

# **League of Women Voters of Newton**

## **Charter Study**

**April 2010**



**Final Report**

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## League of Women Voters Newton

### Charter Study Report

#### Introduction

In May of 2009, the League launched a study of Newton's charter. The last formal charter study was in 1966, so another review was overdue. While many individuals in Newton have strong opinions about the structure of its government, a guiding principle of the study was to avoid starting with conclusions.

The study undertook to review the branches of government, the electoral process, and the key resources of the city (financial, human, and land resources), *whether presently governed by the charter or not*, and to compare our city to other models. The next step was to consider whether our city is served by our current model, or whether a change is recommended. We looked beyond just changes to the charter, and examined various ways to improve the operation of our city government.

We have concluded that the League could benefit by adding support positions in the Government section of our Local Program. These support positions would prepare the League for meaningful action in several ways, such as

- Lobbying a charter commission, to the extent that one is elected (which could happen without League support)
- Lobbying for certain changes to the charter via home rule petition
- Supporting or opposing an ordinance related to a League position
- Supporting or introducing a change in the administrative code

Few, if any, of the changes recommended by the study were without dissenting opinions.

## Proposed Changes to Newton’s Government & Recommended Program Changes & Positions

Change	(+)	(-)	Mechanism for Change
<p>1. Support 4-year staggered terms for both BoA and SC</p> <p><i>Amend League position</i></p>	<ul style="list-style-type: none"> <li>• Steep learning curve, tough to have impact in 2 years</li> <li>• Limit candidates to those willing to make a longer time commitment</li> <li>• Prevents drastic levels of turnover, ensures some continuity, institutional knowledge maintained</li> <li>• Reduces the number of votes each voter casts in a municipal election from 25 to 13, excluding mayor</li> <li>• What is best for voters should outweigh the concerns of 24 aldermen regarding staggered terms</li> <li>• Rarely does an elected official not seek re-election after serving only one term</li> </ul>	<ul style="list-style-type: none"> <li>• Half of elected officials would have to sacrifice their seat in order to run for mayor</li> <li>• Voter turnout is much greater in a mayoral election year, which creates an uneven playing field</li> <li>• With staggered terms, voters cannot effect drastic change if they are unhappy</li> <li>• Could make it more difficult to challenge, due to a long wait to run again; 4 years in office will strengthen incumbent name recognition</li> </ul>	<ul style="list-style-type: none"> <li>• Charter commission</li> <li>• Home rule petition</li> </ul>
<p>2. Support abolishing SC term limits, to be consistent with BoA</p> <p><i>New League position</i></p>	<ul style="list-style-type: none"> <li>• No logic for inconsistency between BoA, SC</li> <li>• LWVUS opposes term limits</li> </ul>	<ul style="list-style-type: none"> <li>• Incumbents may stay in office who are no longer actively engaged</li> <li>• While term limits may reduce challenges to incumbents (challengers just wait out the term), eliminating term limits may not increase challenges, and thus turnover will be lower,</li> </ul>	<ul style="list-style-type: none"> <li>• Charter commission</li> <li>• Home rule petition</li> </ul>

Change	(+)	(-)	Mechanism for Change
<p>3. Support a reduction in the size of the BOA, with a mix of district and at-large representatives, or with at-large representatives with residency requirement</p> <p><i>Amend League position</i></p>	<ul style="list-style-type: none"> <li>• No more than 8 aldermen are required to achieve representative government; no examples found of more than one representative per district</li> <li>• MCC recommends a small (5-9 member) council for reasons of effectiveness</li> <li>• Current size leads to voter apathy and confusion; one voter may vote in 26 races (up to 52 candidates); voter turnout in local elections is 1/2 to 1/3 of voter turnout in state/national elections</li> <li>• 3 representatives per ward may lead to low accountability</li> <li>• In 2000, a non-binding resolution was passed by voters by roughly a 2-1 margin, calling for a reduction in the size of the BOA</li> <li>• The quality of candidates may suffer with current size</li> <li>• Small council could focus on policy and delegate administrative details to city's professionals</li> <li>• A smaller BoA would necessarily reduce the role of aldermen as providers of constituent services, which should not be their focus; residents should be able to</li> </ul>	<p>reducing fresh ideas and perspectives</p> <ul style="list-style-type: none"> <li>• It is more difficult to control and corrupt a large council</li> <li>• The place of access to the government is through the aldermen; more representatives means more access</li> <li>• More representatives means more diversity, and ensures a greater number of viewpoints are represented</li> <li>• The potential cost savings is negligible on an operating budget of roughly \$275 million</li> </ul>	<ul style="list-style-type: none"> <li>• Charter commission</li> <li>• Home rule petition</li> </ul>

