

Meeting Minutes
Charter Commission Meeting
September 28, 2016 - Room 222

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

The meeting opens at 7:05p.m.

The Commission reviews 9/14/16 meeting minutes. Anne Larner makes a motion to approve the minutes, seconded by Rhanna. The minutes are approved with the edit, 7-0.

Public Comments

Sallee Lipshutz, Radcliffe Road. Establishment of neighborhood area council boundaries should be initiated by the mayor's office and approved by city council, incorporating public feedback. Area councils are valuable government bodies with a unique role of carrying local concerns to government officials who can address the issues that have been raised. They are as representative of their communities as other bodies are of theirs, and their outreach efforts are considerable. They are distinct from neighborhood associations who provide cultural fabric within their neighborhoods but have no official standing. If the commission is considering eliminating the position of ward councilors (elected by ward) as per their straw vote, this will signal to voters that their voices will be stifled (in assent or dissent).

David Olson, City Clerk, does not wish to argue for or against area councils, but to describe their impact upon the elections office. Prior to 2011, impact was minimal when LWVN oversaw elections for the Newton Highlands Area Council. The elections office took on a bigger role in 2013 when the Upper Falls area council was formed. By 2015, area council elections involved creation and certification of nomination papers, creation of voting lists and ballots, which were delivered to every precinct represented by an area council, and the swearing in, training, and support of area councils after the election. The area councils do not conform to state voting standards which are based on precinct/ward, so voter lists need to be manually created in excel which is time consuming and lacks accuracy. This is all undertaken alongside municipal elections.

Marc Kaufman, Walnut Street, learned a great deal from the September 14th panel/hearing about the value of the other neighborhood area councils. The contribution of the Newtonville Area Council was evident at its Village Day, when people engaged him in substantive discussions about issues within Newtonville, and asked important questions. Without the area council, there are conversations that would not have been opened. He was surprised to hear negative public comment on the 14th, and describes that their area council meetings are positive in tone and include a wide range of people, including those from local business(es). If the commission is considering eliminating ward councilors, the role of neighborhood area councils becomes more critical, i.e. carrying information back to the City Council, as there will be fewer councilors to do the same amount of work. To follow the model charter and not include area councils would be to de-legitimize them and over time they would no longer exist.

Bob Burke wishes to comment about whether the area councils "represent the people". The area councils don't work any one way. He described area councils' valuable roles with dog parks, a loud fan, the post office. He has been most involved with possible establishment of a historic district in Newton Highlands, which involves extensive outreach and information sharing. The area council wants everyone involved and is providing a service no one else could. He is very proud to work with all of his council members even though they do not always agree. It would be "tragic to let this fall by the wayside".

Maxine Bridger from Newton Upper Falls Area Council shares that Upper Falls over time had been treated as a city "dumping ground" for certain projects. The area councils provided a voice to city council and the Mayor's office, and fought city hall and tried to get things done for them. Area councils make a difference with smaller issues such as parking. It's important to have a voice that is local, especially if giving up ward (councilors).

Maureen Reilly Meagher from Waban suggests David Olson compile analysis of hours dedicated to area council elections.

She is shocked that the Commission could possibly not support area councils in the charter going forward. She describes the time and effort required to collect the required signatures from Waban's area council. She is in favor of the city creating a city-wide map but does not know how to solve the problem of some areas not electing to form, and reminds everyone of area councils' open meetings and open records, and audited finances. This makes them distinct from associations, and she favors this approach. There has been no city hall presence to help with difficult issues Waban has faced~ the area council has been there locally to help.

Nathaniel Lichtin would like the opportunity to speak after the presentation.

Jane and Karen provide introductory remarks and present Review Document Slideshow which includes Review Overview, Area Councils History, research highlights, and possible scenarios for Article 9. The possible scenarios include removing article 9, keeping the status quo (redraft and reformat only), or deliberating substantive changes. The points of deliberation within the article are described as they pertain to Scenario 2. Jane clarifies that Scenario 3 would involve no substantive changes. (Please see: [Article 9: Slideshow Overview](#)). [Audio: 27-45 minutes](#).

The commission chooses to walk through Scenario 2. Bryan points out that we should not feel that we need to resolve all of the issues of Article 9. Scenario 2 is intended to enable a guided discussion.

