



# Law Department

## Mission

*To provide effective, professional, caring, and ethical legal advice and representation to all elected and appointed officials and to all City departments to enable the City government to operate at maximum potential while minimizing risk.*

The Law Department for the City of Newton provides in-house counsel representation and legal support to the City, its departments, boards, and commissions, as well as to the officials and employees of the City in all areas of municipal law. This work includes representing Newton before federal and state courts and administrative agencies in matters of civil litigation; personal injury and other torts; civil rights; labor and employment; education law; contracts; land use; zoning; real estate acquisitions, dispositions and development public construction; public records; open meeting and conflict of interest laws.

During this past year, the City faced unexpected challenges related to the pandemic. While the City as a whole rose to meet those challenges, the Law Department was able to support and assist the various departments and City employees in navigating the novel legal challenges connected to COVID-19. The following are a few noteworthy accomplishments:

- Successfully collaborated with all other departments to provide a safe, supportive, and efficient working environment, both within City buildings and in remote locations;
- Adapted to the quickly changing and demanding legal backdrop of COVID-19 Executive Orders to provide rapid advice on the State's emergency guidance and reopening plans;
- Supported City's Emergency Management team in arranging for emergency housing and COVID-19 testing for our first responders;
- Worked closely with City Councilors, the Mayor and City departments to support restaurants as they navigated State COVID-19 restrictions on operations;
- Advised and supported boards, commissions, departments and employees in compliance with the open meeting law while adapting to virtual meetings;
- Supported the Mayor and the Newton Police Reform Task Force in their review of Police Department policies and practices in order to develop strategic recommendations for the City's future.

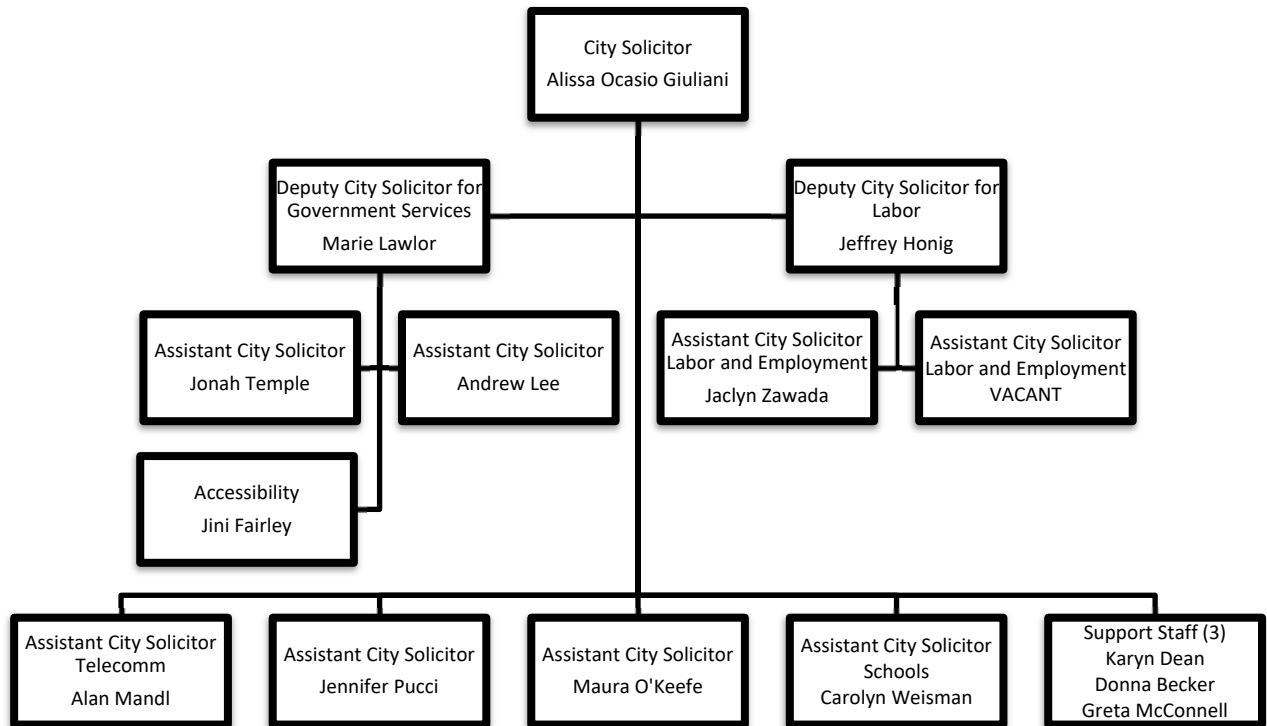
- Helped the Executive Office and Planning Department to bring to the City Council the special permit approved for the Riverside mixed-use project.

