

**League of Women Voters Newton**

**Charter Study**

**April 2010**

**Appendix 1**

**Final Reports of Sub-Committees**

## **Charter Study: Electoral Process sub-committee Summary Report**

**Submitted by Nancy Criscitiello & Ellen Glusman**

### **Co-Chairs**

The Electoral Process sub-committee was enthusiastically staffed by almost a dozen League members. We were assigned to compare and contrast information on the Newton Board of Aldermen (Legislature), the School Committee, and the office of the Mayor, in terms of the Electoral Process of each.

We researched the Newton Charter, The Model City Charter, Newton Ordinances, and compared what we found to 6 other cities – 5 in Massachusetts (Cambridge, Lynn, Somerville, Haverhill, and Waltham) and one demographically similar community in Connecticut: West Hartford.

In addition to our research, we conducted interviews with various elected and appointed office-holders, and paid and volunteer workers and managers in these cities, including journalists and League members for a greater depth and breadth of understanding about the issues on concerns surrounding our topics.

While the full report captures much of the direction and discussion of our sub-committee, it is important that we also acknowledge that we had many points of contention – rather than consensus – regarding such topics as term lengths, staggering of terms, and salary and benefits offered in order to draw the best candidates, and the “correct” size and representation mix that would serve Newton best.

In spite of our differences, the sub-committee always found our meetings engaging, interesting, and even extremely educational as we worked our way through all of the information – and perspectives – brought to the table.

## Electoral Process: Comparison of Newton to Other Cities / Towns

### Phase 1: Current State

Municipality/etc	Aldermen/Legislature	School Committee	Mayor
<b>Newton-Charter Total Pop. (2000 census): 83,829</b>	24 aldermen, elected every 2 years, not staggered. Semi-“HYBRID” system: 8 ward aldermen, elected only from ward (each represents 10,478 residents) 16 elected at large—two from each ward	9 members 8 elected at large—one from each ward Mayor serves ex-officio	At large, elected directly
<b>Newton Ordinance</b>	Not applicable	Not applicable	Not applicable
<b>Model Charter</b>	At-large is preferable for city cohesion. Recommendation in Model Charter is 4-year staggered terms, no term limits. By district prevents Voting Rights Act suits and gives marginalized areas more voice. Old model charter recommends a hybrid, such as we have. See <a href="http://www.ncl.org/npp/charters/memos/hybridelections.html">http://www.ncl.org/npp/charters/memos/hybridelections.html</a> <b>Except</b> that they envision the at-large as truly able to come from any part of the city!	Same as for alderman.	Elected at large directly. The option for the mayor to be elected by the Legislature (aldermen) is not allowed in MA, unless “mayor” is really a board chair and the city is run by a strong manager. Recommendation in Model Charter is 4-year staggered terms, no term limits.

Municipality/etc	Aldermen/Legislature	School Committee	Mayor
<p><b>Cambridge</b></p> <p><b>Total Pop. (2000 census): 101,355</b></p>	<p>Nine city councilors, elected at large</p> <p>System in place since at least the 1930s (Proportional Representation as well as at large—info provided by election department)</p>	<p>Six, elected at large, and the mayor—who is ALWAYS the chair (this poses issues b/c mayor is often elected on one issue &amp; forces it to the exclusion of more important things). Each SC member is paid \$30,000/year, plus health benefits and pension—this gets them more diversity. No term limits/staggered terms. 2 year terms (way too short according to info provider).</p>	<p>Ceremonial—city manager (appointed by the council) is the executive. Mayor is equivalent to our Board Chair, except serves as Chair of the SC</p>
<p><b>Lynn</b></p> <p><b>Total Pop. (2000 census): 89,050</b></p>	<p>Eleven councilors: Seven elected from and by wards (each represents 12,721 residents) Four at-large.</p>	<p>Six, elected at large, and the mayor, who is ALWAYS chair. Mayor sets agenda, but can be either weak or strong. Lynn reporters say some mayors worked out the vote ahead of time, leaving meetings as rubber-stamps. Equity in funding is forced on Lynn by state &amp; federal rules &amp; funding—but some are lily white &amp; others are minority, ESL &amp; poor. At-large elections are not necessarily expensive.</p>	<p>Elected at large directly. 4-year term</p>

Municipality/etc	Aldermen/Legislature	School Committee	Mayor
<p><b>Somerville</b></p> <p><b>Total Pop. (2000 census): 77,478</b></p>	<p>Eleven aldermen (elected for 2-yr terms):</p> <p>Seven elected <i>from and by</i> wards (each represents 11,068 residents)</p> <p>Four at-large (set in early 1800s)</p> <p>Reporters do see ward issues come up—not sure if at expense of whole city issues.</p> <p>SC member sees good geographic rep., but balance with city-wide issues.</p>	<p>Seven elected from AND BY wards (each represents 11,068 residents, each elected for 2-yr term), plus mayor and alderman chair.</p> <p>The structure can mean that ward issues trump system issues.</p> <p>Paid \$10K plus health (worth about \$25,000), which is essential for minority representation.</p> <p>One interviewee on SC said he would like 4 @ large SC members to help with the work—many on the SC don't do much.</p> <p>Elected for 2 years, need more. Not term limited.</p> <p>Not staggered. BoA Chair usually fairly ineffective &amp; would be better off board. Charter comm. called for two appointees (for more diversity and more educational expertise), which was adamantly opposed by community.</p>	<p>Elected at large directly, for 2-year term.</p> <p>Explored 4 years via charter study—huge opposition b/c further strengthens mayor.</p>

Municipality/etc	Aldermen/Legislature	School Committee	Mayor
<p><b>Haverhill</b>  <b>Total Pop. (2000 census): 56,500</b></p>	<p>Nine councilors, all at-large, elected for 2 year terms with no term limits  Interviewee felt that the representation is not fair, since there are 8 male councilors, with 1 woman, and all are white.  Apparently Haverhill explored the idea of ward representation, but didn't do anything—believed to be because those voting on it would lose their spots</p>	<p>Six and the mayor, all at-large, elected for 4 years, with staggered elections (3 at a time), no term limits</p>	<p>Mayor has 2-yr terms</p>
<p><b>Waltham</b>  <b>Total Pop. (2000 census): 59,226</b></p>	<p>15 councilors:  Nine elected by ward, each represents 6,581 residents.  Six at-large.  All elected at the same time with no term limits  [NOTE: the president of the council can be either at-large or ward]  Interviewee thought that the city's diversity is well-represented with 3 of the at-large councilors being women.</p>	<p>Six at large (with 4 year terms and staggered elections--3 elected every two years) plus the Mayor.</p>	<p>Mayor—at large, 4 year term</p>

Municipality/etc	Aldermen/Legislature	School Committee	Mayor
<b>West Hartford, CT</b> <b>Total Pop. (2000 census): 63,589</b>	10 Districts. All 9 Town Council members are elected at large for 2 year terms, none staggered, no term limits; partisan; includes a “mayor.”  Interviewee felt that there was diversity on the Council and the SC. Not sure how much there is in the entire community, but there are elected officials who are people of color.	Seven members, elected at large with 4 year staggered terms (one year elect 4, then two years later elect 3)	Town Clerk, at large, 4 year term

Additional information from the State League:

All Aldermen/Councilors Elected At Large: Cambridge, Fall River, Franklin, Haverhill, Lowell, Medford, North Adams, Southbridge, Springfield, Taunton;

All Aldermen/Councilors Elected by District: Barnstable

Combo:

Most from Wards/districts: 32 towns/cities

Most at Large: 9 (including Newton)

**Phase 2: Evaluation**

How does Newton’s government structure compare to the Model City Charter and other “role model” charters? – See Above.

Which opportunities for improvement are, or should be, directly governed by the charter? – Unaddressed.

**Phase 3: Opportunities for Improvement –**

1. Size of Board of Aldermen: Advantages & Disadvantages of Current vs. Smaller Board

<b>Board Size</b>	<b>Current configuration: 24</b>	<b>Smaller</b>
<b>Advantages:</b>	Can survive improper behavior of a member better than a smaller body	With full-time legislators, may be able to cope with less city staffing
	Broad representation captures Newton’s very diverse community	Could increase salaries and get more of each person’s time
	Harder to corrupt/influence	Would force more efficient operations
	More access to an alderman	Might draw more qualified people into the race
	Members with full-time work bring interesting perspective to board work.	Less confusing/shorter ballot
		Less expense to communicate—less paper on desks for each meeting
<b>Disadvantages</b>	Can be slow to act	Could make it harder to displace incumbents
	Because Newton could not pay a living wage, need enough people to spread work around	Would want to keep ward representation

2. Having a board that is 100% elected from wards vs. having some truly at large

	<b>Ward residency requirement (current)</b>	<b>Some truly at large/no requirement</b>
<b>Advantages</b>	Strong representation by geography	May attract stronger candidates
	Makes sure diversity is represented	Better chance aldermen/school committee will focus on needs city or school system as a WHOLE, not



		pit neighborhood against neighborhood.
<b>Disadvantages</b>	Can be parochial	Could end up with a board strongly weighted toward one neighborhood
		Can be more expensive to run for office

Note: the board could make a rule that no Ward alderman can serve as President, eliminating the possibility that one neighborhood gets more favorable treatment overall. Does not need to be in Charter.