Scenario 2:

The Commission deliberates the Title/Purpose of Article 9. A possibility for a broader title could be "Neighborhood Representation". This would be a broader value statement about neighborhood representation but would not formalize the role of associations and other organizations. The group will revisit this topic.

The next topic of deliberations of Boundaries/Formation of area councils. 9-2 through 9-6 require clarification so that the process of formation is better understood. Jane explains that area council boundaries can be formed organically, cross over precinct lines, etc. Currently there is not a threshold number required for formation, minimum or maximum. We need to weigh whether this should remain organic or whether city staff should set up boundaries. Pre-set boundaries would partially address David's concerns.

Josh describes 6 possibilities for area council boundaries definition. Charter choice, citizen choice (as now), city council choice, through mayor, defined by village, or as ward area councils. Rhanna points out there are no village boundaries. Karen points out stresses of the organic formation of councils on elections office. Brooke raises question of area council formation according to ward/precinct lines, which city council controls, once a decade post-census. City Council could be instructed to draw precinct lines drawn with consideration of area councils. Rhanna cautions that precinct size is governed by state law. She is doubtful that there would be flexibility to adjust precincts for area councils without upsetting the balance of size. Bryan brings up purpose of wards and precincts. This is procedural and related to equity. It's important to factor this in, even if they do not correspond to villages.

Jane points out that she lives on the line between the Waban area council and Newton Highlands area council. Nothing says you cannot participate in the meetings. The only thing impacted is where you vote. Bryan says if area councils are political bodies, how much should we deviate from wards/precincts we typically use.

Tanya confirms having area councils conform to wards/precincts would take some pressure off of the elections office, but 13 area council elections would still be unwieldy.

The commission deliberates elections and whether area council elections need to be modified.

There is a preview of impact on the elections office and area council voter turnout. What are alternatives to municipal elections? Other cities' area councils oversee their own elections. Others have their elected people appointed within city hall, and others have their members entirely appointed. No other city except Washington D.C. has municipal elections for its area councils or equivalent, and D.C. elects one person by district to for representation as part of a larger body. Some (i.e. L.A.) have their bylaws election rules approved by city council and have their own elected Boards. Most operate as nonprofits, but one member would act as an official within a larger body. Elections are an internal process.

Bryan still has question about whether this is a layer of government or more like a nonprofit. If this is a political layer of government, then there should be municipal elections. If more a neighborhood group, he is more

comfortable with them running their own elections.

Brooke expresses concern that if this is a political body, then having representation across the entire city becomes more critical. Bryan points out that up to 30 could emerge, based on what we have today. It needs to be logistically sound, universal, equal.

Karen refers to Susan Albright's testimony that describes experts' opinions about what makes neighborhood councils work as a successful model. There are right and wrong approaches. It can't all be figured out today.

Jane addresses Brooke's point and describes the popularity of neighborhood area councils, and their preference to remain associations providing similar functions without forming as councils.

The fundamental question to Brooke is what the area councils are called and whether they have a function within municipal government. Public has described Chestnut Hill as an association is as representative of the people as Waban. Chestnut Hill does provide advisory role. She is trying to figure out the difference in weighting to make one vs. the other official.

Bryan does not think area councils and neighborhood associations should be equated - some areas have both and they are serving different roles. The political bodies are wrestling with political issues.

Anne points out this varies tremendously. She considers the Chestnut Hill Association a political body which weighs in on major issues and does not run Village Days, for instance. As an example, they were active with "The Street".

The discussion provides a segue into the Powers/Duties Deliberations (Section 9-8 of the Charter). The discussion focuses on the question of area councils having an advisory vs. substantive role. The area councils do not currently have substantive delegated authority through their board orders. Nationwide the role is advisory.

Brooke's takeaway from the 9/14 meeting was that the current area councils see a substantive role for themselves and possibly funding, but she understands the city council views the role as advisory.

Bryan points out that the city council may delegate substantive authority to any body it chooses. Rhanna sees their value within their advisory role. However, we cannot force area councils even drawing up boundaries, so we need to be cautious about affording official authority that other neighborhoods wouldn't have. There isn't enough power to share among 24 councilors, plus the area councils for a total of 50 councilors.

Anne agrees with Rhanna's points and shares similar concerns.

