

Meeting Minutes  
Charter Commission Meeting  
November 30, 2016 – City Hall Room 211

Present: Josh Krintzman (Chair), Rhanna Kidwell (Vice-Chair), Bryan Barash, Jane Frantz, Howard Haywood, Anne Larner, Brooke Lipsitt, Karen Manning, Chris Steele

Approval of November 16, 2016 minutes: The Commission discusses that creating charter commission meeting minutes is arduous. Recommendation (for future reference) to utilize city staff or rotate the responsibility among the commission. Minutes approved 9-0 with minor amendment (correct recall provision vote).

**Public Comments:**

Ernest Loewenstein requests the group speaks up. He has a question about the handout on “city agency”. He wants to know if a reorganization plan by the Mayor requires City Council approval. This is not stated within the document. Josh clarifies the purpose of the document is the impact of changing the definition of “city agency” within the charter.

**Discussion of Term Limits**

Josh previews the term limits handout, and asks Anne if she would like to discuss an [NYU] article about term limits that she emailed to the group. The group agrees the article should be posted on website and included in 11/30/16 minutes.

Anne – thought the article was interesting the relationship between the limits on legislative and executive bodies was an angle we had not explored.

Chris – explains the article was put forward by the Charter Review Commission for NYC. This is similar work but for a larger city. The article stresses that term limited officials often are oriented toward higher office, rather than their current posts. He has observed some of this in Newton, i.e. with those serving on School Committee wishing to serve on City Council. He reminds the group he is on the record opposing term limits.

Bryan – the article is relying on state data to inform this conversation (on local level). He does not oppose term limits at higher levels. A legislator from a local district having a state-wide mindset is different from our current proposal. The problem doesn’t quite fit.

Anne – points out this article was written by an NYU political scientist. Because there is little research on term limits and the size of NYC and its government, it was reasonable for them to compare to states. She still found it useful. State data and some city data reflects that relative power between a city council and Mayor can be impacted if they have the same term limits. Mayor has a full staff, appointments, and access to expertise that the legislative body does not. A term limit constraint on the legislative body affects its institutional knowledge. This is an issue of power balance which she found striking.

Brooke – brings up how the commission has chosen to leave area councils in place, though would not have if they did not exist previously. By the same token, situations where term limits exist become self-perpetuating. Research reveals they are almost impossible to undo them because there is an “instinct they are good”, even though there are flaws. Therefore, we should have a very strong rationale for imposing them. Their existence on the School Committee has encouraged the discussion of limits for the Council, even though they are rare in local governments. She urges caution.

Bryan – points out the flip side is that people are happy with limits. There hasn't been a groundswell of people having issues, and they seem popular. The vote(s) to remove the limits in NYC failed overwhelmingly.

Rhanna – reads passages from article to challenge Chris's points. She saw points in the article as reflecting a non-parochial dynamic where the "whole pie" is valued over district interests for term limited legislators.

Chris – would agree if we were retaining the ward councilor situation, but we are not.

Rhanna – our council may become more focused on city-wide issues, but that does not translate to the state level and a desire to be state legislators. She did not make the same inference from the article. i.e., there was not an issue that NY state legislators were thinking about nation-wide concerns-- they were just not thinking only of their own district(s).

Bryan – we are in a unique position since our entry level state rep. [represents] half the city, half of what the district would be here, outside of 2 precincts in Ward 1 which share territory in other cities. This is different if than if we were a smaller town, and state rep encompassed us and surrounding towns.

Jane – in citing Chris's example, does not see a power differential in moving from School Committee to City Council. She does not see Council members looking to state level, and focused on Newton. The author clearly opposed term limits but acknowledged their popularity.

Brooke – This is because anti-government positions are popular, to limit government power. It is up to us to determine the government's powers, and in particular to consider balance of power between executive and legislative. We have addressed this tangentially, but haven't done anything here (with our strong mayoral model) to further empower the legislative. We need to be cautious.

Karen- to Brooke's point, the article argues against a term limits model in which the mayor had no term limits, while the council did. She'd talked with a Councilor who had supported longer term limits for Councilors than for the mayor, and this is described within the article. If all agree, we may want to consider this.

Josh – this would be Option C, but with a 12 year limit for the Mayor. He is ready to consider scenarios at any time. Josh is wondering what we gain by term limits. They encourage turnover, which has worked for SC. He does think reducing the size of the Council will improve turnover, so the issue may have already been addressed. He sees importance of creating parity or equitability as far as the Mayor and Legislative.