In FY2022, the Law Department looks forward to continued success in representing the City in litigation matters and looks forward to working with City Council, Executive Office and all departments to support them as we return City staff, operations and businesses to a post-pandemic world.

*Alissa O. Giuliani*

City Solicitor

# LAW DEPARTMENT



# Financial and Operating Highlights

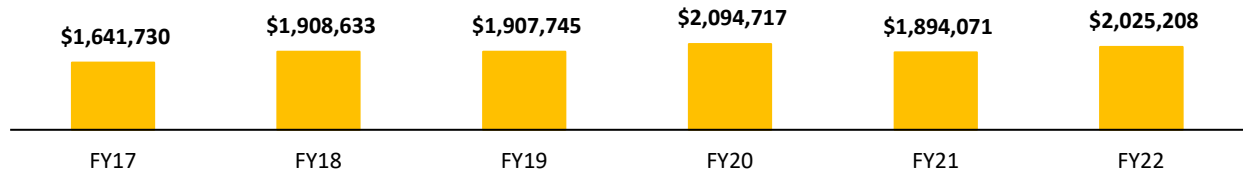
## Financial Highlights

	<-----Actual----->				Original	Proposed
	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
<b>Expenditure by Department</b>						
Legal	\$ 1,475,994	\$ 1,553,114	\$ 1,539,542	\$ 1,623,850	\$ 1,794,071	\$ 1,925,208
Claims/Settle	\$ 165,736	\$ 355,519	\$ 368,203	\$ 470,867	\$ 100,000	\$ 100,000
<b>Total</b>	<b>\$ 1,641,730</b>	<b>\$ 1,908,633</b>	<b>\$ 1,907,745</b>	<b>\$ 2,094,717</b>	<b>\$ 1,894,071</b>	<b>\$ 2,025,208</b>
<b>% Incr</b>	<b>#DIV/0!</b>	<b>16.26%</b>	<b>-0.05%</b>	<b>9.80%</b>	<b>-9.58%</b>	<b>6.92%</b>

## Personnel

Full-Time	12	14	15	15	15	15
Part-Time	1	1	1	1	1	1
<b>Total</b>	<b>13</b>	<b>15</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>

## Total Law Department Expenditures



## Operating Highlights

Law	FY2018	FY2019	FY2020	FY2021 YTD
Claims Processed	275	164	59	89
Public Records Requests Completed	457	297	351	443
Contracts Drafted and Distributed	103	110	166	100
Litigation Cases	14	10	18	48
Contracts Reviewed	249	177	318	226

# Law Department

## Fiscal Year 2022 Outcomes and Strategies

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### Outcome 1

#### Provide Land Use Support

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The Law Department provides legal advice regarding all land use matters, including zoning, special permitting, ordinance drafting, construction, conservation restrictions, zoning enforcement and disposition of real estate to the Executive

Office, City Council, Planning Department, Department of Inspectional Services and Engineering Department. We staff and provide legal support to the City Council committees concerned with land use, specifically Land Use, Zoning and Planning and Real Property Reuse, and the Zoning Board of Appeals and historic commissions. In addition, we provide litigation advice and defense of City Council special permits as well as for decisions of the Zoning Board of Appeals and historic commission.

In particular in FY 2022, we will continue to provide legal support pertaining to the Zoning Redesign, revisions to the inclusionary zoning ordinance, acquisition of Webster Woods and implementation of the Northland and Riverside projects. We also look forward to working with various City Departments to assist local businesses, such as restaurants, in reopening as State COVID-19 restrictions are lifted.

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The Department is an active partner to the City Council, the Mayor, the Executive office and various City Departments, regularly furnishing legal opinions and advice on matters referred to it. Such legal advice and support is also provided to City boards, Commissions, and employees concerning their legal responsibilities and authority.

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### Outcome 2

#### Proactive Legal Advice and Risk Management for Our Clients

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The Law Department commences, prosecutes, and defends all legal actions and other matters on behalf of the City, including the Newton Public Schools, in all state and federal courts and administrative agencies, from the filing of an initial

Complaint through the trial and appellate stages of the case.

The Department also provides defense to the City from claims for damages to personal property or for injuries. We investigate these claims and provide advice to the City in defending the matter or reaching

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### Outcome 3

#### Manage Litigation and Claims

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# Law Department

## Fiscal Year 2022 Outcomes and Strategies

fair resolution. In addition, the Department continues to focus efforts on assessing our own losses in order to pursue opportunities for affirmative recovery of damages sustained by the City.

In the coming FY2022, the Law Department will work in conjunction with specialized outside legal counsel to defend Boston College's legal challenge of the City's taking of Webster Woods by eminent domain.