Bryan points out that the article reads like an ordinance, and Jane and Karen point out this can be addressed in future conversations.

Jane overviews Section 9-8 (ii) which provides detailed description of duties.

Section 9-8 (iii) opens up the discussion of funding. Brooke suggests we cannot weigh in meaningfully until we define the role.

Jane shares that some have raised equity concerns about providing funding to area councils. Associations are doing similar work but would not have the same funding. Bryan points out that the city council can provide grants to groups and is concerned about creating constraints in prohibiting provision of funds through budgeting process (which is proposed by Mayor and approved by City Council.).

Josh thinks Jane makes a good point, but believes more area councils would form if resources were available as an incentive.

Anne points out some circumstances may warrant consideration of funds from the city, and Bryan's point is well taken that this prohibits the city from providing funding. Some members of the area councils (at 9/14 panel) weren't asking for funding per se, but prefer the option be there.

Jane describes a conversation with Councilor Rice about area councils representing a larger swath of the community, and how it is difficult to represent well without funding. There are no simple answers.

Karen points out that Sec. 9, 10, and 11 are fairly standard. Section 11 about auditing financial records is something to deliberate, i.e. whether this should be covered by ordinance.

A final slide addresses other possible provisions. This covers the points of whether the article should address issues such as having a dedicated area council liaison within city hall. Also, if the numbers of area councils were to grow, does the issue of interference with administration need to be addressed?

A second issue is area councils and representation of community intent, as reflected in Newton Highlands Area Council Board Resolution.

The issue of indemnity for Area Councils as part of Article 11 has been raised, as well as the participation of businesses and nonprofits (with regard to area councils).

Jane mentions the possibility of having a values statement about neighborhood representation, which ties back to the purpose.

Tanya walks through the Collins September 23rd Memo ([Collins Center: Neighborhood Area Councils Research for Article 9 Review](#)), to understand implications of removing article. Direction for area councils would be necessary within the transition provisions. City Council could be assigned responsibility, and the current area councils could be grandfathered or given a sunset provision. She does not recommend staying “silent” and not addressing within transition provisions.

The Commission agrees to go around the table for feedback.

Rhanna believes the positives and negatives have been well covered. In thinking about the purpose, it is important to preserve what is really good about the councils, but mitigate the high levels of city support, especially given the possibility that the number of area councils could increase. She supports their having the status of a board or commission with advisory capacity, as is the case with other cities. They would run their own election and having the results ratified, perhaps by the City Council. Her primary concerns are mitigating the impact on City Hall and not giving additional authority that would exacerbate inequity, as the councils may not expand across the city. She believes the formation needs to remain organic. The details (quorum, financials/audit, etc.) belong in their bylaws and not in the charter. In short, she advocates for something shorter in the charter, with many details captured instead as part of the area council bylaws. Perhaps a stronger link between the area councils and City Council could be established through ordinance. We should keep in the charter but not include elements within the charter that should not be there.

Bryan suggests keeping the article as simple as possible. It is not our role to make significant changes to the current area councils, and City Hall would need to take a look at the framework going forward. It could take 6 months to figure this out. Josh clarifies whether Bryan is suggesting something as simple as “area councils may exist by ordinance”.

Brooke is troubled that area councils are in the charter but do not represent everyone. Her instinct is that the article does not belong in the charter. Another point is that this involves so many people being officially elected, when the charter commission wants to keep elections more simplified. This goes in the opposite direction in the area that have the area councils. She would take the article out of the charter and perhaps put wording in the city council portion of the charter (Art. 2) that says “The councilors may authorize neighborhood area councils and describe their functions and structure, etc.” She is not sure how she feels about the transition piece. She might consider a sunset clause to help ensure city hall takes action.

Bryan is on a similar page and does not think a separate, dedicated article is required.

Brooke thinks referring only to area councils and not to other bodies is a mistake.

Jane comments she may have decided against formation of area councils in 1971 but it is 2016 and we have four area councils established. She does not think City Council would actively establish more, and this creates an equity issue across the city. She is in favor of Scenario 2 - make this the best article we can, keeping significant impact his could have now and in the future on the elections department. She likes the idea of having a designated liaison for area council members to consult. Different parts of the city want different kinds of representation. Neighborhood associations [often] aren't interested in becoming area councils and area councils like their role. They both work

toward the commission's overall goal of neighborhood representation [as part of city government].

