



Rules Subcommittee Report

City of Newton In City Council

Wednesday, December 16, 2020

Present: Councilors Baker (Chair), Krintzman, Noel, and Humphrey

Also Present: Councilor Albright

City Staff: David Olson, City Clerk/Clerk of the Council; Nathan Giacalone, Committee Clerk

Notes: Chair Baker opened the meeting and said that it would focus on Mr. Olson's suggestions for Rules changes.

Mr. Olson's first suggestion was to clarify how affordable housing and other CPA funds are referred to committee. It was said that these issues used to be referred to the now-defunct Community Preservation Committee, which no longer exists. This creates an odd situation for affordable housing funds as there is no single method for assigning them. Housing matters are sometimes referred to the Zoning & Planning Committee because it oversees the Planning Department, but this is not written in the rules. Though Programs & Services is referenced in the rules, it does not oversee the departments responsible for affordable housing. While it has jurisdiction over the Housing Authority, the trouble arises when this funding comes from the CPA, CPC, and other sources.

Discussion:

C: There should be a separate committee to deal with housing issues since these have become more pressing in recent years. Other city councils have their own housing committees.

C: CPA funds have gone to four different categories, conservation funds have gone before ZAP, Parks, Recreation and Culture funds to P&S, historic funds have gone before ZAP, while Newton History museum funds through Historic Newton go to P&S. Affordable housing funds generally go to the applicant. Pending a resolution for a special committee on housing, it seems that P&S would be the best place for housing matters since it already oversees the Housing Authority.

C: It is fine that housing is not addressed on its own because these matters come up under many different circumstances. However, housing questions need to be addressed but having its own committee could lead to issues with the Land Use Committee.

Mr. Olson said that housing funds have usually gone before ZAP because it oversees most Planning staff, but there is administrative difficulty in assigning these funding questions when they arise. There is no staff under P&S's jurisdiction to address housing matters.

C: For the time being these funds could be redirected to either ZAP or P&S.

C: Does the committee structure unintentionally drive policy? Because it seems like committee structure is driving this policy discussion. The fragmented approach currently used to address housing makes it difficult to arrive at a cohesive solution to this problem.

A: The referral process does drive how and where items get discussed.

Councilor Krintzman moved that affordable housing funds first go before ZAP for current projects.

C: These funds should go before P&S first because it is better attuned to the issue than ZAP is since zoning has often been the barrier to affordable housing. Having these funds go before P&S is a reminder that housing is a basic human right, not just a zoning issue.

C: ZAP has never prevented an affordable housing project.

C: If zoning has been a barrier in the past, it can now be used as a positive tool to create more affordable housing.

C: It is fine to send affordable housing funds to ZAP for the remainder of this term, but a permanent solution for the long term needs to be crafted.

Councilor Krintzman's motion carried 3-1 (Councilor Noel opposed).

Mr. Olson's second rules suggestion was that if an item is referred to three or more committees, then it automatically should be sent to a Committee of the Whole. This would more effectively use staff and councilor time. For example, the bond issue for Newton North went to three separate committees. While eventually discussed in committee of the whole, this was not automatic.

Discussion:

C: This change makes sense, but who would preside over these sessions, the president or a committee chair?

C: Usually the precedent for committee of the whole has been the budget and situations like the Newton North bonds. In cases with a major financial component, the Finance chair may preside. In other cases, such as those involving election issues the P&S chair has presided.

Councilor Baker moved to accept Mr. Olson's suggestion on committee of the whole assignment which carried 4-0.

Mr. Olson's next suggestion was to update the rules text to clarify the election of officers and better explain it for new members. This change would describe the process as a caucus that does not use balloting. This process ensures that a president is swiftly elected with majority support. It was said that this change is not needed immediately, but draft language will be presented at the next Rules meeting.

Mr. Olson also requested language that requires improved notification of the items going on second call. He said that while it is current practice to give advance notice when possible, this language should be added to the rules to make it official.

C: This is a good idea, though it will not bar last-minute additions to second call in order to allow the Council flexibility on this subject when needed.

The Subcommittee discussed how to respond to these changes recommended by Mr. Olson and agreed to recommend them to the full Programs and Services Committee, recognizing that a more complete set of recommendations for updating the Rules would be the objective for the Committee before the end of this term. (**Chair's note:** Since the meeting, language to effect these changes has been prepared and is appended to this Report.)

Mr. Olson asked the Subcommittee to keep staff schedule time in mind as it considers reshuffling the committee structure. The processes currently in place allows council staff to complete reports in a timely manner for posting to the Friday Packet.

It was asked who refers items to appropriate committees. Mr. Olson explained that this call is usually made by the City Clerk, but the rules leave the final say to the Council President. A rules change could codify this process.

Councilor Humphrey emailed the Committee at the start of the meeting to submit a rules suggestion that would allow commemoration of Newton residents of significance at the start of Council meetings. As members had not had time to consider his suggestion, his email is attached to this report.

The meeting adjourned at 6:54pm.

Respectfully Submitted,

R. Lisle Baker, Chair

street lighting; public utility easements and poles, except for those related to specific land use developments or traffic improvements; and construction, repair, and maintenance of public buildings.

(5) To the Committee on Zoning and Planning.

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, **community preservation** and other matters relating to the Inspectional Services Department, Planning Department, Conservation Commission, Community Preservation Committee, and Historical Commission.
- (b) Appointments to and policy oversight and review of the Planning Council, Economic Development Commission, Zoning Board of Appeals, Historical Commission, Historic District Commissions, Conservation Commission, and Fence Viewers.
- (c) Matters relating to the Community Development Block Grant Program, zoning map and ordinance amendments (except those related to specific individual parcels to Land Use Committee), Newton Community Development Authority, comprehensive planning, open space planning and maintenance of conservation land.