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The Department continues to work with City departments, City Council and the Mayor's office regarding the placement of wireless service facilities in public ways. As a result of recent decisions by the Federal Communications Commission and the federal

courts, the Department advises City officials on federal guidelines for grant of location procedures, standards and fees for service facilities and supports the City's grant of location process. The Department continues to advise the City Council regarding federal limitations on consideration of radio frequency emissions in the context of grant of location permitting. In further support of the City's efforts in the area of telecommunications, the Department provides legal advice and advocacy on matters such as the Oak Hill Radio Frequency Interference (RFI) Remediation Fund, the pending Verizon cable license renewal, administration of three current cable licenses and the RCN transfer of control proceeding. The Department also interfaces with NEWTV regarding public access matters including the City's grant agreement with NEWTV and the challenges created by declining cable subscribership and revenues.

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### Outcome 4

#### Provide Full Support for Telecommunications Efforts

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### Outcome 5

#### Assist in Labor and Employment Matters and Collective Bargaining

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Provide advice, support and management in employee grievances and arbitrations for all City departments. Work with the City team to negotiate collective bargaining agreements with the City's nine unions. The Department is currently in negotiations with those unions whose

contracts have expired in prior fiscal years and, in FY 2021, we will continue negotiations with those bargaining units in an effort to settle the contracts by the end of FY 2021.

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# Law Department

## Fiscal Year 2022 Outcomes and Strategies

Assist in developing strategies to manage the development of this new industry in the City of Newton, working closely with the Executive Office, Planning and Development Department, Newton Police Department and Health and Human Services Department. Draft and negotiate Host Community Agreements (HCA) for Newton and assist in the

development of standards and orderly procedures for selecting retail marijuana establishments to be granted an HCA. Advise the City through the State's addition of new license categories in this industry for marijuana delivery operators and marijuana couriers. Provide legal advice and support to the City Council pertaining to zoning for marijuana establishments and special permitting for marijuana establishments seeking to locate within the City.

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### Outcome 6

Develop Strategies and Procedures for Managing Retail Marijuana Establishments

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FUND: 0001 - GENERAL FUND  
DEPARTMENT: 108 - LAW

CITY OF NEWTON BUDGET  
DEPARTMENT LEGAL LEVEL OF CONTROL

	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	ORIGINAL 2021	RECOMMENDED 2022	CHANGE 2021 to 2022
<b>LAW SUMMARY</b>						
51 - PERSONNEL SERVICES	1,223,274	1,239,719	1,340,901	1,446,222	1,535,945	89,723
52 - EXPENSES	228,050	524,901	594,512	273,051	272,175	-876
57 - FRINGE BENEFITS	142,985	143,125	159,305	174,798	217,088	42,290
<b>TOTAL DEPARTMENT</b>	<b>1,594,308</b>	<b>1,907,745</b>	<b>2,094,717</b>	<b>1,894,071</b>	<b>2,025,208</b>	<b>131,136</b>
<b>LEGAL CLAIMS/SETTLEMENTS</b>						
52 - EXPENSES	116,369	368,203	470,867	100,000	100,000	0
57 - FRINGE BENEFITS	0	0	0	0	0	0
<b>TOTAL LEGAL CLAIMS/SETTLEMENTS</b>	<b>116,369</b>	<b>368,203</b>	<b>470,867</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>
<b>LEGAL</b>						
51 - PERSONNEL SERVICES	1,223,274	1,239,719	1,340,901	1,446,222	1,535,945	89,723
52 - EXPENSES	111,681	156,698	123,644	173,051	172,175	-876
57 - FRINGE BENEFITS	142,985	143,125	159,305	174,798	217,088	42,290
<b>TOTAL LEGAL</b>	<b>1,477,939</b>	<b>1,539,542</b>	<b>1,623,850</b>	<b>1,794,071</b>	<b>1,925,208</b>	<b>131,136</b>



FUND: 0001 - GENERAL FUND  
 DEPARTMENT: 108 - LAW

CITY OF NEWTON BUDGET  
 DEPARTMENTAL DETAIL

	ACTUAL 2018	ACTUAL 2019	ACTUAL 2020	ORIGINAL 2021	RECOMMENDED 2022	CHANGE 2021 to 2022
<b>108 - LAW</b>						
<b>0110841 - LEGAL CLAIMS/SETTLEMENTS</b>						
<b>EXPENSES</b>						
572500 CLAIMS/SETTLEMENTS	116,369	368,203	470,867	100,000	100,000	0
<b>TOTAL EXPENSES</b>	<b>116,369</b>	<b>368,203</b>	<b>470,867</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>
<b>TOTAL LEGAL CLAIMS/SETTLEMENTS</b>	<b>116,369</b>	<b>368,203</b>	<b>470,867</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>

