



Newton Charter Commission

Final Report

May 2017

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Photo Courtesy of Molly Potter

Newton Charter Commission Members

(Back row, l-r): Jane Frantz, Anne Larner, Josh Krintzman, Brooke Lipsitt, Karen Manning

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The members of the Commission have diverse personal and professional backgrounds with experience in the law, business, the clergy, education, and government. All have been active in the community through a wide variety of organizations.

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Introduction

The Charter Commission takes great pride in unanimously recommending a new city charter to the voters of Newton for consideration at the November 7, 2017 election.

In November 2015, Newton voters approved the formation of a nine-member Charter Commission to review and propose modifications to the city charter, which defines the organization, powers, and functions of the city government. Newton's charter had not undergone a comprehensive review since it was adopted in 1971.

At the outset of the review process, the Commission adopted three objectives for improving Newton's government. A new charter would provide for:

- a more effective and responsive government;
- greater public participation in city government;
- better community understanding of Newton's governmental structure.

With these objectives in mind, the Commission proposes two significant changes to the charter:

- **City Council:** Replace the current 24-member city council with a 12-member council. Voters citywide would elect one councilor from each of Newton's eight wards; the remaining four seats would be elected citywide from districts created by the Elections Commission.
- **Term Limits:** Institute term limits of three consecutive terms (12 years) for the office of mayor and eight consecutive terms (16 years) for the office of city councilor. The term limit for the school committee would remain at four consecutive terms (8 years)

Explanation of Major Changes

City Council: Because Newton residents have twice expressed a desire to reduce the size of Newton's 24-member city council in non-binding referendums, the Commission devoted more time to studying alternative city council models than to any other part of the charter. In the United States, the average city council size is six and in Massachusetts, the 20 largest cities have an average city council size of 10 members. Adopting a smaller city council will increase accountability, responsiveness, and effectiveness.

City Council Size and Resident Representation

	Total City Councilors	Residents Per Councilor
Newton – Current	24	3,665
Peer Group Average: 20 Largest Massachusetts Cities (excluding Newton and Boston)	10	8,345
Newton – Proposed	12	7,316

Source: Census Data and City Websites

Currently, Newton’s city council is made up of three representatives from each of the city’s eight wards. Two from each ward are elected by voters citywide, and one is elected by the voters of the home ward only. Under the proposed charter, voters citywide would elect one councilor from each ward; the additional four councilors would live anywhere in the city in “districts” comprised of two wards each and would be elected by voters citywide.

In considering an effective council composition, the Commission’s primary concern was to recognize Newton’s economic and geographic diversity by ensuring that every ward has a voice. Given Newton’s diversity, it is crucial for each ward to have a dedicated representative. One representative per ward is customary for city councils with ward representatives. This structure avoids redundancy and duplication of effort.

In deciding whether these ward-based councilors should be elected citywide or only by the ward, we considered the following:

- Currently, two-thirds of our city council and our entire school committee are elected from the ward by voters citywide. Maintaining the tradition of a majority of councilors being elected citywide was seen as important to preserving the sense of one city.
- Voters have more influence over the actions of the council when they can vote for all councilors.
- A potential drawback of predominantly ward-elected bodies is that the councilors have incentive to put parochial problems before citywide concerns. In cities with a majority of ward-elected councilors, the ward councilors can vote as a bloc or trade votes.

We concluded that Newton would be best served if ward-based councilors were accountable to all voters.

In addition to the ward councilors elected at-large, the proposed charter also includes four seats which are to be elected by district. The new districts shall be established by the

Elections Commission and shall be constructed by combining existing Wards. This structure provides an opportunity for citizens to run for seats with a reduced geographic limitation while still retaining the advantage of head-to-head elections, ensuring the specific accountability of each elected official to all voters of the city. Voters have more influence over the actions of the council when there are specific head-to-head elections for each unique seat.

~~In addition to the ward-based seats, the proposed charter includes four seats in which councilors can live anywhere in the city and would be elected by voters citywide. Voters can choose their preferred representatives for these four seats without ward residency constraints. All but two Massachusetts cities have some or all councilors elected this way and these councilors are challenged in almost every election. We anticipate the four councilors elected without a residency requirement would likely be challenged every two years, making them more accountable to voters.~~

Newton City Council: Current and Proposed

	Number of Councilors	Councilors Elected Citywide (With Ward Residency Requirement)	Councilors Elected by One Ward Only	Councilors Elected Citywide (Without Ward District Residency Requirement)	% of Council Elected Citywide	% of Council Each Voter Elects
Current	24	16	8	0	67%	71%
Proposed	12	8	0	4	100%	100%

Term Limits: Underlying any discussion of term limits is the question of how to give voters the most influence. The power of incumbency, which may be strongest at the local level, often deters challenges to sitting officeholders.

Elected bodies benefit from a balance between institutional knowledge and fresh perspectives. The Charter Commission examined 60 years of Newton elections data and found a declining trend in the average turnover of city council seats at a given election. Over the last 30 years, turnover (due to an open seat or a defeated incumbent) has fallen from 30% to 15%. The low level of turnover led a majority of commissioners to agree that term limits would benefit the city council.

The charter concentrates significant powers and duties in the office of mayor. Term limits on the city council reduce the average tenure of the council which can weaken the council relative to a long-serving mayor. Placing term limits on the city council without placing term limits on the mayor could hurt the council’s ability to check the power of the

mayor. The Commission concluded it was important to balance the power of the mayor with the power of the council.

Three consecutive four-year terms (12 years) should allow a mayor ample opportunity to achieve long term goals while periodically providing for new leadership. A long limit of 16 years for city councilors would allow for the buildup of experience while ensuring some turnover and acknowledge the need for a balance of power within the government.