Bryan – was bothered somewhat after the city council compensation discussion (11/16/16) that highlighted that School Committee members are not eligible for certain benefits because of their 8 year term limits.

Brooke –Rhanna's data reflects our "sister cities" without term limits show turnover of 25%, which is close to the 33% ideal she supports. She is inclined to agree with Josh that we have maybe already resolved the problem [via proposed downsizing of Council].

Anne – No SC members she ever talked to found having term limits [when Council and Mayor did not] was equitable. [If we are moving toward no limits], the current members' view is not necessarily representative of the whole history of SC members.

Brooke – Reenie said this at our last meeting.

Karen – remembers that Brooke in the past supported limits or no limits for the three bodies. Could she therefore support keeping the status quo?

Brooke – would prefer having none on anyone. She hears the support for the term limits on School Committee. However, the former Vice Chair spoke at our last meeting about how she would have stayed longer without the limits. People on SC leave before their term limits in some cases. She would prefer consistency but would understand if it were decided that the limits should not be undone for School Committee.

Jane – believes we should examine School Committee, Council, and Mayoral limits separately. The School Committee and City Council work separately to a great degree, and the three bodies have different responsibilities. She restates previous arguments for SC term limits, including her belief that history is important, but SC members want to see their SC members on a regular basis. This should be for elementary and secondary schools. She sees the benefits of a longer term limit for City Council to help balance legislative and executive branches.

Howard – The previous Charter Commission 5-4 votes to have term limits on the School Committee (8 years) and not on the City Council was personal. There were 3 aldermen on the Commission. But overall, people have been pleased with their performance. He is not sure we have a strong argument for why term limits would work. The SC is successful, but this is because of the people on it and the city we live in.

Bryan – believes at least 2 SC members would have a preference for longer term limits.

Jane – is concerned about the school system. The 8 year limits work for the system. Regarding the Council, she considers how they serve the city. There is not a magic number, but we should do our best thinking. The SC is a “different animal”. Previous SC members would like to see a longer limit, but [most of] the current members like the 8 year limit, which perhaps reflects change over time. She does not feel that benefits should factor into the discussion of SC limits. Benefits could be the factor motivating people to serve longer.

Josh confirms that currently the SC members are not eligible for pension benefits.

Rhanna argues against the idea that term limits take power away from voters. In reality, the power of incumbency diminishes the power to a greater extent. We cannot “impose term limits at the ballot box” because we cannot enforce term limits on someone who never gets an opponent. The power of incumbency is staggering, especially at the local level. If you want to run against someone, you have set yourself up for discomfort with your neighbors whether you win or lose. Without limits, we set ourselves up to have some people serve indefinitely. She feels most strongly about term limits for a Mayor. All leaders (i.e. corporate leaders) have weaknesses that take a toll over time, which poses risks. She has never wanted a [U.S.] president to serve more than 8 years, and is thankful for the 8 year limit.

Brooke – sees advantages of incumbency. But with these arguments, maybe we should limit everyone to one term. That is the logical extension of the case being made. We need to weigh this against the value of experience. Officials have stressed the importance of the learning curve. Everything we are doing is a balancing act. She thinks it is anti-democratic that an incumbent doing a great job would not be eligible for re-election. Incumbency is always an advantage, but this is not purely negative. There are positives too.

Jane would like to talk more about the Mayor, which has not been explored as much.

Josh believes the incumbency advantage diminishes with the amount of attention paid to the office. He sees the advantage as very high with a 24 member council, for instance. This is less so for Mayor, since Mayor is more visible. He takes the point that over time, people have “run their course”. It’s difficult to know exactly when. He’s not sure term limits are the way to institute this, and voters can often discern. However, there is a certain logic to having limits on all offices, [even though he does not think as necessary for Mayor]. They don’t have to all be equal.

Bryan: Term limits are about preventing a consolidation of power, and are most important for Mayor. This includes not only power of incumbency, but softer powers, such as convincing city council to do what you want or convincing a potential rival not to run. This is evident with legislative leaders as well. Also, an Executive can more quickly see his/her vision through, especially with support of the legislative. He is very comfortable with that limit. If a President can see out a vision in 8 years, a Mayor can in 12.