(6) To the Committee on Finance.

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Assessing Department, Parking Fine Administration, City Treasurer and Collector, City Comptroller and Accounting Department, Purchasing Department, Executive Office, Personnel Department, and Data Processing Department.
- (b) Matters relating to Kenrick Fund and other trust funds, appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, claims and settlements, taxes, revaluation, users' fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, overall review of Capital Improvement Program, and other matters affecting the finances of the City.
- (c) Every Resolution and Order authorizing and including but not limited to a claim, appropriation, grant, salary, pension, loan, the levying of a tax, user charges, the assessment of a betterment, an option or contract, or the expenditure of money, unless the subject matter has been acted on by the Committee on Finance, shall be referred to the Committee on Finance whose duty it shall be to report on its relation to the finances of the City; but new provisions shall not be added to such Resolutions or Orders by said Committee, unless directly connected with the financial feature thereof. Said Resolution or Order, upon recommendation of another Committee having jurisdiction of the same, may be considered by the Committee on Finance in advance of the presentation thereof to the City Council.

(d) All budget transfers or appropriations of less than fifty thousand dollars (\$50,000) and all requests for changes to a funding source for previously discussed items shall be routinely referred only to the Finance Committee, except that if upon notification by the clerk's office the Chairperson of a corresponding substantive committee requests that the item be jointly referred, such requests shall be honored.

(7) To the Committee of the Whole: those items falling within the jurisdiction of three or more committees which would otherwise be separately referred.

B. All appointments requiring confirmation or rejection by this Council shall be referred to the committee to which such matters relate. All such appointments shall be confirmed or denied by the City Council within sixty (60) days following the publication of the Docket on which said appointment first appears.

C. Any other new business that does not fall within the jurisdiction of the six established standing committees as described above shall be referred by the President to such committees as he/she deems appropriate, including the Committee of the Whole; however, upon objection by a member of the council, such referral shall be subject to appeal to the Council who can vote to reassign such new business to an alternate committee or committees. In the event that the President wishes to refer new business that is within the jurisdiction of the six standing committees to a special committee or to the Committee of the Whole, the item shall be placed on second call by the Clerk of the Council and the decision on the referral shall be subject to a majority vote of the Council.

D. No petition addressed to the Council, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Council. Refusal to refer it to a committee shall constitute a denial of the petition on the ground that no further action by the Council is deemed necessary.

E. The President shall refer appeals from a Traffic Council decision to the Public Safety and Transportation Committee. At the discretion of the President, any such appeal may also be jointly referred to an additional committee or committees in the event such committee has, or committees have, substantive jurisdiction over the subject matter of the appeal.

F. The Chair of each committee may appoint sub-committees of the committee's members to consider specific matters and make recommendations to the committee.

G. Matters relating to the status of items previously passed by the City Council, excluding land use council orders, should first be discussed with the Chair of the substantive committee that originally heard the item to review the status of the item. If further discussion is warranted, the Chair of the substantive committee, in consultation with the President of the Council, will docket the request. The docket item will be heard in the committee within 60 days. Once the item has been taken up, the committee must complete their review within 90 days.

In order to facilitate the election of officers who command the support of a majority of the full Council, the Council shall entertain nominations and preliminary voting on candidates for office under the procedures hereinafter set forth in a Special Committee of the Whole, Temporary Presiding Officer presiding. No candidate shall be reported to the full Council for subsequent formal election who has not attained a majority of the full Council or thirteen (13) votes.

Section 3. Voting [Balloting] Procedure.

After nominations are closed, votes are cast repeatedly for the slate of nominees on the ballot until a candidate receives an absolute majority vote in favor of his or her election (13 or more votes). For the purposes of this Article, "absolute majority" shall mean a majority of the members of the full City Council, or at least thirteen (13) votes. Votes shall be cast in the manner provided in paragraph B until the field is narrowed to 2 candidates.

B) **Narrowing the Field to two candidates:** If more than two candidates remain in the race after votes are cast for the first slate of nominees, then the candidate receiving the fewest votes on that ballot is eliminated as a candidate and may not again become a candidate until such time as an inability to elect (deadlock) is declared. If two or more candidates tie for the lowest vote total and three or more candidates remain in contention, repeat **votes [ballots]** are cast until one of the tied candidates is eliminated from contention. After three rounds of votes to break a tie among nominees on a particular ballot, candidates who are tied for the fewest votes shall also be removed if the removal of all such candidates (who are tied) would leave at least two candidates remaining.

C) **Tie-breaking Votes [Ballots] for 2 Remaining Nominees:** If the field is narrowed to 2 candidates, neither of whom receives an absolute majority, then the possibility of opening the field to more candidates is disallowed until three ballots between the two candidates are cast. If no winner emerges during the course of those three **votes [ballots]**, then an inability to elect a candidate (deadlock) is declared and both candidates are eliminated from contention. In the event of an inability to elect a candidate (deadlock), then nominations are re-opened, provided, however, that the two candidates who were on the ballot that resulted in the inability to elect (deadlock) cannot be nominated again until such time as a second inability to elect (deadlock) is declared, in which case, the process begins again and any Council member may be nominated.

ARTICLE IX

ALTERATION, REPEAL, OR SUSPENSION OF RULES AND ORDERS

Section 1.

This article shall not be suspended if any member present objects, and no other standing Rule or Order of the Council shall be suspended unless three-fourths of the members present shall consent thereto. No standing Rule or Order of the Council shall be repealed or amended except upon written notice being given of the motion therefor delivered to the address of each member of the Council at least 48 hours prior to the meeting at which motion is to be presented and by a vote of the majority of all members of the Council.