Change	(+)	(-)	Mechanism for Change
	<ul style="list-style-type: none"> <li>rely on the city officials</li> <li>Newton’s distinct neighborhoods require district representation</li> <li>Strictly district representation encourages parochialism</li> <li>A smaller board would bring cost savings: each alderman receives a stipend of roughly \$10,000 plus the option to receive benefits, and some administrative support</li> <li>Newton’s ratio of representatives to residents is roughly 1 : 3,500, as compared to a typical range of 1 : 8,000 to 1 : 16,000</li> </ul>		
<p>4. Support a change in the Rules of Aldermen to restrict the BoA president to at-large aldermen (assuming the current composition of the BoA remains in place)</p>	<ul style="list-style-type: none"> <li>The BoA president has significant power and influence, should be accountable city-wide</li> </ul>	<ul style="list-style-type: none"> <li>The best candidate for BoA president may be a ward alderman</li> <li>The influence of the BoA president may be overestimated</li> </ul>	Rules of Aldermen
<i>New League position</i>			
<p>5. Support including more detail in the administrative code on the function and responsibility of the city departments and the qualification of</p>	<ul style="list-style-type: none"> <li>More specific detail will lead to greater transparency</li> </ul>		Ordinance

Change	(+)	(-)	Mechanism for Change
department heads			
<i>New League position</i>			
6. Support a Strong Mayor form of government			New League position
<i>New League position</i>			
7. Support a formal position of Chief Administrative Officer (CAO) who should report directly to the mayor, whose term is co-terminus with the mayor, and whose position carries a contract. The basic duties and responsibilities should be delineated, leaving room for some mayor discretion.	<ul style="list-style-type: none"> <li>• More clarity will bring more transparency, balance elected mayor with qualified professional</li> </ul>	<ul style="list-style-type: none"> <li>• Might restrict flexibility</li> </ul>	Home rule amendment  Home rule petition  Charter commission
<i>New League position</i>			
8. Support the requirement that the Executive submit timely, periodic long-range financial plans and long-range strategic capital plans	<ul style="list-style-type: none"> <li>• Discipline should be formalized</li> </ul>		Ordinance

<b>Change</b>	<b>(+)</b>	<b>(-)</b>	<b>Mechanism for Change</b>
<i>New League position</i>			
9. Support the development and implementation of a performance evaluation plan under the executive branch (by ordinance, not the charter)	<ul style="list-style-type: none"> <li>• Best practices discipline should be formally required to ensure adoption</li> </ul>		Ordinance
<i>New League position</i>			
10. Support strengthening the city audit system to achieve greater internal controls	<ul style="list-style-type: none"> <li>• Current system not strong enough</li> </ul>		
<i>New League position</i>			
11. Support an ordinance to require adoption of best financial practices	<ul style="list-style-type: none"> <li>• Best practices discipline of goal setting, financial policy development, operating and capital budgeting, and outcomes measurement should be formally required to ensure adoption</li> </ul>		Ordinance
<i>New League position</i>			
12. Support elimination of 2% charter maintenance provision for schools	<ul style="list-style-type: none"> <li>• Provision is not relevant</li> </ul>		Home rule amendment
<i>New League position</i>			
13. Support the adoption of a	<ul style="list-style-type: none"> <li>• Current capital planning process not</li> </ul>		Ordinance

Change	(+)	(-)	Mechanism for Change
comprehensive capital planning process, including clear links to long-term goals	thorough, effective or useful		
<i>New League position</i>			
14. Support change to special permit granting authority	<ul style="list-style-type: none"> <li>• BoA not particularly well-qualified, nor has sufficient time to do special permitting effectively</li> <li>• With elected officials serving in this capacity, decision are often politically motivated</li> <li>• This judicial function should not be carried out by the same individuals who make the land use laws</li> </ul>		Ordinance
<i>New League position</i>			
15. Support removal of provision in charter for Neighborhood Area Council	<ul style="list-style-type: none"> <li>• Vision for NACs never really came to fruition; one existing NAC could continue to function effectively as a neighborhood association</li> </ul>		Home rule amendment
<i>New League position</i>			

## How a Charter Can Be Changed

1. **Home Rule Petition (or Special Act Charter)** (Article 89, Constitution of the Commonwealth of Massachusetts)  
With a majority vote and the concurrence of the mayor, a city council may petition the Massachusetts state legislature for a special act that will change the city charter. The special act must be passed by both houses of the legislature and signed by the governor. (Special acts can also be initiated by the governor, but then require passage by 2/3 vote of both houses of the state legislature.) In some instances, the petition may require that the act become effective only upon acceptance by a majority of voters at the next regular municipal election.
2. **Home Rule Charter Procedures** (Massachusetts General Laws, Section 43B)
  - Charter Commission – Under Section 43B, only a charter commission may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, or the mayor or city manager. A petition of 15% of voters will force a question of whether to elect a charter commission at the next municipal election. At the same time, voters elect a nine-member charter commission. The charter commission develops a proposal for a new charter over the next 18 months, which is then voted on at the following municipal election.
  - Home Rule Amendment - Amendments to a city or town charter may be proposed by the city council, but only with the concurrence of the mayor. In addition the city council shall consider and vote upon any charter amendment that is suggested by the mayor or city manager or any member of the city council, or that is suggested by a petition signed by as many registered voters as would be required to nominate a charter commission member (100 in Newton). Proposed amendments require a public hearing, and the council must vote on them within six months. A 2/3 vote of the council is required to approve. Approved amendments will then be reviewed by the attorney general for consistency with state law. If cleared by the attorney general, the proposed amendments will be placed on the ballot at the next municipal election.