<b>CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL</b>
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		ACTUAL	ACTUAL	ACTUAL	ORIGINAL	RECOMMENDED	CHANGE
		2018	2019	2020	2021	2022	2021 to 2022
<b>0110851 - LEGAL</b>							
<b>PERSONNEL SERVICES</b>							
511001	FULL TIME SALARIES	1,154,658	1,123,213	1,275,581	1,378,768	1,468,470	89,701
511101	PART TIME < 20 HRS/WK	0	2,521	2,450	0	0	0
511102	PART TIME > 20 HRS/WK	53,539	55,157	56,970	58,754	59,635	881
514001	LONGEVITY	13,400	8,917	5,900	6,900	7,840	940
515002	SEVERANCE PAY	55,272	0	0	0	0	0
515003	SPECIAL LEAVE BUY BAC	0	10,000	0	0	0	0
515005	BONUSES	0	500	0	0	0	0
515006	VACATION BUY BACK	1,678	39,411	0	0	0	0
519700	CURRENT YEAR WAGE RE	0	0	0	1,800	0	-1,800
<b>TOTAL PERSONNEL SERVICES</b>		<b>1,278,546</b>	<b>1,239,719</b>	<b>1,340,901</b>	<b>1,446,222</b>	<b>1,535,945</b>	<b>89,723</b>
<b>EXPENSES</b>							
524010	OFFICE EQUIPMENT R-M	1,252	3,278	2,387	2,876	0	-2,876
524100	SOFTWARE MAINTENANC	0	0	0	4,000	8,000	4,000
527400	RENTAL - EQUIPMENT	3,257	3,392	3,337	4,000	4,000	0
530100	CONSULTANTS	0	13,808	9,000	15,000	15,000	0
530219	ARBITRATION SERVICES	20,232	35,318	25,624	30,000	30,000	0
530900	LEGAL SERVICES	3,550	11,477	3,146	17,500	17,500	0
531400	REGIST/RECORDING FEES	2,636	1,630	2,909	3,500	3,500	0
531500	COURT COSTS/WITNESS	2,000	2,384	127	3,000	3,000	0
534010	TELEPHONE	477	513	383	500	500	0
534020	CELLULAR TELEPHONES	280	219	512	675	675	0
534100	POSTAGE	2,500	2,364	1,616	2,500	2,500	0
534200	PRINTING	19,278	15,329	10,975	17,500	17,500	0
537300	ADA REASONABLE ACCO	0	2,732	1,078	2,500	2,500	0
542000	OFFICE SUPPLIES	5,817	5,798	3,940	7,000	6,000	-1,000
558800	PHOTOGRAPHIC SUPPLIE	115	0	0	0	0	0
559200	BOOKS/MANUALS/PERIODI	41,014	49,212	53,480	50,000	50,000	0
571000	VEHICLE USE REIMBURSE	2,030	664	913	2,000	1,000	-1,000
571100	IN-STATE CONFERENCES	2,997	4,720	130	5,000	5,000	0
573000	DUES & SUBSCRIPTIONS	4,359	3,859	4,089	5,500	5,500	0
<b>TOTAL EXPENSES</b>		<b>111,795</b>	<b>156,698</b>	<b>123,644</b>	<b>173,051</b>	<b>172,175</b>	<b>-876</b>
<b>FRINGE BENEFITS</b>							
57DENT	DENTAL INSURANCE	3,074	3,340	4,247	3,612	5,017	1,405
57HLTH	HEALTH INSURANCE	121,733	112,980	121,796	131,558	163,281	31,723
57LIFE	BASIC LIFE INSURANCE	340	293	340	285	399	114
57MEDA	MEDICARE PAYROLL TAX	15,789	16,165	18,489	21,879	22,288	409
57OPEB	OPEB CONTRIBUTION	2,048	10,348	14,433	17,464	26,103	8,639
<b>TOTAL FRINGE BENEFITS</b>		<b>142,985</b>	<b>143,125</b>	<b>159,305</b>	<b>174,798</b>	<b>217,088</b>	<b>42,290</b>
<b>TOTAL LEGAL</b>		<b>1,533,325</b>	<b>1,539,542</b>	<b>1,623,850</b>	<b>1,794,071</b>	<b>1,925,208</b>	<b>131,136</b>
<b>TOTAL LAW</b>		<b>1,649,694</b>	<b>1,907,745</b>	<b>2,094,717</b>	<b>1,894,071</b>	<b>2,025,208</b>	<b>131,136</b>