



## **Programs & Services Committee Report**

### **Special Meeting**

### **City of Newton**

### **In City Council**

**Wednesday, November 15, 2017**

Present: Councilors Rice (Chair), Baker, Sangiolo, Leary, Schwartz Auchincloss, Kalis and Hess-Mahan

Also Present: Councilors Yates, Crossley, Laredo, Lappin, Lipof and Albright

City Staff: Karyn Dean (Committee Clerk)

- #313-17      Amendment to City Charter to change the composition of the City Council**  
**COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY,**  
**KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ**  
requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8 Councilors-at-Large and 8 Ward Councilors.
- Action:      Programs & Services Approved 5-2-1 (Councilors Leary and Hess-Mahan opposed; Councilor Auchincloss abstaining)**

**Note:** Councilor Rice explained that the public hearing on this item was held on November 5<sup>th</sup> and was closed that evening, therefore, no further public comment will be taken at this meeting.

Councilor Baker distributed a memo prior to the meeting explaining the procedural elements of the Home Rule Legislation process for changing the composition of the City Council. It is attached. As noted in this memo, the Mayor's signature is required to move the Home Rule Legislation to the state. The Chair noted that the Mayor submitted a letter to the City Council late this afternoon stating that should the City Council vote this item out affirmatively, he would not sign it, which effectively stops the process from moving forward. The Mayor's letter is attached.

Several Councilors expressed disappointment or anger that the Mayor is refusing to sign the item should it be voted affirmatively out of City Council. Some felt it was a pre-emptive strike to an item that should be allowed to be deliberated and that the Mayor should be listening to the opinions of the City Council and the public before making such a decision. In spite of the Mayor's decision, the Committee felt that the City Council needed to proceed with their commitment to take this issue under advisement and do their due diligence as promised to the residents of the City.

The Councilors present debated the merits of the 8 Ward and 8 At-Large Councilors model. Some Councilors felt that it was a good model to follow and put local representation in the hands of the voters. It offered a more efficient legislative process. Currently, several Committees hear items over and over again if they are referred to more than one. This brings with it an inordinate amount of repetition and wasted time. A smaller Council could allow all Councilors to hear every item at the same time and hear every public hearing at the same time. Councilors in favor of this model also referred to past ballot questions supporting a reduction in the size of the Council to 16, though it was unclear as to the composition of ward and at-large Councilors. Councilor Lipof and Alderman Vance had advanced an 8 and 8 model as well, consisting specifically of 8 ward and 8 at-large Councilors. This is not a new idea - it has had some deliberation and research and has found a level of support in the past. It was also pointed out that the whole idea of a smaller Council was the reason the Charter Commission was formed in the first place. The voters declared their intent by approving the Charter Commission.

Some Councilors also felt a smaller Council would help simplify the ballot and keep voting options clearer. A Councilor mentioned that keeping the Ward Councilor position provided opportunity for more residents to run for office. Launching a citywide campaign can be extremely time-consuming and very expensive. Not all people have that much time or money. Ward Councilors are also easier to unseat if the residents do not like the job they are doing.

Those Councilors not in favor of the 8 and 8 model argued that a 24 person deliberative body was extremely valuable. There was no threat of "group think" with such a large Council and that points of view were much more diverse with more people involved. It was noted that the work load would significantly increase should the number of City Councilors decrease. Some larger cities have full-time legislative bodies such as Cambridge and Boston. Those come with much higher salaries and larger full-time staff. Many Councilors expressed the desire to keep Newton's legislators as part-time and in order to do so, more would be necessary to provide the kind of service necessary. Reducing the size of the Council just for the sake of having a smaller number does not make sense. The City Council is very effective as it is, the work is divided among many, and the small committee structure is valuable. It seemed inefficient for every Councilor to sit in on every single item taken up in the City - that would likely require a full-time Council. Having a smaller Council does not necessarily translate to a more efficient Council. Sometimes a longer process provides for more information and more thought which may improve decision making.