## Massachusetts Towns / Cities with Recent Charter Commissions

<u>Town</u>	<u>Year</u>	<u>Type</u>	<u>Result</u>
Weymouth	1999	Home Rule	Passed
W. Springfield	2000	Home Rule	Passed
Greenfield	2002	Home Rule	Passed
Braintree	2004	Home Rule	Defeated
Palmer	2004	Home Rule	Passed
Winthrop	2005	Home Rule	Passed
Braintree	2006	Special Act	Passed
Barnstable	2009	Home Rule	Defeated
Saugus	2009	Home Rule	Defeated
Sharon	2010	Home Rule	-

### Issues Associated with Electing a Charter Commission

While several ways to amend a charter exist, certain significant changes can only be achieved via a charter commission. Electing a charter commission is a significant undertaking with an uncertain outcome and with potential negative consequences for a city, since the of a charter commission often proves to be controversial, contentious, and divisive. While the current charter may not be optimal, the case for change must be strong enough to outweigh the potential risks. For this reason, we may support changes to our structure that require the election of a charter commission while stopping short of actually supporting the election of a charter commission.

- If the question of electing a charter commission is put to voters, it generally passes.
- Historically, only 50% of charters proposed by charter commissions have been accepted by voters.
- An elected charter commission is under no obligation to consider or propose any specific changes. The proposed charter may or may not address any significant concerns of voters.
- Sitting elected officials are not prohibited by law from serving on the charter commission.