Anne is struck by how many pieces to the puzzle there are and sensitivities. We are not starting with a blank slate, and people have worked hard [as part of area councils]. She does see issues, i.e. with equity concerns, with regard to city resources, and so forth. The limited time we have to deal with this is the dilemma. She is intrigued by Rhanna's approach and Bryan's approach, which are very different. She does not know where she will come down on this. She is cautious about simply passing along to the council but not sure we have enough time to go further, i.e. with Rhanna's scenario which would take more work. It's a quandary. We want to do right by area councils and those who have chosen other means of neighborhood representation.

Josh believes we should include the article in the charter if it belongs in the charter. Naming a government entity as a layer of government would belong in there. The layer of conflict is that legally we are broken up into wards, but people identify as villages. He also factors in the possibility we'll remove ward councilors and how this representation supplements [their role and work]. If we were to include something in the charter, he would support having ward area councils to represent the wards. He has failed to see a legal distinction between area councils and associations, though people feel differently about them. He thinks the associations can do most or all of the things area councils have done. People should form [groups] to influence the city, but do we give the legal ability and authority to influence. We have moved in the direction of downsizing city government, and enhancing area councils goes in the opposite direction. He can see the rationale for ward area councils but comes down on the side of removing [area councils], but making statement encouraging city council to pay attention to city representation and groups in whatever form they take.

Rhanna points out 3 area councils currently are present within the same ward. Josh responds this would probably need to be addressed by ordinance. Does this mean disband? He believes the groups need to be equal if they have legal representation and responsibilities. Jane asks about precinct-based area councils. This would create 32 which is a lot. There is a discussion of ward vs. precinct based area councils. The city is set up for ward-based elections, and wards are designed to be equal. He would address area councils in the transition provisions, but to elevate their legal standing above the others feels wrong to him.

Karen agrees with Bryan about simplicity, but thinks that city hall and staff should draw up boundaries, possibly grandfathering in the [boundaries of the] current area councils. Changing the elections seems imperative. A question is how do we make the distinction between the area councils and other associations, and is this the time to do that. If their role is to take on a politically advisory role, there is a need to ensure they are accurately representing their areas.

Brooke is concerned about the areas of the city who do not have have the representation, when giving them the board/commission status or formal liaison role. She is more intrigued with Josh's approach to have one for every ward. She does not want to foster imbalance and tension. Unless we can find a solution that serves everyone, it should not be in the charter.

Karen is trying to understand how the role can be distinct, i.e. political, but Brooke restates this creates an imbalance. Brooke points out that if area councils and associations all have advisory roles, one should not be in the charter instead of the others. Jane points out that entitling the article "Neighborhood Representation" would reflect value of the various bodies.

Rhanna points out that if we created by ward, it's not possible to ensure area councils for each ward would emerge. The four area councils currently span two wards, so would form into 2. Brooke can only imagine [if there were to be] 8, but they really do not belong in the charter. Neighborhood groups are absolutely important, but for her the issue is enshrining in charter.

Bryan wary of proposing an entirely new setup on behalf of a [new] City Council. They should have the opportunity to set the course and have flexibility.

Jane clarifies that the group appears to be working toward a more bare bones article with City Council making decisions by ordinance. Jane sees that certain parts lend itself by ordinance. A charter is there for 40 years - ordinances allow for changes over time in a more nimble way.

Brooke is ok with that approach. The question will be where the lines are drawn.

Josh suggests handling transitional provisions when we visit Article 12. Jane wants to decide on a scenario.

Bryan (as a starting place) makes motion that “ the city council may by ordinance establish neighborhood area councils.” Brooke seconds. Brooke makes friendly amendment that Article 9 be eliminated and included as part of Article 2. She also raises whether we should include language about other neighborhood representation also.

Josh asks whether Bryan pictures the area councils as legal entities/another layer of government. Bryan says “maybe” - to leave it as nimble as possible for the [new] city council. Let them work with what’s currently there and address it as it evolves. If there are issues with elections or that more need to be created, they can address it.

Jane’s concern is that her conversations with city councilors do not reflect interest in creating more [than the four] area councils. Bryan sees that issue as being “on the city council”. If people are looking for more representation, they’ll bring that concern to their representatives.