Howard does not think Presidents are able to see out their vision(s) in 8 years. This is because of division within our country. He cites Mann’s first victory by a narrow margin & plurality. Mayor Cohen had 12 years and completed his vision for the high school, similar to Mann’s vision of the library. He does not think 8 years is enough time for a vision – this takes a long time. A vision is achieved through working together.

Anne makes motion to have no term limits on any office (Option D, handout). Brooke seconds.

Discussion: Jane re-emphasizes her view this would be highly detrimental to school system. (47 minutes: audio). Brooke believes SC would evolve over time (i.e. it is now more focused on policy) with or without term limits. The limits are not the controlling factor. Rhanna points out the proposed limits are consecutive, not lifetime. She does not support this motion because she thinks Anne's data reflects the need for more turnover, and tenures are increasing. A very energetic official always has the option to serve again. Jane responds to Brooke that issues with meddling or contract negotiations, for instance, negatively affects morale in the schools. She emphasizes the importance of having SC members with children in the system to provide balance. We need to be very careful.

5 vote in favor (Anne, Brooke, Chris, Howard). 5 are opposed (Rhanna, Jane, Bryan, Karen, Josh). The motion fails.

Brooke makes motion to keep current framework (existing charter): 8 years School Committee, 0 for Council and Mayor. Chris seconds.

5 vote in favor (Brooke, Jane, Chris, Howard). 5 opposed (Rhanna, Bryan, Karen, Anne, Josh). The motion fails.

Anne proposes 8 year limit on School Committee, 12 year limit on City Council, and 8 year limit on the Mayor. Jane seconds the motion. Jane would support two terms or 10 years. All in favor: (Anne, Bryan, Jane). Those opposed: (Howard, Josh, Rhanna, Chris, Brooke, Karen). The motion fails.

Josh makes motion for 8 year limits for School Committee, 16 years for City Council, and 12 for the Mayor. (Option C with 12 on Mayor). Jane seconds.

Discussion: Jane thinks longer terms for the Council makes sense and would support 16 year terms. Karen does as well.

2 in favor: (Josh, Jane). 7 opposed: (Anne, Bryan, Howard, Rhanna, Chris, Brooke, Karen).

If the group cannot reach consensus, the status quo scenario remains intact.

Bryan would like to make a motion that we stay with 12-12-8 (Mayor, Council, SC) to see whether we are still comfortable with current proposal.

Josh points out we may wish to discuss area council term limits. Currently this is determined by ordinance.

Bryan makes motion to stay with our preliminary scenario. Karen seconds.

Discussion: Brooke remembers three 5-4 votes during our initial discussion on this topic. She believes we are making a mistake if we cannot come to a stronger agreement. It will be difficult to justify and market this to the public if we are so divided.

Rhanna points out that during our previous discussion we did not vote on scenario blocks, but on "one offs". At that meeting, only 2 people, Brooke and Chris, were consistently opposed to term limits. The problem was honing in on the scenario.

Bryan also would like to see improvement over a 5-4 votes, but the group did vote 5-4 for the system at the end. He would like to see if we are still at 5-4 or if we might be at 6-3. Despite our time spent on term limits, Jane has not seen a lot of community concern/interest about term limits. Bryan has seen a positive response to imposing term limits, but not strong feelings on specifics. He and Jane think we'd hear more of a negative response to remove the existing limits.

Karen sees this as an opportunity to address decisions made by the last Commission, which yielded an atypical result. She is curious if Option A (16 years for mayor and council, 8 for SC) would satisfy a wider range of people.

Anne thinks this makes the School Committee stand out as a second class office and out of proportion. Jane points out mayor sits ex officio, which Anne doesn't feel addresses the point. Bryan and Anne feel the problem of power/influence would be exacerbated.

Howard understands most people care about the reduction of the council, and shares Brooke's concern about what will pass. Maybe we should wait on this, and it can be examined when the charter is reviewed in 10 years. He thinks we may be stretching too far when we can't even come to agreement. 8 years for School Committee is working, but now we are introducing something that might not work, that hasn't been done before. He thinks the tendency to stay for very long terms is changing. This may not be the time.

Rhanna thinks we do have supporters very excited about term limits. Some individuals think 12 years is a long time. She clarifies that a charter review group cannot make changes – changes need to be approved by Mayor and City Council, and it is unlikely they would impose term limits on themselves. Though it is interesting the SC supports having them.

Howard would be willing to give this up to have a stronger opportunity to reduce the size of the Board.