## Newton Charter: Summary of Major Issues

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
Electoral Process	<p><b>Term lengths – Mayor</b></p> <ul style="list-style-type: none"> <li>• 4-year</li> </ul> <p><b>Term lengths – SC / BoA</b></p> <ul style="list-style-type: none"> <li>• All 2-year</li> <li>• 4-year terms would be required to achieve staggered terms</li> </ul>	<p><b>No change considered</b></p> <ul style="list-style-type: none"> <li>• Shorter than 4-year term does not allow enough time to develop and implement plans</li> </ul> <p><b>Change considered: 4-year terms for BoA, SC</b></p> <ul style="list-style-type: none"> <li>• Elected office has a steep learning curve; an newly elected official could not make an impact in a 2-year term</li> <li>• Longer terms might limit candidates to those willing to make a longer time commitment</li> <li>• With 4-year terms, half of elected officials would have to sacrifice their seat in order to run for mayor, while the other half would not; a remedy would be to have a 6-year term for mayor</li> <li>• 3-year terms would require the expense of two elections during even-numbered years, since local elections cannot coincide with state elections in Mass. An election costs Newton roughly</li> </ul>	<ul style="list-style-type: none"> <li>• Support a 4-year staggered term for SC</li> </ul>	<ul style="list-style-type: none"> <li>• Charter commission</li> <li>• Home rule petition</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>\$85,000</p> <ul style="list-style-type: none"> <li>See “Staggered vs. concurrent terms”</li> </ul>		
	<p><b>Staggered vs. concurrent terms</b></p> <ul style="list-style-type: none"> <li>All concurrent</li> </ul>	<p><b>Change considered: adopt staggered terms</b></p> <ul style="list-style-type: none"> <li>4-year terms are required in order to stagger</li> <li>Concurrent terms allow the possibility of drastic levels of turnover in any one election, especially on the 8-member SC</li> <li>Due to a steep learning curve, drastic turnover could be very detrimental to the functioning of the city; staggered terms ensures some continuity, institutional knowledge maintained</li> <li>Staggered terms would reduce the number of votes each voter casts in a municipal election from 25 to 13, excluding mayor</li> <li>With staggered terms, half of BoA or SC members would have to give up their seat in order to run for mayor; voter turnout much stronger in mayoral election years, subject half of</li> </ul>		<ul style="list-style-type: none"> <li>Charter commission</li> <li>Home rule petition</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>officials to different scrutiny from voters</p> <ul style="list-style-type: none"> <li>Proponents of concurrent terms want the voters to have the power to effect drastic change if they are unhappy</li> </ul>		
	<p><b>Term limits</b></p> <ul style="list-style-type: none"> <li>Only SC has term limits; BoA and mayor have none</li> </ul>	<p><b>Change considered: instituting term limits for BoA, or removing term limits for SC</b></p> <ul style="list-style-type: none"> <li>Inconsistency w/ respect to term limits between SC and BoA is not defensible; either term limits are appropriate or not</li> <li>A consequence of term limits is that incumbents are rarely challenged. Challengers instead wait until the seat is open to run</li> <li>Lack of term limits can lead to incumbents staying in office who are no longer actively engaged</li> <li>Turnover may be lower without term limits, reducing fresh ideas and perspectives</li> <li>Incumbents are rarely challenged due to the difficulty and expense of defeating them</li> </ul>	<ul style="list-style-type: none"> <li>LWVUS opposes term limits</li> </ul>	<ul style="list-style-type: none"> <li>Home rule amendment</li> <li>Charter commission</li> <li>Home rule petition</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
	<p><b>Composition: At-large, district, mix</b></p> <ul style="list-style-type: none"> <li>Newton's at-large definition (elected at large, w/ ward residency requirement) is not often found in practice</li> </ul>	<p><b>Change considered: Various shifts in the composition of the BoA</b></p> <ul style="list-style-type: none"> <li>At-large is preferable for city cohesion over local interests (limits parochialism)</li> <li>In theory, at-large allows the best candidates to get elected</li> <li>Running at-large is more expensive than running for ward seat</li> <li>District representation ensures all neighborhoods will have a voice</li> <li>Newton's distinct, drastically varied neighborhoods seem to demand district representation</li> <li>Newton's at-large definition appears to be unique; at-large typically has no residency requirement</li> <li>Our system of at-large with residency requirement provides a good balance between protecting local interest but promoting city-wide accountability</li> <li>A common structure to balance local with city-wide interests is 1</li> </ul>	<ul style="list-style-type: none"> <li>LWVUS promotes an open governmental system that is representative, accountable and responsive.</li> </ul>	<ul style="list-style-type: none"> <li>Charter Commission</li> <li>Home rule petition</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>representative per ward, plus a number of at-large representatives equaling roughly 50% of the number of ward reps</p>		
	<b>Number of representatives per ward</b>	<p><b>Change considered: Reduce the number of Aldermen per ward; no change considered for School Committee</b></p> <ul style="list-style-type: none"> <li>• Newton’s structure of 3 representatives per ward appears to be unique; no examples found of cities with more than 1 per ward</li> <li>• MCC recommends a small (5-9 member) council for reasons of effectiveness</li> <li>• Pros and cons of a 24-member council are difficult to quantify or document</li> <li>• Anecdotally, the size of the BoA leads to voter apathy and confusion; during a typical election, one voter may vote in 26 races (up to 52 candidates)</li> <li>• Having 3 representatives per ward may lead to low accountability and diffusion of</li> </ul>	<ul style="list-style-type: none"> <li>• Support the reduction of the size of the BoA to not less than 16 members, while maintaining a balance between ward aldermen and aldermen-at-large</li> </ul>	<ul style="list-style-type: none"> <li>• Charter Commission</li> <li>• Home rule petition</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>responsibility</p> <ul style="list-style-type: none"> <li>• In 2000, a non-binding resolution was passed by voters by roughly a 2-1 margin, calling for a reduction in the size of the BOA [<i>need the wording of the resolution</i>]</li> <li>• The quality of candidates may suffer due to negative perceptions of the BoA, or the impact that any one alderman can have in a body of 24</li> <li>• A small council might be more inclined to focus on policy and to delegate administrative details to city's professionals</li> <li>• It is more difficult to control and corrupt a large council</li> <li>• The mayor may have difficulty working effectively with a group of 24 legislators; conversely, a large group may provide a stronger check on the mayor</li> <li>• The place of access to the government is through the aldermen; 3 representatives may provide more access than 1</li> <li>• Two heads may be better than</li> </ul>		

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>one...sometimes more input is better.</p> <ul style="list-style-type: none"> <li>• Citizens should be discouraged from seeing an Alderman as the point of access; ideally, citizen issues should be handled via city officials, and the aldermanic role of constituent services should be de-emphasized.</li> </ul>		
	<p><b>Recall provisions</b></p> <ul style="list-style-type: none"> <li>• Newton has no recall provision</li> </ul>	<p><b>No change considered</b></p>		
	<p><b>Number of wards</b></p> <ul style="list-style-type: none"> <li>• The charter specifies 8 wards</li> </ul>	<p><b>No change considered</b></p>		
	<p><b>Filling vacancies</b></p> <ul style="list-style-type: none"> <li>• All vacancies filled by special election unless fewer than 9 months remaining</li> </ul>	<p><b>No change considered</b></p> <ul style="list-style-type: none"> <li>• Method of filling vacancies was a major issue and a point of reform for Newton's last charter commission. All vacancies were filled by appointment of BoA, regardless of remaining term. It was common practice for an official to run for re-election and then resign in January, allowing the BoA to control its</li> </ul>	<ul style="list-style-type: none"> <li>• Support of a special election to fill a vacancy in the office of Mayor unless the vacancy occurs within the last 9 months of his term</li> <li>• Support of special elections to fill vacancies in the BoA and SC unless the</li> </ul>	