### 3. Terms: Staggered vs. all-at-once

<b>Current situation</b>	<b>Staggered (4-year) Terms</b>
Easily configured	Shorter ballot at each election
Could lose entire board at once	Ensures continuity/institutional memory is preserved
	Some aldermen could not run for Mayor without giving up their seat

### 4. Term Limits

We agreed that the current situation seems unfair—if School Committee has term limits, so should Aldermen. If Aldermen do not, why do the members of the School Committee?

<b>Term Limits</b>	<b>No Term Limits</b>
Guarantees change of members	People tend to stay in longer—perhaps beyond the point where they stop paying attention/doing board work.
Challengers wait out incumbents, rather than running head-to-head	Good candidates may opt not to run because of the time & expense of winning against an incumbent
If have term limits, need to couple with staggered terms, because learning curve for both boards is steep and continuity/institutional memory is critical.	More continuity and institutional memory

League of Women Voters of Newton Charter Study  
Subcommittee on the Executive  
Summary

The Executive sub-committee consisted of four members: Leslie Burg, Audrey Cooper, and Co-Chairs Nancy Crowley and Carol Ann Shea. We examined and contrasted the Strong Mayor/Council ( Board of Aldermen) with the Council/Manager forms of municipal government. Although we learned of various permutations of these two models, they remained the focus of the subcommittee's work. We researched the Newton City Charter, the Model City Charter (MCC) and readings offered by the Massachusetts Municipal Society, the Massachusetts Municipal Association, and the *Municipal Advocate*. We interviewed mayors, city managers, and chief administrative officers who are or have served in government in Newton, Worcester, Cambridge, Somerville, and Brookline. Although a town, Brookline was considered both comparable to Newton in a number of benchmark areas, and effectively and efficiently run. Its current town manager also held the Chief Administrative Officer position here in Newton under Mayor Ted Mann. The city of Somerville's Charter Advisory Committee made preliminary recommendations in November, 2008 and we will include them in our addendum.

Based on our reading, interviews, and two meetings with Marilyn Contreas (resource person for Charter review and reform in the Massachusetts Department of Community and Housing Development), the subcommittee on the Executive concurred on four positions for support by LWVN which we think would enhance the performance of our government and should be implemented, if not through a revision of our Charter, then in some other way. The first two positions should be considered together and viewed as complementary to each other.

**1. Support Newton's current Strong Mayor form of government**

Provides for a single responsible executive elected by and accountable to the entire electorate.

Strong Mayor/Council form is based on the principles of separation of powers and checks and balances similar to those in US state and national governments.

Model City Charter "No structural arrangement will ensure effective mayoral leadership."

**2. Support the creation of a Chief Administrative Officer (CAO) position recognized in the Charter, whose term would be co-terminus with the Mayor and carry a contract. The basic duties and responsibilities should be delineated leaving room for mayoral discretion.**

The CAO position is consistent with the reform principle of providing for political and professional leadership

"The office of CAO builds into the charter a support position of the mayor and institutionalizes the professional coordination of the departments of city government." MCC, pg 64

In 2001, 56% of Mayor/Council cities with a population over 2500 have a CAO or equivalent position

**3. Support the position that the Executive be required in the charter to submit timely, periodic, long-range plans and long-range strategic capital plans**

Findings from the Citizens Advisory Group revealed the Capital Improvement Plan process lacking in a long-term outlook without explicit priorities. There is substantial under-funding of capital maintenance and renovation. There are a variety of disparate capitol planning processes: CIP, Supplemental Budget, Mayor's Submissions, and the Capital Stabilization Fund.

Strategic capital plans require specific goals with clear spending and investment priorities.

The addition of a CAO could help in long-range strategic and financial plans.

Based on LWVN positions under Planning in the Community which support a Comprehensive Plan for the City of Newton, a statement of goals for the future development of Newton, a Land Use Plan, a Transportation Plan, a Community Facilities and Service Plan, neighborhood development proposals, and a Capital Improvements Program to project public facilities into an orderly schedule of expenditures

**4. Support for the development and implementation of a performance evaluation system under the executive branch of the Charter.**

There is currently no systematic review of Department Heads though there have been training sessions for Department Heads to evaluate personnel within their departments.

There are no distinct job descriptions for Department Heads nor was there any job description on file for a CAO when that position was filled.

A performance evaluation system could bring about establishment of goals which, in turn, would help in establishing performance criteria, provide for systematic review, increase the quality of work, and support open communication between the executive and department heads.

**League of Women Voters Charter Study  
Executive Branch**

	<b>Newton</b>	<b>Model City Charter</b>	<b>Cambridge</b>	<b>Worcester</b>	<b>Somerville</b>
<b>Structure</b> <b>Election</b> <b>Term of Office</b> <b>Salary</b>	<p>&gt; <b>Strong Mayor, popularly elected</b></p> <p>&gt;<b>CEO of city</b></p> <p>&gt;Full time, hold no other elected office</p> <p>&gt;Can not engage in any Other business, occupation, or profession during term of office</p> <p>&gt;Four year term</p> <p>&gt;Salary determined by BoA by ordinance, no chg in salary during current term of Mayor</p>	<p><b>Council-Manager</b></p> <p>&gt;<b>CEO of city,</b> responsible to the council for mgt of all city affairs placed in mgr.'s charge</p> <p>under the charter</p> <p>&gt;<b>Appointed by City Council by majority vote of its total membership for an indefinite term</b></p> <p>&gt;Council determines compensation</p> <p>&gt;Manager appointed solely on the basis of education and experience in the accepted competencies and practices of local gov't mgt.</p> <p>&gt;No residency req. at time of appt. but while in office may reside outside only with council approval</p>	<p><b>Mayor-Manager</b></p> <p>&gt;<b>Mayor elected from nine member council which is elected every two years</b></p> <p>&gt;Mayor has <b>NO</b> power of veto or appointment</p> <p>&gt;<b>Mayor is official head of city for ceremonial purposes,</b> the presiding officer of council, Chair of Sch. Comm</p> <p>&gt;<b>Council hires City Manager, Chief Administrative Officer of city</b></p> <p>&gt;Manager salary set by ordinance</p>	<p><b>Mayor-Manager</b></p> <p>&gt;Mayor must run for councilor at large and mayor (person receiving highest number of votes for Mayor becomes Mayor</p> <p>&gt;<b>City Manager hired by City Council</b> (6 at large 5 district) for term not to exceed 5 years, may serve successive terms</p> <p>&gt;Qualifications of City Manager: city resident, not over 70, not a member of council or within two years hold elective office in city</p> <p>&gt;Compensation set by council, professional Evaluation annual by council</p>	<p><b>Strong Mayor</b></p> <p>Executive powers of city vested solely in the mayor</p> <p>&gt;Officers and Boards under mayor's direct supervision and control</p> <p>&gt;Term of office 2 years (Charter Advisory Committee has recommended a four year term)</p>
<b>Executive Powers and Duties</b> <b>Appointments</b>	<p>&gt;Exec. &amp; Admin. Powers solely vested in Mayor or through city agencies under his general supervision and control</p> <p>&gt;Enforces all laws, ordinances, and orders</p> <p>&gt;Keeps records of all official acts</p>	<p>&gt;Appoint &amp; suspend or remove all city employees &amp; appointive admin. officers provided for by or under the charter, except as provide by law</p> <p>&gt;May authorize admin. officer subject to the mgr. direction &amp;</p>	<p>&gt;City Manager responsible for enforcement of all laws and City ordinances</p> <p>&gt;Appoints all Dept. Heads</p> <p>&gt;Appoints members to city boards &amp; commissions</p>	<p>&gt;City Manager is CEO &amp; CFO</p> <p>&gt;Supervises administration of affairs of city, ensures laws, ordinances, and resolutions are executed</p> <p>&gt;Submits reports to council on city affairs</p>	<p>Mayor's appointments subject to confirmation by Bof A: City Treasurer (also the Collector of taxes). City Auditor Chief of Police, all officers &amp; members of the police dept., Chief engineer, all officers &amp; members of fire dept., city solicitor, purchasing agent, city physician, board of public welfare, board of health,</p>

	<b>Newton</b>	<b>Model City Charter</b>	<b>Cambridge</b>	<b>Worcester</b>	<b>Somerville</b>
	>May appoint one or more assistants & determine duties and salaries	supervision to exercise these powers	>Submits annual budget  >Recommends policies & programs to the City Council  >Implements Council decisions	>Submits annual budget  >Approves all contracts over \$2000.	board of library trustees, works
<b>Executive Powers and Duties Appointments</b>	<p>Mayor shall appoint a <b>Citizen Information Officer</b> and fix salary</p> <p>Appoint all city officers, dept. heads (BOA has 30 days to reject appt. with a 2/3 vote</p> <p>Appointment of volunteer members of citizen boards, commissions, committees &amp; agencies for whom no other method of appt. is provided by law or charter (BOA has 60 days to reject appt. by a 2/3 vote</p> <p>Appoints a Collector/ Treasurer for a term co-terminous with the Mayor (approval by BOA within 90 days)</p> <p>Removal of Collector/ Treasurer prior to term approval of BOA by majority vote</p> <p>Rejection of Mayor's appointments not subject</p>	<p>Direct and supervise administration of all department, offices and agencies of city, except as provided by charter or law</p> <p>Attend all city council mtgs, have right to participate but shall not vote</p> <p>Ensure all laws are executed</p> <p>Prepare &amp; submit annual budget and capital program to city council and implement final budget approved by council</p>		<p>Consolidate city agency (council can approve or disapprove, or not change)</p> <p>Appoints, with council approval, election commission</p> <p>Appoints and removes dept. heads, officers, employees</p> <p>Appoints all boards &amp; commissions classified as regulatory, and advisory (needs Council approval)</p> <p>Appoints citizen advisory council</p>	<p>Commissioner of Public Works, city engineer, ...supt. of streets, highway division electric lines &amp; lights water works, measurer of wood &amp; bark, field drivers, fence viewers poundkeeper, constables, and all other officers &amp; boards not otherwise provided for in charter</p> <p>Mayor may at any time appoint a suitable person to examine books and accounts of any dept., officers, or employee without notice</p> <p>Mayor may suspend and executive officers and report action to BofA</p> <p>Mayor may call special mtg of BofA and shall communicate information and recommendations to BofA as in his judgement the interest of the city require</p> <p>Mayor shall cause the laws, ordinances, orders for the city to be enforced, keep a</p>

