



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.

This past year, the challenges of living in a pandemic continued to permeate all aspects of our collective work in the City. The Law Department maintained strong, flexible and creative support to departments and City employees in adapting to the novel legal, scientific and workforce challenges connected to COVID-19. In addition, we assisted the City in a wide range of legal issues. The following are a few noteworthy accomplishments:

- Successfully negotiated agreements with 8 of the City's 9 unions to require all full-time employees to be vaccinated in an effort to fight the spread of COVID-19 and ensure a healthier workplace;
- Worked closely with the Department of Human Resources to implement the City's COVID-19 Vaccination Policy, including protocols for compliance and a thoughtful and compassionate process for considering employee requests for religious and medical exemptions;
- Continued our work with City Councilors, the Mayor and City departments to support restaurants as they navigated State COVID-19 restrictions on operations;
- Advised and supported the City Council and Mayor in developing, discussing and ultimately passing the most comprehensive firearm zoning regulation that the City of Newton has ever had;
- Finalized the City's purchase of the West Newton Armory;
- Worked closely with the Planning Department in the implementation of the State's Housing Choice amendments to Massachusetts General Laws Chapter 40A Zoning Laws;

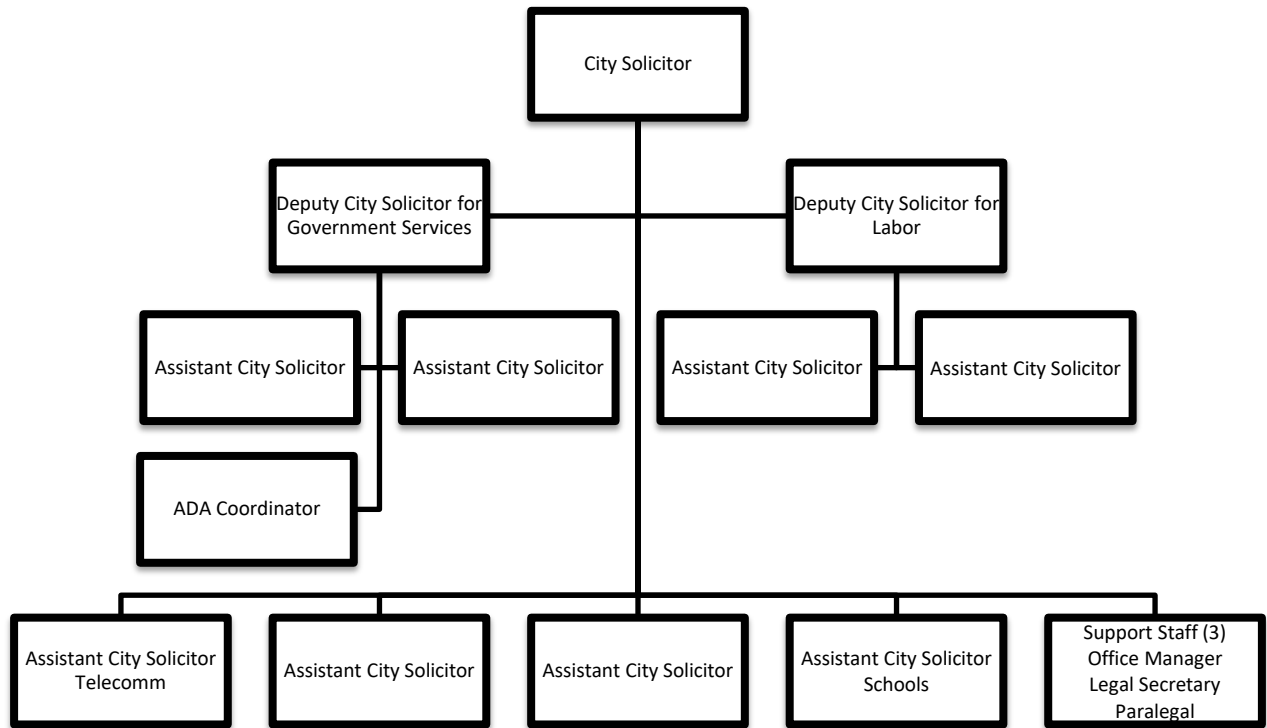
- Assisted the City Council and Planning Department in drafting and passing a major amendment to the Riverside special permit and Dunstan East comprehensive permit;
- The Oak Hill Radio Frequency Interference (RFI) Remediation Fund actively assisted several residents in the Remediation Zone through the Fund consultant and assistance from radio station representatives; and
- Initiated the Verizon cable license renewal process including the issuance of the Mayor's ascertainment report and proposed renewal license for Verizon, soliciting public comment regarding the license and conducting the Verizon cable license renewal ascertainment proceeding.

