



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

(Front row, l-r): Christopher Steele, Bryan Barash, Rhanna Kidwell, Howard Haywood

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.

Table of Contents

NEWTON CHARTER COMMISSION PRELIMINARY REPORT	4
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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.
- **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 Council	Reside nts Per Council
Newton – Current	24	3,665
Peer Group Average: 20 Largest Massachusetts Cities (excluding Newton and	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.

The proposed charter retains ward-based councilors to recognize Newton’s economic and geographic diversity by ensuring that every ward has a voice on the city council.

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:

- Newton’s tradition of having a majority of councilors elected citywide is important to preserve the sense of one city. Currently, two-thirds of our city council and our entire school committee are elected from the ward by voters citywide.
- Voters have more influence over the actions of the council when they can vote for all councilors.
- As a city of 18 square miles and 88,000 residents, issues such as traffic, safety, and economic development affect all residents, so councilors should be acting in the best interests of the whole city.
- City councilors who answer to all voters are the best way to ensure that our villages are uniformly supported and thoughtfully integrated in to the whole city. Newton is comprised of 13 villages of unique character that are a source of pride and enhanced sense of community for their residents. They create a beautiful and varied cityscape connected by Newton’s common infrastructure. The villages vary dramatically in population and size and do not align with our voting wards or precincts.
- While Newton once had a racial enclave, today racial and other minorities are distributed throughout the city. Minority candidates running citywide are able to garner support from minority voters dispersed across the city.
- Newton’s school committee is comprised of eight members elected citywide with a ward residency requirement. Each member represents special issues in his or her

own ward, but is responsible for the school system as a whole. This model has worked well for our city for decades.

- Councilors elected by ward only have been elected with fewer than 550 votes but make decisions affecting the whole city. Councilors elected citywide require approximately ten times the number of votes to take office.

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

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. **These seats also offer residents an opportunity to run without challenging an effective ward-based councilor.** All but two Massachusetts cities have some or all councilors elected this way and these councilors are challenged in almost every election.

Many Massachusetts city council compositions have been in place for decades without a charter review. We believe this proposal best suits Newton and reflects current best practices.

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 Residency)	% of Council Elected Citywide	% of Council Each Voter Elect
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 acknowledges 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 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, Chair

Rhanna Kidwell, Vice Chair

Jane Frantz, Co-Clerk

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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