

NEWTON CHARTER COMMISSION

Wednesday, July 12, 2016 7:00 p.m., City Hall, Room 222

MEETING MINUTES

Present: Chair Josh Krintzman, Vice Chair Rhanna Kidwell, Jane Frantz, Howard Haywood, Anne Larner, Karen Manning, Brooke Lipsitt, Chris Steele. Bryan Barash joins during Article 5 discussion (7:15p.m.).

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

Approval of minutes

Brooke makes motion to approve minutes from Charter Commission meetings held 5/11/16, 5/18/16, 5/25/16, 6/15/16, 6/29/16. Chris Steele seconds. 8 in favor, except Howard Haywood abstains from 5/18 and 5/25 because he was not present. Chris Steele abstains from 6/29 because he was not present.

Public Comment

Ernest Loewenstein, 57 Hyde Street, Newton, requests clarification on public comment points within Article 11, General Provisions. Brooke clarifies that she had divided the [relevant] motion. The first part of the motion passed, that there should be provision (by public bodies) for public comments. The second part did not pass about providing specific notice, and Mr. Loewenstein suggests including language about notice. Brooke explains that "Public bodies shall allow public comment at reasonable intervals" is what passed.

Matt Hills, 25 Hobart Road, Newton, argues in support of 8 year term limits for the school committee. His points include that strong competition is infrequent, especially against incumbents, and good people step up when there are open seats ensuring turnover. Newcomers take on leadership roles early on. The status quo works well and works well for the city.

Article 5 Discussion

Josh confirms that the Commission has reviewed the most recent draft of the article.

Brooke brings up Section 5(3)b and the topic of detailed list of inventory, and questions whether it is too detailed. Anne thinks it strikes a good balance and Jane supports it. Brooke's question is about the second sentence. Chris feels it provides a minimum threshold and Rhanna supports the detail. There is discussion about the usefulness of using the list. Brooke makes motion to adopt Josh's approach and wording: "The City Council shall by ordinance describe the requirements of the inventory". Bryan seconds. Marilyn Contreas (Collins Center) suggests replacing the word "describe" with "establish".

3 are in favor: Krintzman, Barash, Lipsitt. 5 are opposed: Haywood, Kidwell, Larner, Frantz, Manning. Steele abstains. The motion fails.

Anne makes motion to use the language: “The City Council shall by ordinance describe the requirements of the inventory, such as age, maintenance, and repair...as City Council deems appropriate”. The motion passes, 8-0, with Haywood abstaining.

Anne Larner makes motion to accept Article 5 with the revisions. Jane seconds. Motion passes 9 – 0.

Article 6 will not be discussed at the meeting.

Term Limits Discussion

Josh recaps that a term limits discussion guide was circulated for reference during the meeting. Commissioners should bear in mind the Commission’s mission and goals during the discussion.

Description of commentary highlights include:

Rhanna cites Anne’s election data which reflects lower turnover and increasing tenure rates in recent years. 30% turnover would be ideal in any given election to create a balance of experience and new ideas, but Newton currently is not close to that. There can be a loss in marginal value with long tenures. Data reflects there is a problem with the goal of “greater public participation in government”. She does not feel term limits have to be equal but should be coordinated within a system.

Bryan cites that people with long tenures can be valued by constituents in ways that do not diminish. Rhanna agrees.

Anne discusses success of term limits on the school committee, as reflected in “movement” and “new blood”. Over time, City Council tenures have gotten longer and turnover rate slower. Incumbents are challenged at a low rate, with a low rate of open seats in the last 20 years. Data includes special elections. She sees value in putting term limits on city council to encourage turnover and “fresh blood”. This is in the spirit of making a contribution of service but not make a career out of it. She supports term limits also for the mayor.

Brooke sees the value in turnover but does not see the connection with term limits. She feels there is a dearth of people who have the capacity or inclination to run, i.e. single parents, 2 parent working families – they do not have an extra 10 or 15 hours a week at School Committee or Council meetings. She is very concerned that term limits will increase that burden and discourage people from service.

Karen disagrees and describes flexible work schedules and says tools for campaigning are more accessible now. She believes the strongest candidates run when the seats are open, and the current Ward 7 and 8 School Committee races are an example. For three terms, Matt Hills and Margie Ross Decter were not challenged, but candidates are already campaigning for their open seats in 2017. Fresh ideas are important. Institutional knowledge is critical, but it is easier to ramp up now than it was before.

Bryan discusses how the neighborhood element affects our local races. People are more likely to run for open seats. It might be difficult to fill a seat but someone usually does step up. The point is made that we have never needed to appoint someone to serve in Newton.