Bryan thinks the term limits increase the likelihood of support. He thinks we will have better turnover, high quality candidates, and more competitive races.

Brooke agrees with Bryan this is all true, and would be true without term limits. It seems like the School Committee was the starting point for this whole discussion. She sees SC limits as an artifact of what happened with this last charter, and she is not convinced they have added more value. Collins has pointed out this rare and MA, and she doubts they will say we have the best SC because of the term limits. She is not convinced we have a problem to solve.

Jane recalls a person speaking at a public hearing who said having a term limit helped focus his attention toward a goal. This resonated with her.

Karen does not agree that no limits is a reasonable option for the School Committee. The climate changes very quickly, even over the last year. The group is well established but still may not be as sensitive to issues that have surfaced since they took office years ago. Two vacant seats [for 2017] have encouraged a spirited race already, and the chance for new voices is critical.

Anne makes point that some academics say term limits can decrease competition because people are waiting for open seats.

She is curious if people would be interested in a scenario of 8 year term limits for School Committee, 12 year limits on Mayor, and none on the City Council.

Bryan thinks the concept should apply across the Board.

Rhanna acknowledges there is no perfect scenario, but sees no reason for an imbalance between the SC and Council. The Mayor should be a term shorter, but she feels 8 years is too short. 16 years feels too long, but perhaps 12-16-16 would be her preferred scenario.

The article raised concerns for her and led her to reconsider the initial scenario which she voted for. She now supports the Council having longer limits especially as it pertains to balance of power. She sees herself as the only person who supports possible changes to SC. (Bryan and Anne say they are also open). She hopes there will be a differential between the two.

Rhanna asks if 14 for City Council and 12 for the Mayor would work.

Bryan would prefer 8 (Mayor) and 12 for the other two bodies.

Jane is in agreement with Howard, that we are going around too much. She is reluctant to settle on this given the time this is taking.

Rhanna points out that we'll stay with the previous straw vote if we do not change with this discussion.

The Chair calls the vote to keep 12-12-8 (previous straw vote). All in favor (Karen, Jane, Bryan, Rhanna). All opposed: (Brooke, Anne, Howard, Chris, Josh). This is a 4-5 vote to keep our current proposal.

Bryan is not comfortable with this. The group is not in support of what was previously proposed.

Josh states he sees the value in parity between the School Committee and City Council, as far as having limits or not, though they do not have to be equal. He feels the term limit on Mayor is not as needed, but knows others feel differently. If term limits on Mayor, they should be longer than the Council's to address power imbalance concerns. He sees testimony and evidence that 8 years works for School Committee, and thinks 8 is too short for the Mayor. 12 years [for Mayor] is as low as he would go. "C" is his preferred scenario. (8 SC, 16 City Council, 12 Mayor). Another option would be 8, 14, 12 or increase School Committee limits.

Rhanna initiates discussion of 8 year limits for mayor.

Anne supports 8 or 12. She feels in 7 years our mayor has gotten far with his program, i.e. with CIP. A lot can be done in 8 years with good people, community support, etc. Brooke points out knowing that someone is going to leave [i.e. after 8 years] invokes lame duck phenomenon. Bryan thinks we have a strong mayor and that "lame duck" is less of a concern at the local level. On a practical level, Jane sees a third term as problematic because an effective mayor has made tough decisions that can be divisive. She thinks an 8 year term is terrific.

Howard still grappling with having term limits at all. He does not see what is going wrong with our elected officials' performance.

Bryan says that term limits have worked very well on SC, and new people have new ideas.

Howard is talking about the other 2 positions. No one has convinced him that having term limits will give us better government.

Rhanna responds that Anne's data shows that City Council turnover has steeply declined over the last 60 years. It's at an unhealthy low level. The turnover was down from 30% to 14 or 15%.

Howard says the average citizen does not care about this – they just want the city to run well. What can he say to people?

Rhanna points out average tenure is 12 years which means many people have served very long.

The group points out Brian, Lisle, and Lenny have served over 20 years. More have served 16 or more.

Brooke thinks this is not extreme – we are overreacting, and there is no harm. She does not see term limits as a solution to this problem, if there even is one.

Anne says to Howard's point that 70% of the voting population nationally supports term limits. (Egan's research and otherwise). They are perceived as a positive with the public.