	<b>Newton</b>	<b>Model City Charter</b>	<b>Cambridge</b>	<b>Worcester</b>	<b>Somerville</b>
	to charter objection				<p>record of all official acts, can appoint a Secretary Salary needs approval of BofA</p> <p>Mayor has sole power to sign, seal, execute, &amp; deliver on behalf of city deeds, leases of land sold or leased by city and other deeds, agreements, contracts, leases, indentures &amp; assurances on behalf of city</p>
<b>Communication</b>	<p>Mayor shall submit to the BOA, and make available to public, complete report on the financial &amp; administrative activities of the City for the preceding fiscal year within six weeks of the start of the new fiscal year Keep BOA informed of financial condition of city</p> <p>May call Special Meetings of BOA</p> <p><b>Budget</b> Mayor shall submit proposed budget to BOA (complete financial plan, supporting documents, changes in financial policy, debt position) Mayor shall submit to BOA a 5 year Capital Improvement Plan Mayor shall approve all contracts of behalf</p>	<p>Submit to council and make public complete report on finances and administrative activities of city at the end of each fiscal year</p> <p>Keep city council advised as to financial condition and future needs</p> <p>Make recommendations to the city council concerning the affair of the city and facilitate the work of the city council in developing policy</p> <p>Provide staff support services to mayor and council members</p> <p>Assist council to develop long term goals for the city and strategies to implement goals</p>	<p>City Manager shall make reports to the city council from time to time upon the affairs of the city</p> <p>City Manager shall keep the city council fully advised of the city's financial condition and its future needs</p>	<p>Manager makes recommendations to council on city affairs as deemed necessary and desirable</p> <p>Manager keeps council informed on financial condition and future needs of city</p>	

	<b>Newton</b>	<b>Model City Charter</b>	<b>Cambridge</b>	<b>Worcester</b>	<b>Somerville</b>
	<p>of city</p> <p>Mayor may submit to BOA reorganization plans to consolidate or abolish any city agency (BOA can accept, reject, or not change)</p>	<p>Encourage and provide staff support for regional and intergovernmental cooperation</p> <p>Promote partnerships among council, staff, &amp; citizens in developing public policy &amp; building a sense of community</p> <p>Perform such other duties as are specified in charter or required by city council</p>			
<b>Veto</b>	<p>Measures passed by BOA are sent to the Mayor for approval..Mayor returns measure to the City Clerk within 10 days with or without approval or veto</p> <p><b>except</b></p> <p>1) any relating to the internal affairs of the BOA and 2) any relating to the election of officers whose election by the BOA is authorized by law or charter, and 3) the budget</p>		Mayor has no veto authority		
<b>Vacancy</b>	<p>If vacancy occurs preceding the last 9 month of term, BOA shall call for a special election to fill unexpired term, if during the last 9 months BOA elects one of its own members to fill term</p>		<p>City Manager holds office during the pleasure of the City Council and receive compensation as it shall fix by ordinance</p> <p>Before removal of</p>		<p>If unable to serve, or absence, president of BOA shall perform duties of mayor</p>

	<b>Newton</b>	<b>Model City Charter</b>	<b>Cambridge</b>	<b>Worcester</b>	<b>Somerville</b>
	Temporary absence of Mayor: President of the Board of Aldermen shall be the acting Mayor		City Manager, if he so demand, he shall be given a written statement of the reasons alleged for his removal & have the right to be heard publicly thereon st a mtg of the city council priorto the final vote on the question of his removal. All authority to suspend or remove City mgr lies with City Council		



# League of Women Voters Newton Charter Study

## Subcommittee on the Legislature

*Members: Pat Acton, Giles Birch, Sue Flicop, Gail Glick, Lisa Mirabile, John Stewart & Verne Vance*

The Legislative subcommittee of the LWVN's Charter Study Committee met six times between November 2009 and March 2010 to review the purpose and functions of Newton's legislative body, the Board of Aldermen (BoA). In December, the committee contacted all current and former aldermen with a list of basic questions, and committee members spent much of their time conducting follow up interviews with those aldermen.

Newton's Board of Aldermen is significantly different from the legislatures in most Massachusetts communities. In Newton, each ward is represented by three aldermen. Within each ward, one alderman, called the Ward Alderman, is elected only by the residents of that ward; the other two, though required to be ward residents, are elected by all voters in the city and are called At-Large.

Until the 1950s, when Newton was reorganized from seven wards into the current eight, there were 21 members of the BoA; today, there are 24. In Massachusetts, only Everett has a legislature that is larger than Newton's, but Everett's is a bicameral legislature. In addition, Newton is one of very few, if not the only, locality to define an elected official as "at-large" yet impose a residency requirement. This arrangement, though unusual, does have the advantage of combining accountability to a particular segment of the electorate (ward residents) with accountability to the entire electorate, insulating candidates somewhat from the need to support constituent demands that may not benefit the city as a whole.

## Research Template

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### *Phase 1: Current State*

**Q: Currently, according to the charter, ordinances, or Rules of Alderman, what are the role, power, checks and balances of this branch of government?**

**A:** As a city with a "strong mayor" form of government, Newton has a legislative body -- the Board of Aldermen -- that creates and adopts ordinances to govern the city but is prohibited by the city charter from taking part in the conduct of the executive or administrative business of the city. The BoA also has the power to approve, reject, or decrease (but not increase) all appropriations requested by the mayor, including those in the mayor's proposed annual budget. That budget is approved a) if the BoA approves it of but also b) if the BoA fails to act on it by the statutory deadline.

**Q: Based on interviews, are actual operations consistent with the laws?**

**A:** Yes.

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## Phase 2: Evaluation

### Q: Is Newton's current structure effective?

**A:** This subcommittee was unable to find any easy way to measure the effectiveness of Newton's legislature. One proposal was to draw up a list of "end products" of the work of the board – things like purchasing new police cars, handling a petition for a new stop sign, or renewing a trash contract – and determine whether the time and effort required to complete those tasks was reasonable, particularly in relation to the work of legislatures in other communities. The committee acknowledged, however, that such comparisons, while somewhat informative, would ultimately be of only limited usefulness. On all levels of government, one of the legitimate roles any legislature plays is to slow the speed of change to prevent impetuous decision-making. One must question whether faster or less labored decisions would *necessarily* be better decisions. While they *might* be, it is hard to argue that they *must* be.

Because the Electoral Processes subcommittee examined the issues relating to the makeup of the board, such as the number of district (ward) versus at-large members, we will focus in this report mainly on the question of the overall number of aldermen.

There are a number of compelling arguments that Newton's 24-member board is cumbersome and unnecessarily large. Arguments for reducing the size of the board include:

- Financial savings. Each alderman receives a salary of just under \$10,000 and is eligible for health benefits as well as a pension after ten years of service. Each alderman also incurs some cost in staff time as well as in copying and delivering packets of information before each meeting. Although the savings that would result from reducing the number of aldermen would be a miniscule portion of Newton's annual budget, it would still be a real and meaningful amount.
- Reducing voter apathy and confusion. Asking voters to assess fewer candidates at each election would increase their chances of being able to vote with purpose and intent. Few voters can reasonably hope to be sufficiently educated about the 17 different Aldermanic seats they must vote to fill every other year (plus 8 school committee seats). Not surprisingly, citizens voted overwhelmingly (by a 2:1 margin) in favor of reducing the size of the board when a non-binding referendum appeared on the 2000 ballot.
- Increase the accountability of board members. In such a large body, it is much easier to be poorly prepared and to contribute little, since incumbency and name recognition are often sufficient to ensure re-election in such a crowded field.
- Increase the efficiency of board and attract more candidates. With fewer members, there would by definition be fewer speakers on many topics, which might make meetings shorter. Since the perception that serving on the BoA requires attendance at frequent and interminable meetings is often cited as a reason not to stand for office, reducing the length of meetings could make serving more palatable to more citizens.

On the other hand, in light of Newton's excellent record of governance and fiscal management, it is important to ask, "What's broken?" The modest financial savings, though real, do not seem sufficient reason to launch a sizeable effort to restructure our legislative branch. And while reducing the size or make-up of the board might reduce voter confusion, there is no particular evidence that the number of

candidates on the ballot is what keeps the majority of voters away from the voting booth at each municipal election.