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Legislature	<p><b>Powers, Duties, Function</b></p> <ul style="list-style-type: none"> <li>• A majority constitutes a quorum</li> <li>• The BoA shall elect from its members a president and vice-president</li> <li>• The president shall appoint all committee chairs</li> <li>• The president is acting mayor during temporary absences</li> <li>• The president has the tie-breaking vote on the Finance Committee</li> <li>• BoA appoints City Clerk and Comptroller</li> <li>• A quorum is 13; legislation can pass with only 7 votes</li> <li>• Compensation is a stipend for part-time work (although benefits are also available) of roughly \$10,000</li> </ul>	<p><b>Changes considered: Institute a requirement that BoA President must be elected at-large; reduce the powers of the BoA president</b></p> <ul style="list-style-type: none"> <li>• The BoA president has significant power and influence. The position can be held by a ward alderman, in which case the residents of 7 of 8 wards could not influence whether the president stays in office</li> <li>• In practice, aldermen are rarely absent from Board meetings</li> <li>• An alternative point of view is that the power of the BoA president is overestimated</li> </ul>	<p>vacancy occurs in the last 9 months of the term, in which case it should be left vacant</p>	<ul style="list-style-type: none"> <li>• Ordinance, rules of BoA</li> </ul>
	<b>Function of BOA committees</b>	<b>Changes considered: Revisions to the committee structure would be considered in the context of a reduction in the size of the BoA</b>		

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
Administration	<p><b>Checks and balances</b></p> <ul style="list-style-type: none"> <li>BoA can veto, by 2/3 vote, department heads, appointments to volunteer commissions appointed by mayor</li> <li>Mayor can veto any measures of the BoA except those pertaining to internal BoA affairs, the budget, and the election of officers governed by BoA according to the law</li> </ul> <p><b>City organization chart</b></p> <ul style="list-style-type: none"> <li>Department organization not included in Charter or in Newton Administrative Code</li> <li>BoA must approve reorganization of city departments proposed by mayor</li> <li>BoA can accept or reject proposal</li> </ul>	<ul style="list-style-type: none"> <li>In other cities and towns, legislative committees consist of 3-5 members</li> <li>Some municipalities function through more ad hoc and fewer standing committees.</li> </ul> <p><b>No changes considered</b></p>		<ul style="list-style-type: none"> <li>Ordinance</li> <li>State league supports a public personnel system based upon merit principles</li> </ul>