Chris – The fact that term limits poll well does not mean this would make good policy. The tenures we have seen with the current structure will change with the new proposal, so this is comparing apples to oranges. History does not influence what we are likely to see with the new composition. And as Brooke pointed out, our group does not have consensus on this important decision, and this is risky.

Jane - Even though we have struggled with numbers, she does not believe we lack consensus about having term limits.

Brooke points out the 5-4 vote. 4 voted against term limits.

Bryan worries that the new system consolidates power. No term limits would increase the concern. Though many think a 12 person body may have more turnover, he believes some people believe the opposite and a small number of people will serve forever.

Brooke thinks we do not need to invoke term limits to make our case that the new model will increase turnover. She highly supports the new model even though she had been a long-time supporter of the large board. There will always be risks to change, but our job is “to be the grownups in the room” and make the best proposal-- and not based on what is popular in polls. She does not want to be on the defensive when selling this.

Bryan thinks it is harder to sell not having term limits.

Howard is wondering where the weakness is. We’re going to increase turnover by reducing the number on the board, then get rid of the remainder through term limits? Why?

Bryan – to make sure there is not a small group of people staying on for a long time.

Howard – has that happened?

Bryan – we are proposing a new system so we don’t know.

Karen says 14% turnover does not reflect a system that is working well. Jane is concerned about this too. This is our one opportunity [for change].

Howard stands by his points, and adds that they are not used in MA. This won’t matter to our voters as long as schools are good and streets are plowed. We’re term limiting people who are doing a good job.

Rhanna moves 12-16-16 (Mayor, Council, School Committee). Seconded by Anne.

Discussion: Janes opposes 16 years for School Committee, especially if members did not have children in the schools. (1:48 audio). Rhanna points out that it would not be imperative to stay the full 16 years, and does not agree on the importance placed on having children in the system. Jane is ok with a mix (children in system vs. not), but this allows for the risk of all/many members with no children, and that would be especially problematic when teachers have no contact with members of the negotiating team. Bryan thinks doubling the SC term goes further than he would like to go. He’d like to talk about Option B: 12 -12-12. Josh reaffirms support of 8 year limits for SC. Otherwise, he likes 12 and 16 years for Mayor and Council. Rhanna points out that her proposal should appeal to those who do not like term limits.

2 are in favor (Rhanna, Anne). The other 7 (Josh, Howard, Chris, Karen, Jane, Brooke, Bryan) are opposed.

Bryan proposes Option B: 12-12-12 for the three offices. Rhanna seconds.

Discussion: Karen believes this does not factor in other important discussions we’ve had and would prefer to see option “C” (previously proposed by Josh) back on the table. (i.e. 8 years working well for SC, support for longer Council term, Anne’s article/points about balance of power). If she does not support “B” it is because she now prefers “C”. Anne says she can be comfortable with this, even given the disparity with the limits. It’s not as imbalanced as Option A: 16-16-8. (Mayor, Council, SC).

Rhanna proposes voting for Option C instead of B. Bryan withdraws the motion.

Karen makes a motion to adopt Option C: 12 year term limits for Mayor, 16 for Council, 8 for School Committee.

Discussion: Anne likes the proposal because it addresses the power imbalance she raised, so she reluctantly supports this.

All in favor: 6 (Rhanna, Jane, Anne, Karen, Bryan, Josh). 3 are opposed. (Brooke, Chris, Howard). The motion passes.

Josh emphasizes that the only change from the current proposal is an increase from 12 years to 16 years for City Council. No one wishes to address area council term limits as part of this discussion.

### City Council Compensation Discussion

Rhanna and Karen agreed to propose language to allow for City Council and School Committee to submit expenses for reimbursement. This would require an appropriation within the budget, allowing for reimbursement for gas mileage, parking, etc. when doing city business. Clauses are in other charters but not in ours.

Rhanna reads proposed language:

“ Subject to appropriation and prior authorization by the Council, [council or SC] members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties”.

Rhanna and Karen also proposed including: “Allowable expenses shall be established by ordinance”.

They point out there is no formalized mechanism in place for City Council reimbursement of expenses. Anne explains the School Committee is reimbursed through arrangements with the School Department, so not necessary to include the line “Allowable expenses shall be established by ordinance” for the SC language.

Marilyn (Collins) brings up that perhaps this should be part of the Council rules as business of the council. Discussion that the Council approves the appropriation, but they Mayor has to ask for it. Brooke observes the proposed language does not force the Mayor to appropriate the funds.