Arguments that have been advanced in favor of keeping the current size and makeup of the board include:

- Increased diversity of viewpoints and experience. By definition, the greater the number of members, the greater the number of viewpoints and experiences that will be represented.
- Higher likelihood of personal connection to an elected official. With a voter-to-representative ratio of approximately 1 to 3,500, Newton citizens are more likely to know one of their aldermen than citizens in comparably sized communities with more typically sized legislative bodies (a ratio between 1 to 8,000 and 1 to 16,000 is the norm). This may create a stronger connection between the voters and elected officials.
- A larger board is less likely to be unduly influenced by a powerful minority. Some argue that in a group as large as Newton's BoA, it is harder for any single group to dominate the proceedings or for malfeasance to go unnoticed.

In response, one must ask whether the difference in diversity between, say, 15 aldermen and 24 aldermen is significant enough to warrant a cumbersome legislative body that alienates voters. And while a greater number of aldermen may increase the likelihood that any citizen will know an elected official, this argument seems to favor the notion that government is about who you know and how much pull you have: after all, do we want citizens to call aldermen about potholes, or the public safety department? Aldermen may serve an important function as a secondary point of contact, but it seems detrimental to good government to foster the idea that they are primary. Last, the formation of powerful minorities may be slightly harder with a larger group, but as voting records will show, it is certainly no insurance against it.

**Q: How does Newton's government structure compare to the Model City Charter and other "role model" charters?**

**A:** The structure of Newton's legislature lies far outside the norm for communities of all sizes in Massachusetts as well as nationwide and does not conform at all to the suggestions of the Model City Charter. The next largest unicameral legislative body in Massachusetts is 15; most communities get by with 9, 11 or 13. In addition, because Newton's board rules require an alderman from each ward on every major committee, Newton's committees all have eight members; most communities get by with three or five members per committee. Given that the BoA's rules require only 3 members of a committee to conduct business, AND that any alderman can participate fully whether he/she is a member of that committee or not (meaning an issue relevant to a Ward that doesn't have a representative on that committee can still be quite well represented when required), one has to ask what the value is in having so many members of each committee.

In addition, Newton's combination of district representatives (ward aldermen) with quasi-at-large aldermen (officials elected citywide but with a residency requirement) is also highly unusual. Among communities with representatives elected both by district and at large, the number of at-large members

is usually only about 50% of the number of district members, and nowhere is it the majority, much less 200%. Please see the electoral committee's report for further detailed comparisons.

**Q: Which opportunities for improvement are, or should be, directly governed by the charter?**

**A:** In the end, the effectiveness of the legislature depends on those who hold office. While we would encourage the BoA to examine its current structure, especially its committee makeup and assignments, to look for ways to increase efficiency without sacrificing quality, in the end, anyone dissatisfied with the current structure and function of the board must look at ways to draw different candidates into the race.

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***Phase 3: Opportunities for Improvement***

**Q: What elements of Newton's government structure merit further study?**

**A:** This subcommittee did not find evidence of anything truly broken about our legislature, nor did we find a clearly superior alternative. Again, we would encourage the BoA to examine its current structure, especially its committee makeup and assignments, to look for ways to increase efficiency without sacrificing quality, and encourage citizens dissatisfied with the current board to run for office themselves or to recruit other candidates.

**Q: What changes should be considered?**

**A:** Although it's difficult to argue that the modest financial savings and a marginally less confused – but not necessarily more engaged – electorate are sufficient reason to mount the effort that would be required to change the number of aldermen, we do believe those advantages do outweigh the nebulous and, frankly, insubstantial claims on behalf of retaining such a large board.

**Q: How might these changes be implemented?**

**A:** Reducing the size of the board of aldermen appears to require a charter commission.

**Q: What would be the impact of selected changes?**

**A:** Ideally, the impact would be a more engaged citizenry and a reinvigorated legislature that is better able to make the perpetually difficult decisions before it.

## Job Descriptions for Aldermen/Councilors:

**Cambridge:** This is from the city council website:

The City Council, the policy setting arm of the City, derives its powers from the City charter and the laws and Constitution of the Commonwealth of Massachusetts. It authorizes public improvements and expenditures, adopts regulations and ordinances, levies taxes, controls the finances and property taxes of the City, and performs many related legislative tasks.

**NOTE:** Cambridge also lists objectives and goals for the city council.

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**Evanston, Ill:** Evanston does not list a job description on its website, but it does list Council Goals (shown below).

The City Council met in September 2009 to discuss goal setting. While each Alderman and the Mayor expressed the importance of all City services, they selected twelve goal areas to focus attention. These are in alphabetical order:

- Affordable Housing
- Budget Planning
- Capital Improvement Program Planning
- Climate Action Plan
- Economic Development
- Efficiency and Effectiveness of Services
- Federal/State/Regional Government Affairs Agenda
- Lakefront Development
- Northwestern University
- Police and Fire Pension Funding Issues
- Robert Crown Center Improvements
- Safety Issues

The Council selected subheadings the Capital Improvement goal (Street and Alley Infrastructure); Economic Development (Water Sales Issues and Neighborhood Revitalization) and Efficiency and Effectiveness of Services (Transparency of City Operations).

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**Haverhill:**

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**Lynn:**

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**Quincy:** This is from the city council website:

The City Council, the policy setting arm of the City, derives its powers from the City Charter and the laws and Constitution of the Commonwealth of Massachusetts. It authorizes public improvements and expenditures, adopts regulations and ordinances, reviews and approves the City's Annual Budget and performs many related legislative tasks.

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**Somerville:** from its municipal code found easily online:

The board of aldermen shall, except as is otherwise provided herein, have and exercise:

1. All the powers, authorities and duties of towns, of boards of aldermen, and of the mayor and aldermen and city councils and common councils of cities under General Laws, provided that all appointments required by law to be made by the mayor and aldermen shall be made by the mayor, subject to confirmation by the board of aldermen.
2. The powers, authorities and duties now held by the City of Somerville, or by the city council, or by the common council, or by the board of aldermen or the board of mayor and aldermen of Somerville, by special laws.
3. Subject to the veto power of the mayor, as hereinbefore provided, the power, without appeal from its decision, to lay out, locate anew, alter, widen and discontinue town ways and streets and to order specific repairs or a change of grade therein; to order the construction of sidewalks and of sewers, and to take real estate therefore. Any such taking shall be made under Chapter seventy-nine of the General Laws, and any person injured in his real estate by any acts done by said board hereunder may recover his damages under said chapter. No town way or street shall be laid out, located anew, changed as to grade or otherwise, widened or discontinued, until a public hearing has been had, after notice given in accordance with the General Laws relating to town ways. Said hearing may be adjourned from time to time. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners of Middlesex County in respect to ways, streets and highways in said city.  
(Acts 1938, Chapter 268, approved May 5, 1938.)
4. The power to make ordinances and to affix penalties for the violation thereof. The penalty for the violation of any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be a fine not to exceed three hundred dollars for each offense; provided, however, that when a higher penalty is permitted by the General Laws, such higher penalty shall be the maximum for each offense.

(Acts 1973, Chapter 949, accepted March 14, 1974 by the Board of Aldermen; Acts 1988, Chapter 171).

[Sec. 18.](#) - [Appropriations for expenditures.]

On or before the thirtieth day of April in each year the board of aldermen shall appropriate the amount necessary to meet the expenditures of the city for the current municipal year, and to provide the ways and means for raising the same. It shall take care that no money be paid from the treasury unless the same is granted or appropriated, and shall require bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody and disbursement of money. All votes of board of aldermen making appropriations of money shall show the specific objects for which the appropriations are made. The board of aldermen may appropriate money from time to time in aid of the Somerville Hospital, and in return for such appropriation may arrange for the care of such city patients as can be received at the hospital; but such appropriation, shall not exceed in any one year a sum amounting to one-hundredth of one percent of the assessed valuation of the taxable property of the city for the preceding year.

[Sec. 19.](#) - [Establishment of fire limits.]

The board of aldermen shall have power to establish by ordinance fire limits within the city, and from time to time change or enlarge the same, to regulate the construction of all buildings erected within said fire limits, determining their size, situation, and the material of which they shall be constructed, and to make such other rules and regulations as shall tend to prevent damage by fire; provided that such rules and regulations shall not be inconsistent with the laws of the Commonwealth.

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**Waltham:** Below if from the city council webpage:

The City Council derives its power and authority from the City Charter, the General Ordinances of the City, Massachusetts General Laws and the Constitution of the Commonwealth of Massachusetts. The City Council is the legislative body of City Government, adopting Ordinances, Orders and Resolutions while approving or confirming appropriations, appointments and other matters proposed by the Mayor .

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**West Hartford, CT:** West Hartford lists on its website job descriptions for each committee, but not for the council as a whole.