Chris describes “easy years” versus “hard years” with regard to elections. Those looking for an easier year wait for an open seat. More motivated challengers will take on incumbents, and he has concerns if people are afraid to take on races with people they know. Forcing turnover does not guarantee quality candidates who are committed and focused.

Jane says if Brooke is a “1” regarding term limits, she is a “10” in favor of them. She describes examples that reflect the power of incumbency. At a hearing, someone on a commission described that having term limits helped him focus his work.

Josh believes it is difficult to do something in the charter that will help people run against an incumbent. For contested elections, he is not looking for incumbents to lose, as ideally they are serving their constituents well. However, open seats allow for bringing in new ideas. So at local level, he is in favor of term limits.

Bryan emphasizes the personal element of running against an incumbent and taking someone’s seat away.

Chris argues that it is not anyone’s seat, but the “people’s seat” – and it is awarded to them for making convincing arguments that it should be theirs.

Bryan stands by his point.

There is brief discussion of Anne’s School Committee election data.

Josh recaps the main pro’s & cons: Pros include that term limits are helpful with open seats, reduced tenure. Downsides include people wait for open seats to run and reduced tenure.

The Commission brings in additional comments. Highlights of additional pros and cons include:

Bryan describes term limits change the relative power of elected officials and staff. People can “wait out an issue”. Brooke brings up that other MA municipalities do not have term limits and feels there is nothing unique about us, no “magic fix”. Howard leans toward term limits and agrees with Bryan’s comments, and thinks term limits open up opportunities for good people to serve. Rhanna points out School Committee term limits may be unusual but have worked well for us. She emphasizes the commission is proposing consecutive (vs. life time) limits. Anne mentions that of course many other cities nation-wide have term limits for their elected officials. (Audio 1:00 – 1:05)

Josh leads the discussion toward looking at the topic of term limits across the three branches of government.

Rhanna thinks there is an imbalance when there are term limits on one branch but not the other, though they do not have to be equal. The current structure (limits on School Committee only) has created some imbalance.

Bryan, Anne, Jane, and Brooke briefly discuss the relationship of the Mayor's role on the School Committee and whether term limit imbalance is relevant regarding mayor and School Committee.

Howard and Brooke discuss a strong mayoral form of government. Brooke emphasizes that having limits on councilors and not the mayor could exacerbate the power differential. An imbalance can be created if mayor and staff are in place and councilors are turning over. Rhanna says relationships built with voters also factors in.

Josh does not think there has been a problem with contested election for mayor. He leans against term limits for mayor, but realizes that a shift in the balance of power could create a problem. Bryan points out that term limits might help ensure robust candidates with new ideas for Mayor. Jane points out that name recognition of an incumbent Mayor is a critical factor in mayoral race.

Anne looked at large cities with term limits and they tended to have the same limit on the number of terms. Some were absolute and some were consecutive. Most were 8 or 12 years, but they were consistent across the branches.

Howard brings history of School Committee term limits in Newton. Anne says it may have been in response to excessively long service many years ago.

Discussion of whether the limits, if implemented across the 3 branches, would need to be the same. (Audio 1:20). Jane expresses opinion that the jobs are very different, so it could make sense to have different term limits. The point is made that consistency is easy for voters to understand. Brooke cites concern about too much turnover. Anne shares that her election data reflects turnover mostly due to being "ousted" in some cases or by choice.

Question arises about whether the clock resets to 0 if the new charter passes. Collins explains there are several options, but most places just "start the clock". Our School Committee members could finish out their terms, not reset and go beyond their 8.

The Commission discusses the topic of term limits for Mayor.

Anne suggests 12 years, which reflects the outer limit of what other cities with term limits have. Howard mentions that Council should have limits too, in that case. Rhanna is in favor of 12 years (consecutive). Jane also says 12 years, and also comments on Council and School Committee (in favor of 12 and 8 year limits, respectively). Bryan feels there is value in a set number of years to achieve goals/vision.

Two scenarios emerge from the discussion: 12-12-12 and 12-12-8. (Mayor, Council, School Committee).

Josh believes Mayoral elections are distinct from the others. There is a lot of attention on the mayor, who cannot “slide under the radar”. If an incumbent mayor is doing a bad job, it is addressed. He is concerned about imposing term limits on the Mayor, because people are not currently vocalizing concerns about mayors “hanging on too long”, but imposing the limits could cause a [negative] reaction. He has heard evidence that School Committee limits are working well, and that there are concerns for the City Council, but has not heard concerns about the Mayor.