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	<p>in whole only</p> <ul style="list-style-type: none"> <li>BoA can reorganize city departments by power given in the charter</li> <li>Organization of HR and financial positions are detailed in Admin. Code; no other departments mentioned</li> </ul>	<p>administrative code on function and responsibility of various departments, qualifications of department heads</p> <ul style="list-style-type: none"> <li>MCC advocates for charter language stating that all appointments and promotions shall be made solely on the basis of merit and fitness</li> </ul>		<p>and enlightened practices</p>
	<p><b>Qualifications of department heads</b></p> <ul style="list-style-type: none"> <li>HR head is the only one described in the administrative code</li> </ul>			
	<p><b>Hiring / firing authority for department heads</b></p> <ul style="list-style-type: none"> <li>Mayor appoints department heads as well as members of boards and commissions; BoA has veto for all appointments</li> <li>Mayor can remove any department head without BoA approval</li> </ul>	<ul style="list-style-type: none"> <li>In practice, the BoA does not veto the mayor's appointments</li> </ul>		
	<p><b>Performance management</b></p> <ul style="list-style-type: none"> <li>No methods, goals or standards are referenced in the charter or administrative code</li> </ul>	<ul style="list-style-type: none"> <li>CAG recommended the implementation of an analytical performance measurement system</li> </ul>		<ul style="list-style-type: none"> <li>Ordinance</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
Finance	<p data-bbox="380 315 789 386"><b>Specificity in charter regarding financial processes</b></p> <p data-bbox="380 586 688 618"><b>Best financial practices</b></p> <ul data-bbox="380 626 884 813" style="list-style-type: none"> <li data-bbox="380 626 831 732">• No guidelines for best financial practices are contained in the charter</li> <li data-bbox="380 740 884 813">• Current budgeting process is typically incremental, not strategic</li> </ul> <p data-bbox="380 976 632 1008"><b>Independent audit</b></p> <ul data-bbox="380 1016 884 1122" style="list-style-type: none"> <li data-bbox="380 1016 884 1122">• Currently, audit function overseen by sub-committee of the BoA Finance Committee</li> </ul> <p data-bbox="380 1211 758 1284"><b>Organizational placement of comptroller function</b></p> <ul data-bbox="380 1292 821 1365" style="list-style-type: none"> <li data-bbox="380 1292 821 1365">• Comptroller appointed by and reports to the BoA</li> </ul>	<p data-bbox="919 315 1402 537"><b>Change considered: incorporate more specific governance of financial processes into the charter that are timeless, well-accepted, enduring management and financial management and financial policies</b></p> <p data-bbox="919 586 1381 651"><b>Change considered: Include in the Charter best financial</b></p> <ul data-bbox="919 659 1402 927" style="list-style-type: none"> <li data-bbox="919 659 1402 927">• Best practices include 4 essential principles of effective budgeting, which link together strategic planning, long-range financial planning, performance measures, operating and capital budgets, and evaluation</li> </ul> <p data-bbox="919 976 1402 1040"><b>Change considered: Strengthen the audit function</b></p> <ul data-bbox="919 1049 1381 1162" style="list-style-type: none"> <li data-bbox="919 1049 1381 1089">• Add citizens to audit committee</li> <li data-bbox="919 1097 1381 1162">• BoA committee independent of Finance Committee</li> </ul> <p data-bbox="919 1211 1346 1325"><b>Change considered: change the organizational placement of the comptroller</b></p> <ul data-bbox="919 1333 1402 1399" style="list-style-type: none"> <li data-bbox="919 1333 1402 1399">• A comptroller who is independent of the mayor serves</li> </ul>	<ul data-bbox="1430 586 1759 927" style="list-style-type: none"> <li data-bbox="1430 586 1759 699">• Support the adoption of a Capital Improvement Program by resolution of the BoA</li> <li data-bbox="1430 781 1759 927">• Support of equitable assessment procedures and practices</li> </ul>	<ul data-bbox="1787 586 2003 1008" style="list-style-type: none"> <li data-bbox="1787 586 2003 813">• Ordinance</li> <li data-bbox="1787 626 2003 813">• Addition of language to the charter; Home rule petition</li> <li data-bbox="1787 976 2003 1008">• Ordinance</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>as a check on the power of a strong mayor; this may outweigh the benefit of having financial team working as a single unit</p>		
	<p><b>Strength of financial processes</b></p> <ul style="list-style-type: none"> <li>• Provision of charter limits SC to 2% of operating budget to be spent on capital maintenance;</li> <li>• Mayor submits proposed budget with an accompanying budget message</li> <li>• BoA adopts budget, with or without amendments</li> </ul>	<p><b>Change considered: Various changes to financial processes</b></p> <ul style="list-style-type: none"> <li>• 2% SC Charter maintenance figure is arbitrary and serves little purpose as a floor or ceiling for capital maintenance</li> <li>• Maintenance and repair of all city buildings, including schools, should be consolidated, and a comprehensive capital planning process should be adopted</li> <li>• Operating Budget should clearly link programs to organizational goals and community priorities and funding sources</li> <li>• Capital improvement plan should be clearly linked to long-term goals</li> </ul>		<ul style="list-style-type: none"> <li>• Rewording of charter required</li> <li>• Home Rule amendment</li> </ul>
Executive	<b>Strong Mayor vs. Council / Manager</b>	<p><b>Change considered: create a city manager position and shift some of the mayor's responsibilities</b></p>		<ul style="list-style-type: none"> <li>• Charter commission</li> <li>• Home rule</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<ul style="list-style-type: none"> <li>• With a professional manager, politicization of the executive is removed and there is some ability to control the qualifications and experience of the person in the job; with elected mayor, voters can only choose from those who run</li> <li>• City manager typically hired by city council, removing the balance of power achieved with a strong mayor; the council-manager relationship is not always healthy, strong</li> <li>• The success or failure of either mayor or city manager model is clearly dependent on the person filling the job</li> <li>• A mayor is more directly responsible and accountable to the citizens since he/she can be removed from office by the electorate</li> <li>• A city manager cannot be directly removed from office by the voters. City council members may be better informed than voters regarding a manager's</li> </ul>		petition