Bryan asks about the source of the SC funds, and Anne states it is internal for School Department. There is no line item control except the Mayor defining what is appropriated for School Department.

Brooke confirms nothing in the budget is set aside for Councilors, and their expenses are not reimbursed. She was once reimbursed for travel to a conference only because the planning department covered the expenses.

2:05 audio

Bryan suggests leaving out the line about the ordinance for SC, and leave everything else the same. Josh points out leaving the line requires the mayor to sign off. Bryan points out an ordinance as long-lasting and is public record, so is it preferable to have longer term guidelines or go case by case.

Rhanna points out mayoral approval is subject to a council override.

Brooke is concerned there is no requirement the mayor make an appropriation.

Bryan and Collins confirm that sometimes dollar amounts are specified in transition provisions or by ordinance.

Brooke affirms the School Committee is fine, and is still concerned the Mayor may not set aside funds. Some understand the language as not technically requiring the Mayor to appropriate. Josh asks if this is a pervasive concern/issue, and Brooke thinks it's important. Karen says this brings City Council and SC up to par with what other city staff is allowed. The group concludes the proposed language is an improvement and likely the best we can do. It is a statement about our values.

The proposed language for city council and the paragraph for the School Committee without the line about the ordinance are accepted.

### Removal Provision Discussion

Jane recaps the question had been raised if there was a way to address an official's having committed an “egregious act” if not through recall or removal clause.

Jane reports that Ouida in short says “no”. Given how long it takes to be convicted, an election is probably the solution to the problem, as it will occur before the conviction. Also, these situations are typically handled through recall and not removal and she questions who would enforce the removal provision, if an elected official were to ignore it. She does not anticipate officials' refusal to resign if warranted. Again, the election should take care of the problem. Jane and Brooke do not support a removal provision.



This makes Bryan more concerned and in support of a recall provision. Rhanna agrees. Karen had requested the clarification Jane provided, and given the information would support a recall provision, as it is preferable to nothing. Anne could support recall on a four year position only.

There is not enough support for a change to previous decision not to include a recall provision in Article 10.

#### Discussion of Article 9 Draft

Josh explains proposed edit to 9-3:

(Re: boundaries/creation): ...The guidelines shall include *a minimum and maximum* number of residents to be represented by a neighborhood area council...

Bryan suggests “may have a minimum and shall have a maximum”. The group will revisit after walking through other edits.

Josh points out two edits in 9-1 and 9-2. The group agrees all references to powers and duties belong in 9-5.

Karen brings up the title of 9-2: Governance vs. “Authorization” and whether the second sentence in the section, “The city council may approve resident petitions for the establishment of neighborhood area councils” belongs in 9-2 or 9-3.

Chris supports keeping in the second sentence if the section is entitled “Authorization”.

The title of the section is changed to “Authorization”. Brooke suggests merging 9-2 and 9-3.

Bryan recalls his intention to have the one sentence establishing authorization in 9-2. The second sentence is moved to 9-3. This will be b) and b) will be c).

The group revisits reference to a minimum. Brooke supports including a minimum and a maximum. The City Council will determine this, but it would be helpful. Jane believes the Council will be thoughtful establishing the minimum. Brooke is skeptical. Karen points out Brooke’s initial goal to define a minimum, but Brooke supports Commission’s decision to turn it over to the Council.

Brooke makes motion to keep Josh’s edit including reference to minimum, but parallel “a minimum and a maximum” or “the minimum and the maximum”. Chris seconds. 9 are in favor. The motion passes.

The next topic is 9-4 elections, which establishes elections for area councilors. The question is whether 9-6 could allow for appointments of area councilors via bylaws.

Josh suggests removing “providing for membership” in the bylaws.

Chris views this as a deviation from current practice. Area councils make appointments to fill empty posts which strengthens the concept. He wants them all to be elected.

Jane sees the membership requirement as analogous to rules set forward by SC and the Council.

Brooke proposes removing the words “membership and”.

Jane sees this as confusing.

Bryan initially brought this up because he was curious about the number of councilors serving, etc. Brooke points out “structure” may be preferable to membership.

Collins (Tanya) is comfortable with this change, and supports that it is vague. Tanya and others do not view it as ambiguous that area councilors will be elected (as outlined in 9-4).

The word membership is changed to “its structure”.