Whether in support or opposed to the 8 and 8 proposal, there was still debate among the Councilors as to whether the item should be voted out of Committee and to the full City Council this term, or if more time should be taken to do more study and perhaps form a study group. Some felt that this topic has been discussed for almost 40 years and extensively in the last 2 years. It is time to move forward. Others still felt that a more deliberative process was wiser. The public has been telling them that they feel uninformed and that some processes seem opaque. Rushing this process would not facilitate transparency or an education campaign.

Councilor Baker moved approval of this item as he would like to move the discussion to the full City Council. As discussed, it was felt that more input is needed from all Councilors to decide on a path forward. Should this item not be voted out of the full City Council by the end of the term, the item would have to be re-docketed in the new term, per Council Rules.

Councilor Baker clarified that should this item be advanced, it would be requesting that the item go on the next municipal election ballot in 2019. The state election in 2018 allows early voting for the state ballot, but would not allow it for the required separate municipal ballot. This could cause some confusion and/or result in a lower voter turnout if voters need to go to the polls twice. The Committee agreed to include language in the Home Rule Legislation for the 2019 ballot. They also agreed to include language that would not allow the state legislature to change any language to the Home Rule Petition.

The Committee voted to approve the item 5-2-1 with Councilors Hess-Mahan and Leary opposed and Councilor Auchincloss abstaining.

Clerk's Note: The Law Department was unable to review the Home Rule Legislation language, which was drafted by Councilor Baker (attached) due to the short time frame.

Meeting adjourned.

**Respectfully Submitted,**

**John B. Rice, Chair**



# Memorandum

To: John Rice, Chair, Programs and Services Committee, Newton City Council  
From: Lisle Baker, Councilor and member of the Committee  
Re: Possible procedures for consideration of #313-17 ("8 & 8") and other Charter items  
Date: November 15, 2017

---

You have asked for me to clarify and elaborate some of the issues about procedures for consideration of matters relating to the proposed Charter I discussed at our last meeting. Leaving aside the merits of #313-17, which we will discuss, I hope the following procedural ideas may be of help in shaping the work of the Programs and Services Committee tonight and possibly in the future.

1. From prior opinions of the Law Department, a structural change, such as the composition of the City Council, requires the following steps:
  - A Home Rule Petition voted by a majority of the Council present and voting,
  - the signature of the Mayor,
  - a subsequent vote of the General Court,
  - the signature of the Governor, and
  - a subsequent vote of the Newton electorate, given its importance. (This last step is not needed for non-structural changes in the Charter.)
2. When and if reported to the Council for decision, the docket item ideally should contain language clarifying
  - the election for Newton voter ratification if the Home Rule Petition becomes law,
  - the municipal election for which any new Council structure would be effective, and
  - language recommended by the Law Department that the Petition language not be modified by the General Court in the process of adoption, as occurred with the last Home Rule Petition relating to the change of name from Board of Aldermen to City Council.
3. Other matters within the scope of the Charter Commission's Report which are not structural in nature, nor time sensitive, can be acted upon as part of one or more Home Rule Petitions in the future. Here are procedural steps that may assist that process.