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
		<p>performance, or they may be politically motivated in their vote to remove or retain</p>		
	<p><b>Powers and duties of the executive</b></p> <ul style="list-style-type: none"> <li>• Mayor is required to submit financial report to BoA at fiscal year-end, keep BoA informed of the financial condition of the city</li> <li>• Mayor submits budget to BOA for approval</li> <li>• Mayor submits 5-year capital improvement plan to BoA</li> <li>• Mayor approves all contracts on behalf of city</li> <li>• Hiring administrators: mayor hires all department heads, appoints members of citizen boards &amp; commissions, BoA can veto w/ 2/3 vote</li> </ul>	<p><b>Changes considered:</b></p> <ul style="list-style-type: none"> <li>• <b>Formalize the existence of and duties of the Chief Administrative Officer (CAO) in the charter</b></li> <li>• <b>Require within the charter that the Executive submit timely, periodic, long-range plans and long-range strategic capital plans</b></li> <li>• <b>Support development and implementation of a performance evaluation system under the executive branch of the charter</b></li> <li>• Mayor should work with the city council in developing policy, develop long-term goals and strategies to implement goals</li> <li>• Mayor should encourage and provide staff support for intergovernmental cooperation, promote partnerships among council, staff, &amp; citizens to develop public policy and sense</li> </ul>		<ul style="list-style-type: none"> <li>• Revision to charter, Home rule amendment</li> </ul>

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
Land Use	<p><b>Checks and Balances</b></p> <ul style="list-style-type: none"> <li>Measures passed by BoA are sent to mayor for approval. Mayor returns measure within 10 days, with or without veto (<i>see Legislature section</i>)</li> </ul> <p><b>Charter references to Land Use</b></p> <ul style="list-style-type: none"> <li>BoA controls land use and development, zoning, and urban renewal</li> <li>Any land use matter or proposal covered in the comprehensive plan must be referred by BoA to the Planning &amp; Development Board, which must provide a written report on the proposal</li> <li>Land use is governed in the charter primarily by reference to the comprehensive plan</li> </ul>	<p>of community</p> <ul style="list-style-type: none"> <li>Executive should have the power to set management compensation levels</li> <li>Strong performance evaluation process is crucial</li> </ul> <p><b>Change considered: None</b></p>		
		<p><b>Change considered: include more explicit references to land use governance in the charter</b></p> <ul style="list-style-type: none"> <li>Minimal land use reference in the charter is consistent with the MCC and benchmark communities</li> </ul>		

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
	Comprehensive plan	<b>Change considered: include charter language to improve the strategic use of the comprehensive plan</b> <ul style="list-style-type: none"> <li>Comprehensive plan is of value only if used strategically</li> </ul>	<ul style="list-style-type: none"> <li>Support the adoption of a Comprehensive Plan by resolution of the BoA</li> </ul>	
	Special permit granting authority	<b>Change considered: shift to a citizen-appointed commission or a smaller BoA committee</b>		
Education / School Committee	<b>Term length, term limits, staggered vs. concurrent</b> <b>Compensation is a stipend for part-time work, and is only half of the stipend paid to Aldermen</b>	<ul style="list-style-type: none"> <li><i>See Electoral Process section</i></li> </ul>	<ul style="list-style-type: none"> <li>Support of a 9-member SC, with 8 members elected at large, one to reside in each ward, with the Mayor servicing ex-officio</li> </ul>	
	Charter maintenance	<ul style="list-style-type: none"> <li><i>See Finance section</i></li> </ul>	<ul style="list-style-type: none"> <li>Support of the principle that special education programs should ensure that students are-25e educated to reach their full potential...</li> </ul>	
	SC responsibilities	<ul style="list-style-type: none"> <li><i>Largely governed by state law</i></li> </ul>		
Neighborhood Area Councils	<b>Neighborhood Area Councils</b>	<b>Change considered: Remove provisions for NACs</b> <ul style="list-style-type: none"> <li>Only one NAC exists (Newton Highlands)</li> </ul>		

Study Sub-Committee	Major Issues, Current State	Changes Considered, Discussion	Relevant League Positions (local unless otherwise noted)	Mechanisms for Change (Charter change, other)
Charter Compliance		<p>Sub-committees raised the question of how well Newton complies with the provisions of its charter. Unfortunately, we did not have enough resources to include this question within the scope of our study.</p>		

## History of Newton's Charter: The Last Major Revision

### 1966 League Charter Study

- The study was initiated at the 1966 LWVN annual meeting (600 members strong)
- Motivations for the study were
  - recent change to state law allowing charter commissions (Home Rule Amendment of 1966)
  - the power of the Board of Aldermen to appoint a replacement for an alderman who did not complete a term (it was common practice for an alderman to run for re-election and then resign)
  - anger over the recently constructed high school
- The study committee held 30 meetings from August 1966 to March 1967:
  - studied the Newton charter
  - compared Newton charter to that of other communities and to the MCC
  - interviewed city officials and administrators
  - consulted with other interested city organizations and local political committees
- The study resulted in strong consensus for the election of a Charter Commission
- Other consensus positions included:
  - Reduce the size of the BOA; retain ward aldermen and drop residency requirement for at-large aldermen
  - Retain residence requirement for School Committee
  - Hold special elections to fill vacancies in the BOA and SC unless the vacancy occurs in the last quarter of a term
  - Hold special election to fill a vacancy in the office of Mayor unless vacancy occurs in last 3-6 months
  - Create a four-year term for mayor
  - Create four-year staggered terms for SC
  - Retain the power of the mayor to appoint department heads with BOA approval
  - Retain the power of the mayor to dismiss department heads without BOA approval