Comparison of Committee Structures

	<b>Newton</b>	<b>Somerville</b>	<b>Cambridge</b>	<b>Lynn</b>	<b>Quincy</b>	<b>Haverhill</b>	<b>Waltham</b>	<b>West Hartford, CT</b>	<b>Evanston, IL</b>
<b>Board Committees</b>									
<b>Administration and Technology</b>			yes { Government Operations]					yes	
<b>Blue Ribbon Commission</b>	<b>yes (special)</b>								
<b>Cable TV</b>			yes						
<b>Capital Planning</b>		yes	yes [Public Facilities, Arts & Celebrations]				yes [Long-Term Debt]	yes [Finance and Budget]	
<b>Citizens Advisory Group</b>	<b>yes (special)</b>								
<b>Civic Unity</b>			yes						
<b>Claims</b>			yes						
<b>Community Preservation</b>	<b>yes</b>								
<b>Confirmation of Appointments</b>		yes	yes [Government Operations & Rules]						
<b>Education</b>					yes			yes [Education Liaison]	
<b>Environment &amp; Energy</b>		yes	yes [Health & Environment]		yes [Environment]	yes [Natural Resources and Public Buildings Committee]		yes [Community Planning and Physical Services]	
<b>Finance</b>	<b>yes</b>	yes	yes [Committee of the Whole]		yes	yes [Administration and Finance]	yes	yes [Finance and Budget]	yes [ad hoc Budget Policy]
<b>Government Liaison</b>								yes	
<b>Housing and Community Dvpt</b>		yes	yes [Housing; Neighborhood Long-Term Planning]				yes [Community Development]	yes [Community Planning and Physical Services]	yes [special committee]
<b>Information Technology</b>		yes							
<b>Land Use</b>	<b>yes</b>	yes	yes [Economic Development]		yes [Downtown and Economic Development]	yes [Planning and Development]		yes [Community Planning and Physical Services]	yes [Planning & Development; Economic Development--special committee]
<b>Legislative Matters</b>		yes	yes [Ordinance which is a Committee of the Whole]		yes [Ordinance]		yes [Ordinance and Rules]		



	<b>Newton</b>	<b>Somerville</b>	<b>Cambridge</b>	<b>Lynn</b>	<b>Quincy</b>	<b>Haverhill</b>	<b>Waltham</b>	<b>West Hartford, CT</b>	<b>Evanston, IL</b>
<b>Licenses and Permits</b>		yes					yes [License and Franchise]		
<b>Long-Range Planning</b>	<b>yes (special)</b>								
<b>Newton North High School</b>	<b>yes (special)</b>								
<b>Off-Leash Dog Park Task Force</b>	<b>yes (special)</b>								
<b>Parks and Open Space</b>		yes			yes [Parks and Recreation]			yes [Human Services]	
<b>Post-Audit &amp; Oversight</b>	<b>yes</b>				yes [Oversight]				
<b>Programs &amp; Services</b>	<b>yes</b>								
<b>Public Facilities</b>	<b>yes</b>		yes						
<b>Public Health and Safety</b>		yes	yes [Public Safety]		yes [Public Safety]	yes [Public Safety]		yes [Public Safety; also Human Services for public health]	
<b>Public Safety and Transportation</b>	<b>yes</b>								
<b>Public Utilities and Public Works</b>		yes	yes [Telecommunications & Public Utilities; Public Facilities, Arts & Celebrations]		yes [Public Works]		yes [Public Works]	yes [Community Planning and Physical Services]	yes [Administration & Public Works]
<b>Real Property Reuse</b>	<b>yes</b>								
<b>Rules</b>	<b>yes (special)</b>	yes			yes		yes [Ordinance and Rules]	yes	yes
<b>Senior Services</b>		yes			yes			yes [Human Services]	
<b>Traffic Council</b>	<b>yes</b>	yes [Traffic & Parking]	yes [Transportation, Traffic & Parking]					yes [Community Planning and Physical Services]	
<b>Training and Employment</b>			yes						
<b>University Relations</b>			yes						
<b>Veterans and Public Services</b>		yes	yes [Veterans]				yes [Veteran Service]		yes [Human Services]
<b>Youth Services</b>		yes						yes [Human Services]	
<b>Zoning</b>	<b>yes</b>								
<b>Zoning &amp; Planning Task Force</b>	<b>yes</b>								

<b>Size of the Committees:</b>							
<b>Somerville:</b>		3 members on each committee with the following exceptions: 5 each on Confirmation of appointments; finance; legislative matters					
<b>Cambridge:</b>		usually 3 people with one a chair; many of these committees meet only a few times (or less) a year NOTE: The committees listed above were for the 2009 year; this year there may be new committees created by the Mayor.					
<b>West Hartford, CT</b>		as written in the Standing Rules, each committee has 3 councilors, with not more than two of the same political party					
<b>Quincy:</b>		each committee has 5 councilors with the following exceptions: Finance and Ordinance & Oversight each have 9 members					
<b>Waltham</b>		each committee has 5 councilors; no exceptions					
Evanston		Evanston also has three special committees: City-Chamber; City-Northwestern; City-Special Liaison; and Lorraine H. Morton Civic Center					

## SCHOOL COMMITTEE

### INTRODUCTION

According to Newton's City Charter, the powers of managing and controlling the City's public schools reside in a publicly elected School Committee. Article 4 of the City Charter addresses the election, composition, organization, and general powers and duties of the School Committee. This Article constitutes the only provisions in the City Charter directly and specifically describing city governance of its public schools. Apart from what is provided for in the Charter and the School Committee's own internal rules and procedures, management and control of the public schools is largely codified by state law. The Massachusetts General Laws have broad application to a broad array of school-related matters, including the powers and duties of a local School Committee. To this extent, the provisions in the Newton Charter must, of course, accord with corresponding statutory provisions. The city charters of Somerville, Mass. and Springfield, Mass. were analyzed for comparative purposes, as was the school governance model utilized by Evanston, Illinois, one of the benchmark communities. The Model City Charter does not address governance of public schools.

#### **I. SECTION 4-1**

##### **A. Description**

**Section 4-1** describes the composition of the School Committee; eligibility requirements for candidates for School Committee membership; and Terms of Office (including term limits).

*(a) The Committee is composed of nine members, which together exercise control and management of the City's public schools: eight "school committeemen" who are nominated and elected by the voters at large, and each one is elected from each of the eight wards of the City, and the Mayor who serves in an ex officio capacity with full voting power.*

*(b) A candidate for School Committeeman must be a resident of the ward he/she represents from the time nomination papers are made available by the election commission until and including the first day of the term of office. If a committeeman moves to another ward in the course of his/her term, he/she continues to serve until completion of the term. If a committeeman moves out of the city, a vacancy is created.*

*(c) The term of office is two years which commences on the first day of January following the election. By a 1975 Referendum, no School Committeeman can serve for more than four consecutive terms.*

##### **B. Analysis**

A review of other Massachusetts city charters shows variations with respect to composition: Somerville's School Committeemen are elected by their respective wards, not at-large and include the mayor and president of the board of aldermen who serve ex officio. Otherwise, Somerville's Charter reflects the same provisions respecting election cycle and terms of office as Newton's (but without a term limitation). Title 5, Section 28. By contrast, Springfield's School Committee is comprised of

members elected at-large, without geographic representation requirements, and the mayor to serve as chair, and provides for three-year terms on a staggered election cycle. Section 31.

### **C. Recommendations**

We conclude that the number, composition and ward representation combined with at-large election paradigm for Newton's School Committee present no issues necessitating revision or restructuring. However, it is our conclusion that serious consideration should be given to extending the term of office from two year to three or four years, staggering the election cycle for members, and removing the term limitation.

The rationale for such modifications are:

A two-year term is not adequate time for new School Committeemen to gain mastery of the details of the finances, operations, and personnel of the school system and also be effective policy-makers or budgetary analysts. Experience has shown that there is a steep learning curve of 12-18 months, depending on any one individual's degree of prior knowledge about the system. A two-year term is too brief a time period for committeemen to attain sufficient expertise and for the electorate to fairly assess any individual member's relative effectiveness in the office. Additionally, a two-year election cycle forces members into campaign mode for at least a quarter of each term, thus directing time and effort elsewhere. Related to the short term of office issue is the problem of having all candidates on the same election cycle. Without staggered terms, the institution of the school committee might suffer from a lack of continuity, depending on the number of contested races in any particular year. Taking the most radical possibility -- a complete turnover in membership-- the committee's ability to function smoothly may be impaired for a time due to a change of skill sets, lack of experience, and loss of historical perspective. Staggered terms preserve some measure of continuity and knowledge, and as such ensure the committee's ability to function smoothly during electoral transitions. Finally, it seems irrational to impose terms limits upon one city office, but not others. Assuming the School Committee term limitation was conceived in direct response to a frustrated electorate having to endure excessively long-serving officials, it is punitive and inequitable to continue imposing this term limitation on this one office.

There is obvious overlap in these provisions with the Charter Study pertaining to the Electoral Process, and some reconciliation of recommendations between the two Study groups may be in order before arriving at consensus questions.

## **II. SECTION 4-2**

### **A. Description**

**Section 4-2** describes the election and organization of School Committee officers and the establishment of internal rules of procedure.

(a) *The School Committee elects a chair and a vice-chair from its membership, and a secretary from outside the membership.*

(b) *A majority of School Committee members constitutes a quorum.*

(c) *The School Committee is empowered to establish rules of its proceedings. All meetings are conducted in compliance with the Commonwealth's "Open Meeting Law" and whose proceedings are recorded.*

**B. Analysis**

A review of other Massachusetts city charters shows a range of options, with Newton in line with some of them. Again, Somerville's (Title 5, Sections 29 and 30) reflects the same provisions respecting organization, quorum and rules for proceedings as Newton's; and Springfield's (Sections 31 and 35) reflect the same provisions with respect to organizational structure and open meeting law as Newton's.

