civicax/filebank/documents/76767"](http://www.newtonma.gov/civicax/filebank/documents/76767)Newburyport