Brooke concerned about a system that would enhance the differential in power. We already have a very strong mayor. Imposing them on the council but not mayor skews the power.

Bryan and Rhanna agree with Brooke’s points.

Josh doesn’t think the term limits have as much impact/influence as everyone fears. The longer the term limit is for the City council, the less a power imbalance is a concern.

[Regarding imbalance], Bryan points out that we have had 24-year serving mayors, and Rhanna and Bryan point out that all councilors will not serve the full 12 years. Josh points out that the Mayor runs in a highly visible race and gets challenged. Rhanna makes distinction that mayors do not get “ousted” in these races, but Josh thinks this would reflect that a mayor is doing a good job.

Jane feels that term limits more critical for council than for mayor. Bryan concerned that someone could be driven to serve as mayor for a very long time, and do so successfully, as still seen in other cities.

Discussion about how the straw vote should be approached. The commission decides to vote on each office and then the system.

Anne proposes 12-year term limits for Mayor. Rhanna seconds. Josh reiterates concerns about imposing limits on mayor and there is further discussion, i.e. how the public might feel about mayoral limits. There has not been much input to date. The Collins Center shares comments that Newton is only city in MA with term limits on one office, and not on others.

In favor: Lerner, Kidwell, Frantz. Opposed: Haywood, Steele, Krintzman, Lipsitt, Barash, Manning. Motion fails.

Howard proposes 16-year term limits for Mayor. Rhanna seconds. In favor: Manning, Haywood, Barash. Opposed: Steele, Lipsitt, Lerner, Krintzman, Kidwell. Abstain: Frantz. Motion fails.

The Commission chooses to revisit the discussion of mayoral term limits after looking at Council and School Committee.

Rhanna makes a motion for 12-year term limits for City Council. Larner seconds. Discussion.

In favor: Kidwell, Larner, Haywood, Manning, Frantz. Opposed: Krintzman, Lipsitt, Steele, Barash.
Motion carries.

Rhanna moves 12 year term limits on School Committee. Seconded by Anne. Discussion involves extensive comments and differing views from Jane in favor of 8 year limits, and Anne, in favor of 12 year limits.

In favor: Kidwell, Larner. Opposed: Manning, Frantz, Krintzman, Barash, Lipsit, Steele.

Haywood abstains. Motion goes down.

Jane proposes retaining 8 years term limits for School Committee. Motion is seconded by Karen.

In Favor: Manning, Frantz, Barash, Krintzman, Haywood. Opposed: Kidwell, Steele, Larner, Lipsitt.

Motion passes.

There is further discussion of mayoral term limits, the balance of power between the Mayor and the council, how term limits may affect the balance, and the value and appropriateness of term limits.

Rhanna recaps that the straw votes currently reflect 12 year limits on the Council and 8 on the School Committee. She makes a motion for 12 year term limits on the Mayor. Anne seconds the motion.

All in favor: Kidwell, Larner, Frantz, Manning, Barash.

Opposed: Lipsitt, Steele, Krintzman, Haywood.

The motion passes.

Howard brings up the topic of 2 year term lengths for council vs. 4 year term limits for Mayor, and Rhanna reviews the Commission's previous discussions about term lengths. Howard sees value in having enough time serving for a mayor to implement a vision.

Brooke and Josh are troubled by the straw votes.

The straw votes are **5-4** each for 12 year mayoral limits, 12 year Council limits, and 8 year School Committee limits.

There is discussion about taking a final straw vote taken on 12-12-8. Bryan makes the motion to approve the 12-12-8 scenario and Brooke seconds. Those in favor of 12-12-8: Manning, Barash, Frantz, Kidwell, Larner. Opposed: Krintzman, Steele, Haywood, Lipsitt. The motion passes.

Discussion of the Final Report. Preliminary report is due March 4. Final report contains information about our process and rationale. Collins says preliminary report appears in the newspaper. Collins points out educational/explanatory materials can be used in many ways/venues. Josh calls for volunteers and article leaders need to provide summaries. Rhanna makes a case for wrapping up loose ends and upcoming work/articles. Commission still trying to finalize strategy for final report and sharing recommendations uncovered over the course of our review.

Documentation Used for the Meeting:

[Agenda](#)

[Minutes: 5/11/16](#)

[Minutes: 5/18/16](#)

[Minutes: 5/25/16](#)

[Minutes: 6/15/16](#)

[Minutes: 6/29/16 Article 5 Working Draft](#)

[Article 6](#)

[2,3,4 Term Limits Discussion Guide](#)

Meeting closes at 9:55p.m.