**C. Recommendations**

No changes.

**III. SECTION 4-3**

**A. Description**

**Section 4-3** describes the Powers and Duties of the School Committee.

*The School Committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the Board of Aldermen may by ordinance from time to time assign. The powers of the School Committee shall include but not limited to the power to (1) appoint a superintendent, (2) appoint all other officers and employees connected with the schools, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them at its pleasure, (3) furnish all school buildings with proper fixtures, furnishings and equipment, and (4) provide ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to two per cent of the School Department's operating budget adopted for the preceding fiscal year, but sums in excess of said maximum for the provision of ordinary maintenance and repairs may be appropriated by the Mayor and Board of Aldermen, and no sums appropriated to accounts for such ordinary maintenance and repairs shall be transferred without a two thirds vote of the Board of Aldermen.*

**B. Analysis**

1. Consideration should be given as to whether there should be any specific description of School Committee duties and responsibilities in the City Charter. Considering that most School Committee duties/responsibilities are codified by state statute (see Chapter 71 of Mass. General Laws), the question is whether it makes any sense to re-state what is already provided for under the law. Besides presenting the minor issue of redundancy, it presents the bigger impediment of capturing

statutory revisions and amendments in a timely manner as they occur. The more detailed the description of duties in the charter provision, the greater the risk of inflexibility and obsolescence. A review of other city charters shows a decided tendency to describe the powers and duties of the School Committee in the most general terms. Somerville's concisely states:

*"The management and control of the public schools including school buildings shall be vested in a school committee, which shall exercise the power conferred and discharge the duties imposed by law upon school committees." (Title 5, Section 28)*

In essence, this provision, in very few words, invokes by reference the powers and duties accorded the office by state law. Springfield's provision contains a bit more detail but is nonetheless quite general in describing the purview of the School Committee:

*"...the school committee, in addition to the powers and duties conferred and imposed by law on school committees, may provide, when necessary, temporary accommodations for school purposes, may make all repairs, the expenditures of which are made from the regular appropriation for the school department, shall have control of all school buildings and grounds connected therewith and shall make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee." (Section 33)*

If, however, an enumeration of the powers and duties of the School Committee in the City Charter is deemed preferable, then consideration should be given to reciting several other duties which, in their totality, realistically reflect the array of matters school committees are responsible for, for example:

Establish and periodically review educational goals and policies for the schools consistent with the requirement of law and the statewide goals and standards established by the applicable Boards of Education; review and approve a budget for education for the city schools according to a process and timeline developed with the superintendent; act as "employer" of school employees for collective bargaining purposes; establish, upon the recommendation of the superintendent, the performance standards for teachers and other school employees; adopt a professional development plan for all professional staff in the school system; review and approval annual school improvement plans for each school; approve major adoption or revision of curriculum upon recommendation of the superintendent; maintain open communication between the community and the schools through regular public meetings.

2. There are other aspects of the powers and duties provision presently in Newton's City Charter that merit particular scrutiny:

a. The clause at **4-3(2)** is no longer consistent with Massachusetts law concerning the powers and duties of School Committees. Namely, the City Charter currently cites that the school committee is empowered to appoint "*all other* [i.e., other than superintendent] *officers and employees connected with the schools....*" This broad appointment authority is no longer the exclusive purview of

the School Committee, but is now shared with school superintendents and principals, pursuant to the Education Reform Act of 1993. Since that date, local school committees' powers to appoint and set compensation pertain to the superintendent, assistant and associate superintendents, the school business administrator, administrator of special education, school physicians and registered nurses, legal counsel, and supervisors of attendance.

b. The clause at **4-3(4)** has proven to be inconsistent with current practice. Reductions to the operating budget over the past decade have impeded the School Committee's ability to make maximum allocations (2%) consistent with the "charter maintenance" provision. Given the vagaries of future revenues as well as the possibility of structural changes being made to the delivery of repair/maintenance services to city-owned properties, serious consideration should be given as to whether the mandate of charter maintenance should be retained.

**C. Recommendations**

Reframe the overall provision at **4-3** to state:

The school committee shall exercise all powers and duties conferred or imposed by law, including, to the extent consistent with applicable law, making all reasonable policies, rules and regulations for the management of the public schools and public school buildings of the city.

*OR*

The management and control of the public schools including school buildings shall be vested in a school committee, which shall exercise the powers conferred and discharge the duties imposed by law upon school committees.

Revise the clause at **4-3(2)** to reflect the limitations on the appointment powers of the School Committee, or delete altogether if the entire powers and duties provision is reframed to describe responsibilities in the most general terms.

Revise the clause at **4-3(4)** to state: provide ordinary maintenance and repairs on all school buildings. [delete the remainder of the sentence], or delete the clause altogether if the entire powers and duties provision is reframed to describe responsibilities in the most general terms.

**IV. SECTION 4-4**

**A. Description**

Section **4-4** describes the role of the School Committee with respect to school buildings:

*Whenever in the opinion of the School Committee a new schoolhouse is required or material alterations are needed, it shall send a written communication to the Board of Aldermen stating the locality and the nature of the further provisions for schools which are needed; and no schoolhouse shall be located, built*

or materially altered until the School Committee shall have been consulted as to the proposed location and plans and had full opportunity to set forth its requirements.

**B. Analysis**

As indicated above, Somerville's very general provision encompasses the exercise of authority over school buildings. (Title 5, Section 28). Like Newton's Charter, Springfield's Charter contains a discrete provision pertaining to the location and erection of schools and approvals required thereto:

*"No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless with the approval of the school committee and the mayor...."* (Section 34)

In terms of content, Newton's and Springfield's are similar, although Newton's is slightly more detailed as to procedure. Substantively, there does not appear to be a basis for revising this clause since there has been no deviation in practice nor conflict with law detected. Moreover, should the city's executive department restructure its oversight of capital projects, the language of this provision is not implicated.

**C. Recommendations**

No change.

**VI. SECTION 4-6**

**A. Description**

Section 4-6 describes the mechanism for filling vacancies on the School Committee:

*If there be a vacancy, by failure to elect or otherwise, on the School Committee within the first fifteen calendar months of the term for which school committeemen are elected, the Board of Aldermen shall forthwith call a special election to fill such vacancy. Such election shall be by voters of the whole city.*

*If such vacancy shall occur after fifteen calendar months of the term for which school committeemen are elected, no special election shall be held, and the person elected at the next regular City election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term.*

**B. Analysis**

Somerville's Charter provides:

*"If a vacancy in the office of school committeeman shall occur one year or more prior to any regular municipal election, the board of aldermen shall forthwith order a special election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of such school committeeman. But, if the vacancy in the*



*office...shall occur less than one year prior to any regular municipal election, it shall be filled for the remainder of the term by ballot of the remaining members of the school committee, the member so elected to be a qualified voter of the ward in the representation of which on said committee the vacancy exists." (Title 5, Section 28)*

Springfield's Charter provides:

*"...If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the first Monday in January following the next regular municipal election; and, if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the balance of the unexpired term...." (Section 36)*

While each city takes a slightly different approach to handling vacancies in office, the actual experience in Newton has not been such to raise this as a problematic issue. Theoretically, however, the mechanism enshrined in Newton's Charter can potentially leave the School Committee without a full complement of membership between the sixteenth and twentieth month of a term.

### **C. Recommendations**

No change.

### **BENCHMARK CITY COMPARISON**

A review of the literature about the local Board of Education in one of the benchmark cities, Evanston, Illinois, is illuminating. While the relevant directives are not contained in a City Charter per se, and the organization of the school district is not coincident with Newton's, the similarities and differences are instructive. Evanston's Board of Education for its elementary and middle schools, District 65 (which includes students from Evanston as well as parts of the abutting village of Skokie), consists of seven members, elected at-large, who serve four-year terms in staggered election cycles. Pursuant to its own procedures, each board member is assigned to serve as liaison to two to three schools (the high school is its own self-contained school district and, thus, does not come under District 65 Board's authority). Like Newton, many -- perhaps, even more -- aspects of the Board's organizational structure and scope of authority are grounded in state statute. Other similarities include the adoption of a five-year strategic plan and the development of the Board's own goals. From a research perspective, the Board has amassed all its policies and procedures into a 52-page compendium or manual, with full descriptions and citations to relevant law. A one-stop reference tool, such as this, is useful for both elected officials and members of the community alike.

### **CONCLUSIONS**

Although particular revisions to the Charter are recommended, the conclusion is that none of these recommendations -- taken individually or in totality -- present a basis for forming a Charter Commission.

Other mechanisms can facilitate at least some revisions. Nevertheless, we do recommend advocating for and adopting as LWVN positions the following:

1. Lengthening the term of office for School Committee members.
2. Establishing staggered election cycles.
3. Eliminating the 2 per cent charter maintenance clause.
4. Revising the provision describing the Powers and Duties to be more inclusive, flexible, and up to date.