Anne confirms that Bryan has proposed a starting point for Article 9.

Brooke suggests we consider language for neighborhood activism, and this is one of the tools.

Karen expresses concern that if we do not formalize more and include more wording, the area councils may not receive proper attention.

Brooke asks whether there is a version of Scenario 2 that Karen can provide as an alternative, and one that addresses the equity issue. Karen doesn’t think it can be entirely addressed. Area councils are one choice among several for neighborhood representation. She thinks we can go through and make some choices and lend some definition, i.e. around elections or powers/duties.

Jane proposes we craft another starting point based on the evening’s feedback. This is not the time for decisions.

Josh observes that Sec. 9-2 would basically be the article [based on the discussion] and perhaps there should be language in Article 2, that whenever possible, the City Council consider the advice of area councils as part of their deliberations. He points out that the City Council doesn’t have to do anything under Article 9. When they are smart, they listen to neighborhood groups. They would still be in compliance with Article 9 no matter what their course of action. He has trouble putting something in the charter that doesn’t really do anything. Putting [the aforementioned language] in Article 2 provides the value statement he believes we are discussing.

Rhanna points out that Bryan’s option affirms the existence of neighborhood area councils. It would be a mistake not to acknowledge they exist and protect what is good about them while minimizing issues that have been raised. She doesn’t think the detail belongs in the charter and favors their having an advisory capacity, though it is not necessary to specify.

Josh thinks the place to acknowledge they exist is in the transition provisions because they exist today in an inequitable fashion and we want to design a charter that will stand the test of time.

Rhanna points out that areas who want to form them are able to, so not inequitable. Inequity only becomes an issue if assigning real resources or decision making authority. Brooke points out the extensive resources used for elections.

Karen still thinks there are risks in being too “broad-stroke” with the article and this could be an opportunity to address some issues, but Bryan thinks City Council is well equipped to handle these [political] decisions, and that this is their responsibility.

There is a distinction between doing something well and having the responsibility.

Brooke mentions previous comment that there is concern city council would not be inclined to support adding area councils. We need to be aware of how we acknowledge the existence and work done by existing councils, but cautions against forcing the hand of the council in a way they may or may not want to act. She’d rather be permissive than instructive. Bryan agrees.

Jane suggest the article leaders put in some more time and think through what might be appropriate for ordinance vs. in the charter. It has not been formally established tonight.

Rhanna recaps that we have a motion on the table, but Jane is proposing article leaders provide an alternative that flushes out the details a little more. Bryan believes this would be helpful and withdraws the motion. Karen asks whether there are some points that the Commission agrees on based on the discussion. The response is: Boundaries decisions go to City Council. Brooke states we cannot have the city run the elections. Bryan points out this takes the city council option of ward councils off the table.

Rhanna says we are looking to delegate all to the city council or preserve what we have now, making it organically possible to form new councils, but we are not doing away with what we have now (by having ward councils).

Brooke points out the Council can form ward advisory groups if it chooses under any circumstances.

The group agrees a modification to elections is needed but parameters need to be clarified.

The powers and functions will be advisory--but is further definition appropriate within the charter or ordinance. Bryan states indemnity is important. Anne points out that area councils "may" have indemnity. Currently they are not indemnified [within charter] but Ouida has said they do have indemnification. Brooke suggests representation of community intent might belong as part of preamble/values statement. She wants to make it clear that part of city government's functions is to be responsive to the citizens and we want to encourage citizen involvement, not just as office-holders. The review leaders will propose revised Article 9 language for the next meeting.

Meeting adjourns at 9:55p.m.

Documentation used:

[Agenda](#)

[Minutes from 9/14/16 Article 9 Hearing and Panel](#)

[Article 9 Panel Discussion Guide](#)

[Article 9: Slideshow Overview](#)

[Newton Highlands Area Council Letter to the Commission](#)

[Newtonville Area Council Letter to the Commission](#)

[Upper Falls Area Council Letter to the Commission](#)

[Waban Area Council Letter to the Commission](#)

[Collins Center: Neighborhood Area Councils Research for Article 9 Review](#)

[Impact of Area Councils at City Hall](#)

[Area Council Voting History \(2009 - 2015\)](#)