- Obtaining a red-lined version of the current Charter showing the specific changes, as Mr. Olson as City Clerk has a side by side comparison, but not a version that clarifies each change proposed.
  - Referring consideration of Charter recommendations (other than City Council composition) to a special subcommittee of the new Council, to be appointed by the Chair of the Programs and Services Committee from among the members of the Committee, to report back to the full Committee. (Under the Council Rules, “the Chair of each committee may appoint sub-committees of the committee's members to consider specific matters and make recommendations to the committee.”)
  - If the subcommittee were small, it could follow the practice of the Rules Subcommittee as well as the Recodification Committee, and meet with due open meeting notice but at times not dependent on the P&S Schedule.
  - To assure as much consensus as possible, the subcommittee might have an even number. (Recodification, for example, has two members, Councilor Albright and me.) While the subcommittee would be encouraged to seek input from the Charter Commission on its rationale, for maximum credibility it might be composed of two experienced members of the Council who were on opposite sides of the last Charter vote.
  - If the subcommittee were to follow the practice of the Recodification Committee, the Report of which is about to be issued, the subcommittee could triage the Charter Commission’s recommendation into three categories:
  - Housekeeping corrections of form (language errors or ambiguity) or updating aspects to conform to current state law.
  - Noncontroversial substantive changes which appear nonetheless to be agreed upon, but which could be pulled out to put into the next category if any member of the Council so desires (in a modified “second call”).
  - Substantive changes which require larger discussion in the Programs and Services Committee, with referral to other Council committees if relevant, and ultimate decision by the Council.
4. Having a subcommittee look at the proposed Charter would allow the items to be reported to the full P&S Committee, with the understanding that the Committee would then have the capacity to review them, and then forward them to the full Council with its Report, which might involve docket items for referral to by P&S or other Committees.
  5. The last outstanding issue is timing if the subcommittee route is chosen. It could be appointed now and begin work later this month. Its appointment could also wait until the new term to see the composition and leadership of the Programs and Services Committee, as the subcommittee’s work is likely to extend into the new term.

\*

I hope that this information is helpful, and please let me know if you have any questions.

Cc: Members of the Council; David Olson, Council Clerk; Mayor Warren; Newton Law Department

**Karyn Dean**

---

**From:** David A. Olson  
**Sent:** Wednesday, November 15, 2017 3:48 PM  
**To:** Karyn Dean  
**Subject:** FW: Position on Docket Item #313-17

---

**From:** Setti D. Warren  
**Sent:** Wednesday, November 15, 2017 3:24 PM  
**To:** City Council  
**Subject:** Position on Docket Item #313-17

Dear City Councilors,

I am writing to share my thoughts on docket item #313-17 that will be taken up at Programs and Services this evening.

I believe that the City needs additional time and engagement on this topic. We are just coming out of the recent election in which residents rejected the proposed changes to the size and composition of the City Council by voting "No" on the charter reform ballot question.

This conversation we are having about the City Council is critical and I believe this topic should be discussed thoroughly over the next several months with robust resident engagement.

Therefore, I cannot support this docket item. If the item is voted out affirmatively by the City Council, I will not give it my affirmation.

I am happy to answer any questions you may have.

Thank you,  
Mayor Setti Warren

[Language from prior home rule petitions as to form]

Section 1.

ARTICLE 2. LEGISLATIVE BRANCH Sec. 2-1. Of the Charter of the City of Newton is amended to read as follows:

Composition; Eligibility; Election and Term. (a) Composition—There shall be a city council of 16 members which shall exercise the legislative powers of the city. Eight of these members, to be known as councilors at large, shall be nominated and elected by the voters at large, 1 such councilors at large to be elected from each of the 8 wards of the city. The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, 1 ward councilor to be elected from each of the 8 wards of the city. The city council shall be the judge of the election and qualification of its members.

Section 2. Provided that this amendment is duly enacted by the General Court, and signed by the Governor, it shall not become effective if and until the change in composition from 24 to 16 as proposed is adopted by a majority of those Newton citizens voting in the next regularly scheduled Newton municipal election scheduled after the enactment of this Petition, presumably November, 2019. If such majority vote occurs, the change in composition of the Council shall take effect after the next regularly scheduled municipal election after such majority vote occurs, presumably November, 2021, so that candidates for the sixteen member council may run for those offices and be elected to serve the following two-year term of office as a City Councilor, presumably January first, 2022 to December thirty-first, 2024, and thereafter.

Section 3. The number of councilors or their time of election proposed in this Home Rule Petition shall not be altered by the General Court incident to its passage, but must be enacted as proposed to be effective.