In FY2023, the Law Department staff 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 what we hope is a post-pandemic world.

Alissa O. Giuliani

City Solicitor

LAW DEPARTMENT



Financial and Operating Highlights

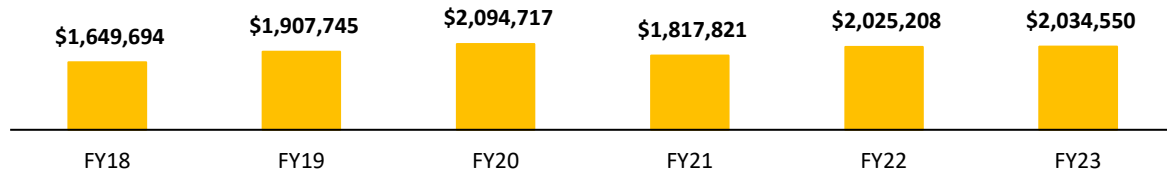
Financial Highlights

	< -----Actual ----->				Original	Proposed
	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Expenditure by Department						
Legal	\$ 1,533,325	\$ 1,539,542	\$ 1,623,850	\$ 1,687,227	\$ 1,925,208	\$ 1,934,550
Claims/Settle	\$ 116,369	\$ 368,203	\$ 470,867	\$ 130,594	\$ 100,000	\$ 100,000
Total	\$ 1,649,694	\$ 1,907,745	\$ 2,094,717	\$ 1,817,821	\$ 2,025,208	\$ 2,034,550
% Incr	1.90%	15.64%	9.80%	-13.22%	11.41%	0.46%

Personnel

Full-Time	14	15	15	15	15	14
Part-Time	1	1	1	1	1	1
Total	15	16	16	16	16	15

Total Law Department Expenditures



Operating Highlights

Law	FY2019	FY2020	FY2021	FY2022 YTD
Claims Processed	164	59	89	150
Public Records Requests Completed	297	351	443	690
Contracts Drafted and Distributed	110	166	100	150
Litigation Cases	10	18	48	47
Contracts Reviewed	177	318	226	210

Law Department

Fiscal Year 2023 Outcomes and Strategies

Outcome 1

Support Land Use Decision Making

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 FY 2023, we will provide legal support for the adoption and implementation of MBTA Communities zoning and Village Center zoning as well as support to the City and Council related to Newton's Climate Action Plan initiatives.

The Department is an active partner to the City Council, regularly furnishing legal opinions and advice on legislative matters. We continue to provide advice on the law as it relates on proposed docket items and to assist in drafting related orders, ordinances and home rule petitions.

Outcome 2

Provide Advice on Legislative Matters

Notably, in FY 2023, the Law Department will continue to support the City and Council in their efforts to support local businesses, such as restaurants, in maintaining operations under COVID-19 constraints and will assist the Council in its Recodification of City ordinances. In addition, we will work with City Departments to finalize the City's updated ADA/504 Transition Plan and present that plan to the Council for approval.

Law Department

Fiscal Year 2023 Outcomes and Strategies

Outcome 3

Manage Litigation and Claims

The Law Department defends, prosecutes, and commences 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 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.

Continuing in FY2023, 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.

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. The Department continues to advise City officials on federal guidelines for grant of location procedures and advise the City

Council regarding federal limitations on consideration of radio frequency emissions in the context of grant of location permitting. 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 and administration of three current cable licenses. 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.