### **1969 Newton Charter Commission**

- Resulted from League-led petition drive; 10,000 signatures obtained in support of the ballot question: “Shall a commission be elected to review the charter of Newton?”
- Question of whether to elect a charter commission was approved 13,000 to 2,500
- The prior charter had been adopted in 1897, by a vote of 1,886 yes, 922 no, 281 blank.
- At that time, a bicameral legislature was merged into one body (present BOA), with no seats eliminated.
- Chaired by League member Florence Rubin
- 5 of 9 commission members were sitting elected officials
  - 2 State Representatives
  - 1 Alderman
  - 2 School Committee members
- According to Newton’s charter in 1969:
  - the mayor had a 2-year term
  - there were no term limits for mayor, SC or BOA
  - there was no provision for override of the mayor’s veto
  - vacancy in the office of mayor was filled by the BOA president (regardless of remaining term)
  - BOA vacancies were filled by appointment of the BOA
  - SC vacancies were filled by appointment of a joint session of SC and BOA
- Remarks from Florence Rubin (2007 interview by John Stewart):
  - “...a number of these people who were on the Charter Commission or who ran for it really didn’t have a clue and had done it for what they considered were good political reasons...they didn’t come in with some ideas that they wanted to try or anything else. Either getting rid of something or getting something new in some other way. I found that astonishing. I would never run for something where I didn’t have any interest other than running and getting elected.”
  - “That’s why many people who were then in office in another position ran for the Charter Commission...because they knew they had a good chance of being elected, and they could protect what they were interested in.”
  - “...I will tell you, whatever office they held and whether they held one was a significant factor in the decision they made in the Charter Commission. I know, I spoke to each of them if I was trying to see what kind of a chance we had for a particular issue. Time and again they’d say to me, ‘I’d like to vote for that but I can’t afford to take a chance and the aldermen will sink my re-election, or the aldermen will see that I don’t get elected to the legislature.’ ”

### **Referendum of 1975**

In November of 1975, 10 questions concerning charter changes were put to voters. Most were minor changes to clarify ambiguities or to expand time frames that were proving unworkable. The substantive proposed changes included:

- Abolishing term limits for the School Committee (failed)
- Reducing the number of signatures required to begin a referendum to 5% of registered voters (passed)
- Reduction of charter maintenance for the School Committee from 4% to 2% (passed)

The idea of eliminating the provision in the charter for Neighborhood Area Councils was raised and argued for by the LWVN at this time, but this proposal did not make the list of ballot questions.

### Creation of Benchmarks

Factors considered: Population, Similarity, Excellence, CAG benchmark criteria (population, primarily residential, size of school system, HH income)

	<u>Population</u>	<u>City/Town</u>
Lowell	103,512	City
Cambridge	101,388	City
Brockton	93,092	City
New Bedford	91,849	City
Quincy	91,622	City
Fall River	90,905	City
Lynn	87,122	City
<b>Newton</b>	<b>83,271</b>	<b>City</b>
Somerville	74,405	City
Lawrence	70,066	City
Framingham	64,786	Town
Haverhill	59,902	City
Waltham	59,758	City
Taunton	55,783	City
Malden	55,712	City
Medford	55,565	City
Revere	55,341	City
Brookline	54,809	Town
Chicopee	53,876	City
Weymouth	53,272	Town
Peabody	51,441	City

## City of Newton Voter Turnout History

Source: City of Newton/Election Commission Website

Date	Type of Election	Turnout	Registered		# of candidates on ballot (city elections)		
			Voters	% Turnout	Ward	At-Large	Total
1/19/2010	Special - U.S. Senate	35,090	55,454	63%	-	-	-
11/3/2009	City election, with mayor	22,515	55,454	41%	10	35	45
11/4/2008	Presidential	44,720	55,381	81%	-	-	-
5/20/2008	City override	24,564	52,497	47%	-	-	-
11/6/2007	City election	8,904	51,717	17%	9	31	40
1/23/2007	High school site plan referendum	14,572	46,664	31%	-	-	-
11/7/2006	State election, Governor, US Senate	33,818	45,389	75%	-	-	-
11/8/2005	City election, with mayor	15,822	45,768	35%	9	33	42
11/2/2004	Presidential	42,718	48,074	89%	-	-	-
5/18/2004	Special city election	4,463	48,277	9%	-	3	3
11/4/2003	City election	15,369	47,592	32%	13	42	55
11/7/2002	State election, Governor, US Senate	35,728	50,534	71%	-	-	-
5/17/2002	City override	27,793	50,052	56%	-	-	-
11/6/2001	City election, with mayor	15,623	50,052	31%	11	37	48