Discussion of Article 1: City Agency Definition (2:33 audio)

Josh included references to “city agency” throughout charter to understand implications of no longer excluding area councils within the definition.

This question came up with question of indemnification, and how to explicitly indemnify area councils. Changing the city agency definition was an option. Josh felt it important to look throughout the charter.

Brooke not comfortable delegating powers to area councils through the Section 2-10: Delegation of Powers.

Bryan understands the concern, but according to the provision the Council can delegate to Boards, etc. He does not foresee this as a problem because the Council exercises judgment. Chris agrees.

Karen points out changing this definition is an alternative option to amending Sec. 11-5 (Liability of City Officers and Agencies), which was not preferred by legal.

Bryan questions whether we need to single out area councils from any other volunteer board. Chris agrees.

Brooke questions whether the area councils would be comfortable with 2-11: Inquiries and Investigations and the group does not anticipate a problem.

Bryan and Chris raise the point that Sec. 5-5 Contracts could be problematic. All contracts, i.e. for Village Day, would need to go through the Mayor’s office. Bryan says even buying a trophy for the Human Rights Commission, for instance, requires approval.

Brooke wants to assure the City would not incur financial responsibility.

Josh thinks the change to the definition would address the indemnification issue, but is concerned about the rest of the impact being considered.

Anne highlights area councils could be abolished under 6-1, and Josh points out this could occur under ordinance as well.

They’d also need to file rules and regulations with City Clerk.

Josh prefers making the edit to 11-5 and retaining the exclusion to the definition of City Agencies to avoid unintended consequences.

Karen confirms legal has been consulted and preferred the change to the city agency definition over the proposed edits to 11-5.

The group believes either change would be approved by the AG, but we need to be careful. Anne feels the page Josh provided supports the need for caution.

Josh reads back the proposed edit to 11-5 at Karen’s suggestion.

Chris, Anne, Bryan feel supportive of this language because it is specific.

Karen reads from an email Ouida Young provided stating her preference for deleting [area council’s] exclusion from the City Agency Definition (vs. changes to 11-5). She points to C. 258, does not question area council indemnification, and does not understand why they were excluded in the current charter. They (and all city officials, volunteers, etc.) are indemnified as long as they are acting within the scope of their official responsibilities.

Bryan understands hesitation over an express provision if something were to go to court. This provides something above what others are provided with.

Josh rereads the section. Bryan suggests we might want to refer to area council members at the beginning of the paragraph, but Josh wants to ensure this would be for councilors only, not all participants within an area council. Rhanna suggests “Neighborhood Area Councilors”.

Jane is curious about use of the use of Ouida’s word “preference”. Karen says legal has provided “analysis and advice”.

Brooke brings up example of being a member (not councilor) volunteering at an event and being injured. Would she be covered? Bryan explains she could sue the area council, and the area council would be indemnified by the city.

Bryan stresses that volunteer boards are included for indemnification and there is no difference for area councils.

Brooke does not suggest “calling out” area councils anywhere, and proposes a more general reference to anyone defined in the charter instead.

Collins’ (Marilyn) explanation is that the Article 1 exclusion from the City agency definition was to ensure the area councils would not get city resources. They’d had been empowered with urban removal, etc....but only if they could pay for it themselves. Now, however, this is addressed by ordinance.

Josh points out that legal does not have a concern about area council indemnification.

Brooke makes a motion that the Article 1 definition shall remain unchanged. Bryan seconds.

Discussion: Bryan questions if changing the definition could also have implication with regard to ordinances. Chris feels this leaves things in limbo about what they are and if they have indemnification. This is legal’s interpretation. Karen points out protection under c. 258, and Chris points out based on legal’s reading of the statute. Brooke stresses Ouida is our lawyer, and Chris points out “for now”.

All in favor: 7 (Howard, Josh, Jane, Rhanna, Brooke, Bryan, Anne). Opposed (Chris). Abstain (Karen). The motion passes.

Josh will circulate the agenda for next week. There may be a chance to discuss Article 12, but unclear.

**Meeting Adjourns at 9:56p.m.**

**Documentation used:**

1. [Agenda](#)
2. [Minutes](#) (11/16/16)
3. [Term Limits Options](#)
4. [Professor Egan \(2010\) NYU Article on Term Limits](#)
5. [Article 9 Draft](#)
6. [Article 11 Draft](#)
7. [City Agency Definition: Charter References to “City Agency”](#)