Newton has had eight-year term limits on the School Committee since 1971. Based on interviews and review of School Committee elections data, a majority of commissioners concluded the current model has served our city well.

The Charter Review Process

Over the 16-month charter review, the Commission made a concerted effort to ensure that the process was thorough and transparent. The Commission held more than 30 regular meetings, conducted seven public hearings and held six panel discussions, providing testimony from current and former elected officials and city employees from Newton and other communities.

To inform the discussions, the commissioners reviewed charters and research from other cities in Massachusetts and across the country and interviewed city staff. The Commission also benefited from the consulting services of the Edward J. Collins Center for Public Management at the University of Massachusetts Boston.

Newton citizens participated in the process by commenting at the regular meetings and public hearings, emailing the Commission, and engaging in discussions with individual commissioners. [The submission and distribution of the Charter Commission's draft report in February 2017 resulted in significant feedback. As a result, the Commission made modifications to the structure of the council, the participation by city employees on appointed boards and commissions, on the use by the city council of the procedure known as "charter objection" and the school building review committee. Each of these items was brought up for discussion in subsequent open meetings of the Charter Commission, debated, and addressed prior to submission of the final report in May 2017.](#)

Through the process of research and discussion, the diverse viewpoints of commissioners coalesced around a vision for a more effective local government. Deliberations were spirited and straw votes were rarely unanimous. Ultimately, all commissioners agree the proposal would modernize and improve Newton's government.

Highlights of the Charter Proposal

The Mayor

The strong mayoral form of government has served Newton well so the proposed charter would retain this structure. The mayor may serve for three consecutive four-year terms.

The City Council

A 12-member city council would replace the current 24-member council. All councilors may be eligible to serve for up to eight consecutive two-year terms.

The School Committee

The school committee composition, term lengths, and term limits have been effective and would remain the same under the proposed charter. School committee responsibilities would be updated to reflect substantive changes in state law.

Financial Procedures

In keeping with widely accepted financial practices that ensure transparency, the proposal would require the mayor to provide:

- a five-year forecast of the city's financial condition;
- an annual inventory of city's capital assets;
- an annual report on the city's progress in executing the capital improvement plan.

The city council would be required to provide for an annual independent audit of city finances. This audit would be conducted by a certified public accountant in accordance with generally accepted accounting principles.

Planning

The state-mandated comprehensive plan that provides a planning and development roadmap for the city would be subject to periodic review. Under the new proposal, the plan would be reviewed within two years after the inauguration of a new mayor. The reviews are intended to ensure that the comprehensive plan reflects the current state of the city and provides direction forward. According to state law, the city council determines which legally authorized bodies shall be assigned special permit granting authority. As a result, this subject is not addressed in the proposed charter.

Initiative, Petition, and Referendum

To support and continue Newton's tradition of enabling residents' right to petition their government, the proposed charter would update the process in accordance with modern standards.

Neighborhood Area Councils

The city's commitment to citizen engagement in government through neighborhood area councils is reaffirmed in the proposal. The city council would set by ordinance the boundaries, election process, and functions for all area councils.

Conflict of Interest

A clear and explicit conflict of interest statement would clarify that elected officials and members of boards and commissions could not seek to unduly influence the official acts of any city employee.

Public Comment

Citizens providing feedback to the Commission expressed interest in establishing protocols for public participation at city meetings. The proposed charter would require each city body to create and publish a policy for receiving public comment.

Ten-Year Review of the City Charter

To ensure that the charter is reviewed regularly, a charter review committee established by ordinance would conduct a review every 10 years. The committee's final report and any proposed amendments would be submitted to the city council.

Transition

If Newton voters approve a new charter in November 2017, most of the elements would go into effect immediately. However, changes to the size and composition of the city council would be implemented with the election of November 2019. Other transition details can be found in Article 12.

Conclusion

The members of the Charter Commission are honored to have served the City of Newton throughout this rigorous review process. The election of a Charter Commission is a rare opportunity for a city to modernize and improve its government and we have devoted our best effort to this challenge.

We recognize that our proposed charter would bring significant change to Newton. Our proposal is based on considerable research, thought, and deliberation. We aimed to create a charter that will serve our city well for many years, and will allow for a more effective and responsive government as well as greater citizen engagement.

Our charter proposal does not reflect on the way in which any current or former members of the city government have performed their duties. The Commission members believe that Newton is fortunate to have so many dedicated public servants at every level.

We encourage residents to read the entire charter proposal. For background information, please visit our website at newtonma.gov/charter where you will find the documentation that informed our decisions, the meeting minutes, and audio recordings.

We offer sincere thanks to Newton’s elected officials and city employees who participated in the charter review process. In addition to all they do for our city, they shared their time and wisdom with us.

We are especially grateful to the City Clerk, Elections Office, Legal Department, Information Technology Department, and Comptroller’s Office. We thank our charter specialists at the Collins Center for their patience, expertise, participation in our meetings, and research assistance. Last but not least, we thank the citizens who attended our meetings and commented thoughtfully in person or by email. The insights of Newton’s citizens played a significant role in shaping our proposal.

We urge the citizens of Newton to join us and vote YES to adopt the proposed new charter on November 7.

Respectfully submitted to the voters of Newton, by the Newton Charter Commission:

Josh Krintzman, Chairman

Rhanna Kidwell, Vice Chairman

Jane Frantz, Co-Clerk

Karen Manning, Co-Clerk

Bryan Barash

Howard Haywood

Anne Larner

Brooke K. Lipsitt

Chris Steele

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BALLOT QUESTION TO APPEAR ON CITY BALLOT ON NOVEMBER 7, 2017

Shall this city approve the new charter recommended by the charter commission summarized below?

Yes

No