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Honorable City Council:

In preparation for the discussion and vote on the Charter Subcommittee's recommendations on Monday, May 6 for a "non-controversial" package of City Charter revisions, Councilors have been provided the reports detailing the subcommittee's discussion on a number of issues.

One of those issues that has been discussed at many subcommittee meetings was the provision to give the City Council a separate budget line item and power to hire outside attorneys separate from the City's Law Department. Historically, there have been occasions for the City to hire outside legal counsel for a particular issue where a legal conflict of interest existed or a legal specialty was needed. There have not been problems funding these services. The Law Department has three line items that total \$67,000 in the FY20 budget for outside counsel if needed. If the President of the City Council and the City Solicitor believe that outside services are needed to help the Council address a certain issue, the funds would be found, as they have in the past, either in the Law Department's line items or from other line items with the help of the Mayor and Chief Financial Officer.

The Law Department's budget will be before Programs & Services on Wednesday, May 8th, two days after the City Council vote on the charter revisions. It includes both a re-aligned departmental structure to further support the City Council and line items for outside legal services if needed. We believe that the changes made with the Law Department, and the budget availability for outside legal services, are significant and will address the issues raised by the Council.

We believe the separate counsel provision is not necessary; the City Solicitor's Office has and will continue fully representing the views and interests of the City Council. In addition, a separate counsel may be a recipe for divisive government for the City of Newton. The Law Department has a team of professionals that provide excellent legal services and opinions for both the Administration and the City Council. Setting up a system for councilors to bring in outside attorneys to oppose the City Solicitor with dueling opinions is likely to create division both within the Council and with the Law Department and City Administration. We also believe that this separate funding may very well lead one City Councilor to ask for its use when the City Solicitor's legal counsel supports the views of another City Councilor. We all know that City Councilors often have different points of view and very different policy positions. Thus, this provision will likely create divisiveness within the Council.

The Administration, including the City Solicitor's Office, have repeatedly testified against this separate counsel provision, with a clear statement that the Mayor will veto the package with such

a change and not bring it forward for home rule provision support to the State Legislature. Notably, home rule petitions can only move forward with the approval of the Mayor.

We look forward to working with the City Council to find ways to ensure its legal representation needs are met.

Jonathan Yeo
Chief Operating Officer