Outcome 4

Provide Full Support for Telecommunications Efforts

FUND: 0001 - GENERAL FUND
 DEPARTMENT: 108 - LAW

CITY OF NEWTON BUDGET
 DEPARTMENTAL DETAIL

	ACTUAL 2019	ACTUAL 2020	ACTUAL 2021	ORIGINAL 2022	RECOMMENDED 2023	CHANGE 2022 to 2023
108 - LAW						
0110841 - LEGAL CLAIMS/SETTLEMENTS						
EXPENSES						
572500 CLAIMS/SETTLEMENTS	368,203	470,867	126,534	100,000	100,000	0
TOTAL EXPENSES	368,203	470,867	126,534	100,000	100,000	0
FRINGE BENEFITS						
57MEDA MEDICARE PAYROLL TAX	0	0	4,060	0	0	0
TOTAL FRINGE BENEFITS	0	0	4,060	0	0	0
TOTAL LEGAL CLAIMS/SETTLEMENTS	368,203	470,867	130,594	100,000	100,000	0

CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL
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		ACTUAL	ACTUAL	ACTUAL	ORIGINAL	RECOMMENDED	CHANGE
		2019	2020	2021	2022	2023	2022 to 2023
0110851 - LEGAL							
PERSONNEL SERVICES							
511001	FULL TIME SALARIES	1,123,213	1,275,581	1,313,991	1,468,470	1,466,440	-2,030
511101	PART TIME < 20 HRS/WK	2,521	2,450	0	0	0	0
511102	PART TIME > 20 HRS/WK	55,157	56,970	59,064	59,635	63,295	3,660
514001	LONGEVITY	8,917	5,900	6,440	7,840	4,690	-3,150
515003	SPECIAL LEAVE BUY BAC	10,000	0	0	0	0	0
515005	BONUSES	500	0	500	0	0	0
515006	VACATION BUY BACK	39,411	0	0	0	0	0
TOTAL PERSONNEL SERVICES		1,239,719	1,340,901	1,379,995	1,535,945	1,534,425	-1,520
EXPENSES							
524010	OFFICE EQUIPMENT R-M	3,278	2,387	1,107	0	0	0
524100	SOFTWARE MAINTENANC	0	0	7,718	8,000	8,000	0
527400	RENTAL - EQUIPMENT	3,392	3,337	2,547	4,000	4,000	0
530100	CONSULTANTS	13,808	9,000	18,193	15,000	15,000	0
530219	ARBITRATION SERVICES	35,318	25,624	11,096	30,000	25,000	-5,000
530900	LEGAL SERVICES	11,477	3,146	2,171	17,500	25,000	7,500
531400	REGIST/RECORDING FEES	1,630	2,909	3,227	3,500	3,500	0
531500	COURT COSTS/WITNESS	2,384	127	254	3,000	1,000	-2,000
534010	TELEPHONE	513	383	411	500	500	0
534020	CELLULAR TELEPHONES	219	512	498	675	675	0
534100	POSTAGE	2,364	1,616	1,261	2,500	2,000	-500
534200	PRINTING	15,329	10,975	6,390	17,500	15,000	-2,500
537300	ADA REASONABLE ACCO	2,732	1,078	1,095	2,500	5,000	2,500
542000	OFFICE SUPPLIES	5,798	3,940	3,304	6,000	5,000	-1,000
559200	BOOKS/MANUALS/PERIODI	49,212	53,480	48,600	50,000	50,000	0
571000	VEHICLE USE REIMBURSE	664	913	0	1,000	1,000	0
571100	IN-STATE CONFERENCES	4,720	130	319	5,000	4,000	-1,000
573000	DUES & SUBSCRIPTIONS	3,859	4,089	3,167	5,500	5,000	-500
TOTAL EXPENSES		156,698	123,644	111,358	172,175	169,675	-2,500
FRINGE BENEFITS							
57DENT	DENTAL INSURANCE	3,340	4,247	4,609	5,017	3,612	-1,405
57HLTH	HEALTH INSURANCE	112,980	121,796	151,415	163,281	174,427	11,146
57LIFE	BASIC LIFE INSURANCE	293	340	388	399	399	0
57MEDA	MEDICARE PAYROLL TAX	16,165	18,489	18,946	22,288	22,446	158
57OPEB	OPEB CONTRIBUTION	10,348	14,433	20,517	26,103	29,566	3,463
TOTAL FRINGE BENEFITS		143,125	159,305	195,874	217,088	230,450	13,362
TOTAL LEGAL		1,539,542	1,623,850	1,687,227	1,925,208	1,934,550	9,342
TOTAL LAW		1,907,745	2,094,717	1,817,821	2,025,208	2,034,550	9,342