Submitted by  
Gail E. Glick  
Chair, LWVN Charter Study/Schools Subcommittee  
March 25, 2010

League of Women Voters Newton  
Charter Study – Financial Committee  
Executive Summary

Audit: The LWVN Charter Financial Committee felt the City of Newton needs a more formal and rigorous audit process. The two alternatives that were discussed were a 5 member citizens committee to act as an audit committee or a committee of the Board of Alderman, perhaps supplemented with citizens, formally charged with audit responsibility. Rather than propose changes to the Charter, the LWVN Charter Financial Committee is going to propose an ordinance to achieve this result.

Comptroller: The LWVN Charter Financial Committee also considered whether the Comptroller should be appointed by and report to the Mayor instead of being appointed by and reporting to the Board of Aldermen. Although not unanimous, the majority of the LWVN Charter Financial Committee believed that the benefits of having a Comptroller independent of the Mayor's office, serving as a check and balance to a strong Mayor, outweighed the benefits of having the entire financial team for the City working as a single unit.

Charter Maintenance: The LWVN Charter Finance met with the LWVN Charter Education Committee. The 2% rule for charter maintenance should be removed from the Charter as it is an arbitrary percentage and serves little purpose as either a floor or a ceiling for the percent of the school budget that should be directed towards maintenance. However, the 2% rule is not an impediment to funding appropriately or managing the process of maintenance of school buildings

Goals, Outcomes & Funding: The National Advisory Council on State and Local Budgeting (NACSLB) and the Government Financial Officers Association (GFOA) have identified four essential principles of effective budgeting, including: (1) set broad goals to guide decisions, (2) develop strategies and financial policies, (3) design a budget supportive of strategies and goals and (4) focus on the necessity of continually evaluating a government's success at achieving the goals that it has set for itself (i.e., performance). The City of Newton Charter should reflect this widely agreed upon principles of including strategic planning, goal setting and performance measurement as part of the budget process.

Capital Improvement Program: The Capital Improvement Program should be explicitly linked to the long-term goals and outcomes for Newton. The current charter requirements for listing all capital improvements realistically expected to be undertaken in the next five years with cost estimates, method of financing and recommended time schedules should be implemented.

League of Women Voters Newton  
 Charter Study – Financial Committee

<p><b>City of Newton Charter</b>                      (current charter language in non-bold;                      recommended additions in bold)</p>	<p><b>COMMENTS</b></p>
<p>Sec. 2-7. City Clerk; Comptroller of Accounts.</p> <p>As soon as practicable after the board of aldermen has been organized, it shall elect, by ballot or otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for the term of two years and until their successors are qualified, unless they are removed by vote of a majority of the full board, taken by ballot. Vacancies in the said offices shall be filled for the balance of any unexpired term by the Board of Aldermen.</p> <p>(a) City Clerk—The City Clerk shall have such powers and perform such duties as the Board of Aldermen may prescribe in addition to such duties as may be prescribed by law.</p> <p>(b) Comptroller of Accounts—The Comptroller of Accounts shall keep and have charge of the accounts of the City. He shall regularly audit the books and accounts of all City agencies, and he shall have such powers and perform such other duties as the Board of Aldermen may prescribe in addition to such duties as may be prescribed by law. (Acts of 1991, chapter 50.)</p>	<p><u>Audit</u>: The LWVN Charter Financial Committee felt the City of Newton needs a more formal and rigorous audit process. Currently, the audit function is overseen by a sub-committee of the Board of Aldermen’s Finance Committee. It is composed of Aldermen who volunteer to serve on the sub-committee. The two alternatives that were discussed were a 5 member citizens committee to act as an audit committee or a committee of the Board of Alderman, perhaps supplemented with citizens, formally charged with audit responsibility. Rather than propose changes to the Charter, the LWVN Charter Financial Committee is going to propose an ordinance to achieve this result. It appears that the BoA may be implementing the second option now.</p> <p><u>Comptroller</u>: The LWVN Charter Financial Committee also considered whether the Comptroller should be appointed by and report to the Mayor instead of being appointed by and reporting to the Board of Aldermen. Although not unanimous, the majority of the LWVN Charter Financial Committee believed that the benefits of having a Comptroller independent of the Mayor’s office, serving as a check and balance to a strong Mayor, outweighed the benefits of having the entire financial team for the City working as a single unit.</p>

Sec. 4-3. General Powers and Duties.

The School Committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the Board of Aldermen may by ordinance from time to time assign. The powers of the School Committee shall include but not be limited to the power to (1) appoint a superintendent, (2) appoint all other officers and employees connected with the schools, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them at its pleasure, (3) furnish all school buildings with proper fixtures, furnishings and equipment, and (4) provide ordinary maintenance and repairs on all school buildings. ~~Provide ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to two per cent of the School Department's operating budget adopted for the preceding fiscal year, but sums in excess of said maximum for the provision of ordinary maintenance and repairs may be appropriated by the Mayor and the Board of Aldermen, and no sums appropriated to accounts for such ordinary maintenance and repairs shall be transferred without a two thirds vote of the Board of Aldermen.~~

Charter Maintenance: The LWVN Charter Finance met with the LWVN Charter Education Committee. Both groups agreed with the changes set forth. Both groups think that maintenance and repair of all City buildings, including schools, should be consolidated. This consolidation would be consistent with another important goal, adopting a comprehensive capital planning process for the City and the schools. Such a consolidation was not proposed pending further consideration of a mechanism to bring School Committee members and/or school officials and Aldermen and/or the Mayor and City officials together to oversee renovation, replacement, repair and maintenance. In the meantime, the 2% rule for charter maintenance should be removed from the Charter as it is an arbitrary percentage and serves little purpose as either a floor or a ceiling for the percent of the school budget that should be directed towards maintenance. However, the 2% rule is not an impediment to funding appropriately or managing the process of maintenance of school buildings.

Sec. 5-1. Submission of Budget; Budget Message.

Within the period prescribed by state statute, the Mayor shall submit to the Board of Aldermen a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The Mayor's message shall explain the budget for all City agencies both in fiscal terms and in terms of work programs, **linking those programs to organizational goals and community**

See comments below.

<p><b>priorities.</b> It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the City's debt position and include such other material as the Mayor deems desirable or the Board of Aldermen may reasonably require.</p>	
<p><b>Not in Charter at present</b></p> <p><b>Sec. 5-1.5 Budget</b></p> <p><b>The Budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Mayor deems desirable or the Board of Aldermen may require for effective management and an understanding of the relationship between the budget and the City's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:</b></p> <p><b>(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund (including, without limitation, each utility or other enterprise fund or internal service fund operated by the city) and by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;</b></p> <p><b>(2) Proposed longer-term goals and capital</b></p>	<p><u>Goals, Outcomes &amp; Funding:</u> The National Advisory Council on State and Local Budgeting (NACSLB) has identified four essential principles of effective budgeting. The specific principles include: (1) set broad goals to guide decisions, (2) develop strategies and financial policies, (3) design a budget supportive of strategies and goals and (4) focus on the necessity of continually evaluating a government's success at achieving the goals that it has set for itself (i.e., performance). The Government Financial Officers Association (GFOA) has officially adopted the recommendations of the NACSLB. The GFOA also has issued separate recommended practices on strategic planning and performance measurement. All of these documents underscore GFOA's longstanding support of strategic planning and performance measurement as part of the budget process.</p> <p>Consistent with the NACSLB principles, a growing number of governments use a budgeting for results and outcomes approach. Rather than starting with the prior period's budgeted programs and activities, they begin with available revenues, continue with a consideration of desired results and strategies, and then conclude by deciding what activities and programs can best achieve desired results.</p> <p>This approach is a marked departure from the incrementalism often characteristic of budgeting. Budgeting for results and outcomes links strategic planning, long-range financial planning, performance measures, budgeting and evaluation. It also links resources to objectives at the beginning of the budgetary process, so that the primary focus is on outcomes rather than organizational structure.</p>

<p><b>expenditures during the ensuing fiscal year, detailed for each fund and by department or by other organization unit when practicable, the proposed method of financing each such expenditure, and methods to measure outcomes and performance related to the goals; and</b></p> <p><b>(3) For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.</b></p>	
<p>Sec. 5-2. Action on the Budget.</p> <p>The Board of Aldermen shall adopt the budget, with or without amendments, within forty-five days following the day the budget is received by it. In amending the budget, it may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.</p> <p>If the Board of Aldermen fails to take action with respect to any item in the budget within forty-five days after receipt of the budget, such amount shall, without any action by the Board of Aldermen, become a part of the appropriations for the year, and be available for the purposes specified.</p>	<p>No changes recommended.</p>
<p>Sec. 5-3. Capital Improvement Program.</p> <p>(a) Submission—The Mayor shall prepare and submit to the Board of Aldermen a five-year Capital Improvement Program at least six months prior to receipt of the next fiscal year's operating budget.</p> <p>(b) Contents—The Capital Improvement Program shall include: (1) a clear summary of its contents; <b>(2) identification of the long-term goals of the community;</b> (3) a list of all capital improvements proposed to be undertaken during the next five fiscal years with supporting data; (4) cost estimates, method of financing, and recommended time schedules and (5) the estimated annual cost of operating and maintaining the facilities included <b>and (6) methods to measure outcomes and</b></p>	<p><u>Capital Improvement Program:</u> The Capital Improvement Program should be explicitly linked to the long-term goals and outcomes for Newton. The current charter requirements for listing all capital improvements realistically expected to be undertaken in the next five years with cost estimates, method of financing and recommended time schedules should be implemented. After the capital budget or multi-year capital plan is adopted, a government should decide how to best present major capital program highlights in the operating budget document. An exceptional capital presentation enhances the transparency and accountability to citizens. It gives a broader context for citizens to understand major components of the capital budget and its relationship to the operating budget.</p>

<p><b>performance of the capital plan related to the long-term goals of the City.</b> The above information shall be revised and extended each year.</p> <p>(c) Public Hearing—The Board of Aldermen shall publish in one or more newspapers of general circulation in the City the general summary of the Capital Improvement Program and a notice stating: (1) the times and places where copies of the Capital Improvement Program are available for inspection by the public, and (2) the date, time, and place, not less than two weeks after such publication, when a public hearing on said program will be held by the Board of Aldermen.</p> <p>(d) Adoption—After the public hearing, concurrently with the passage of the next fiscal year's budget, the Board of Aldermen shall by resolution adopt the Capital Improvement Program with or without amendment. (Referendum of 11-4-75)</p>	
<p>Sec. 5-4. Contracts. All contracts entered into for or in behalf of the City by any officer or City agency shall be subject to the approval of the Mayor.</p>	<p>No changes recommended.</p>



### **Mayor vs. City Manager in Relation to Financial Matters**

There are strengths and weaknesses to each organizational structure. Either can use thoughtful financial processes with strong financial outcomes.

	Strong Mayor	City Manager
Strengths	<ul style="list-style-type: none"> <li>• Sensitive to citizens needs</li> <li>• Elected every four years so regularly evaluated with potential turnover</li> <li>• Democratic</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially more managerial and financial expertise</li> <li>• More likely to consider long-term financial needs and be less political</li> <li>• In theory, can be fired easily</li> <li>• Continuity of professional experience with subsequent City Managers</li> <li>• May diffuse the power of special interests or narrow interests taking a community-wide perspective</li> </ul>
Weaknesses	<ul style="list-style-type: none"> <li>• Prone to focus on short-term (i.e., less than four year) financial outcomes</li> <li>• May have little financial or managerial experience</li> <li>• May be prone to political rather than professional appointments</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially too sensitive to needs of the City Council</li> <li>• Potentially insulated from citizens</li> <li>• Only accountable to a few people</li> </ul>

### **Specificity in the Charter in Relation to Financial Matters**

General agreement that the Charter should include only timeless, well-accepted, enduring management and financial policies that should be modified infrequently

## League of Women Voters Charter Study

### Administration

Admin Function	Newton	Model City Charter	Cambridge	Worcester	Brookline	Somerville
Department Organization	<p>Department organization is not included in Newton City Charter or its Administrative Code.</p> <p>Administrative code does include the listing of commissions and boards as well as information on Neighborhood Area Councils.</p>	<p>There should be a administrative code adopted that details department organization</p>	<p>All departments are listed in their administrative code.</p> <p>The current org chart is given on the city website.</p>	<p>Cabinet (not defined in charter) comprised of</p> <ul style="list-style-type: none"> <li>•Assistant City Manager</li> <li>•Emergency Communications Director</li> <li>•Fire Chief</li> <li>•Police Chief</li> <li>•Human Resources Director</li> <li>•City Solicitor</li> <li>•Public Works &amp; Parks Commissioner</li> <li>•Chief Financial Officer</li> </ul> <p>Charter contains some organizational information regarding School Committee. Other departments and commissions listed in Manual, which is published annually.</p>	<p>By Laws include a listing of departments and sub-departments.</p>	

<p>Department operating rules and regulations</p>	<p>Administrative code is very detailed for HR department and the various financial positions. No detail on other larger positions such as DPW, Planning or School Administration.</p>	<p>The administrative code should detail department operating rules and regulations</p>	<p>Each department is listed giving detailed responsibilities for each department</p>	<p>There are some specific rules related to specific financial management activities. Other departments are not covered.</p>	<p>Some high level information is given for some departments. Human resources is the only department with significant detail.</p>	
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Admin Function	Newton	Model City Charter	Cambridge	Worcester	Brookline	Somerville
Appointment of Department Head	Mayor appoints department heads as well as people serving on board and commissions. Confirmed by Board of Alderman		City manager appoints Department heads as well as people serving on board and commissions.	City manager appoints Department heads as well as people serving on board and commissions. Confirmed by city Council.	Appointment is done by Board of Selectman	
Qualifications for Department Heads	Qualifications for HR department heads are detailed. No other department heads are included.	Charter should state a commitment to the merit principle "All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness..."	None are listed.	Charter lists minimal qualifications for City Manger. There is an annual performance review of the city manager in an open, public meeting.  There are no other qualifications listed for other department heads.	High level qualifications for the CIO are given. There is not detail on other departments	
Removal of Department Heads	Only the mayor may remove an officer appointed by the mayor	The power to remove an officer should be in the hands of the person who is charged with appointing them.	Officers can only be removed by the city manager	Officers can only be removed by the city manager.	Removal is done by Board of Selectman	

Admin Function	Newton	Model City Charter	Cambridge	Worcester	Brookline	Somerville
Reorganization of Departments	A plan may be submitted by Mayor to the Board of Alderman who can either accept or reject in whole. Board can also submit their own reorganization plans.	The power to establish, alter or abolish any city departments, agency or office should be only in the hands of one group		A plan may be submitted by City Manager to the City Council. City council can either accept or reject in whole after public debate.		
Performance management and goals	None are given. CAG suggested that a new, more analytical approach was needed	None are given		None given related to the city.	Individual commissions and boards are required to produce an annual report.	

The LWVMass positions are explained in "Where We Stand" (pp 27-29) under Member Resources on the website.

Under the "Government" positions, "Public Personnel" is listed, stating the following goal: A public personnel system based upon merit principles and enlightened practices. The studies date from the 30's, 60's and 70's. Ch. 767 of the Acts of 1981 provides for performance evaluation, a career executive service, decentralization of the state system, improved recruitment programs and examination procedures and a local option,

Ch. 31A, which gives cities and towns the option to manage their own personnel system subject to state standards and guidelines. The League comment added later: Budgetary limitations imposed by Proposition 2 1/2 make it unlikely that many communities will take advantage of CH. 31A.

## NEWTON LEAGUE OF WOMEN VOTERS CHARTER REVIEW

### Subcommittee: **Land Use**

The present Charter deals with Land Use and Development under Article 7. Section 7-1 establishes the Department of Planning and Development. Section 7-2 establishes the requirement for a Comprehensive Plan and the method of adoption. Section 7-2 Details the implementation of the Comprehensive Plan.

Discussion: the Charter does not specify how often a Comprehensive Plan should be revised or rewritten. This leaves the city with the possibility of an old and outdated plan as has happened in the past. The Charter does not specify who should be responsible for the revised or rewritten plan. Should the Mayor be responsible for its update? Should the Board of Aldermen, if so, should it be the Board President, the Chair of the Land Use Committee or some other Alderman? Although the Planning and Development Department does evaluate planning decisions in reference to the Comprehensive Plan, that is not usually the case with the Board of Aldermen. Is there a way to enforce this evaluation by the Board of Aldermen?

The Model Cities Charter (MCC): In Section 4.04 of the MCC the implementation of local Land Use, Development and Environmental planning is required to be consistent with applicable federal and state laws. It specifies that the agency, executive and the elected officials should "seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues. Four parts of the MCC ask the "city council" to 1) designate a planning agency 2) adopt a comprehensive plan and determine to what extent zoning and land use ordinances must be consistent with the plan 3) determine how much the comprehensive plan must be consistent with regional plans and 4) adopt regulations and ordinances to implement the plan.

Discussion: the Newton Charter does not reflect the fact that our city lives within a region and that development in the city should be consistent with regional plans and development. For example, if the region plans to encourage public transportation, some provision should be made for parking locations at the beginning and ends of public transit systems so residents of the region can park and leave their cars to take public transportation.

The MCC also does not specify who is responsible for updating and revising the comprehensive plan nor how often it should be done.

What elements of Newton's government structure merit further study?

In municipalities, the issue of special permits always arises. On occasion it is necessary to allow a usage or building in an area that does not allow for that usage or in which the land does not meet all the requirements of the ordinance. Each community has a special permit granting authority (SPGA).

Sometimes the authority lies with the elected officials. Sometimes it lies with a specified board such as a planning board or a zoning commission. Because these decisions are quasi-judicial, they need to be based on laws and plans. Because the board of aldermen is an elected body, it is very responsive to the

residents. However laudable that may be, it doesn't allow the elected officials to respond to requests for special permits based on objective criteria. In a study done by Leslie Burg for the Housing Action Plan Initiative (HAPI) in 2009, 15 municipalities in the Commonwealth were studied as to who holds the SPGA. Four cities, Chicopee, Fall River, Lynn and Newton gave the authority to the elected body. Seven cities had mixed authority between the elected body and an appointed body. These were: Waltham, Haverhill, Quincy, New Bedford, Everett, Lowell and Brockton. Four municipalities, Cambridge, Holyoke, Lawrence and Somerville had two appointed bodies sharing the authority.

Our Committee did not determine whether this authority should be specified in the Charter but we did agree that the authority should not be in the hands of an elected legislative body. We agreed that further study should be done on this.