

From: John Long <JLong@somervillema.gov>

To: Charles Sillari <charles.sillari@gmail.com>; Peter Forcellese <forcellese@verizon.net>; Rose Durham <rbd7476@gmail.com>

Subject: FW: Community Benefits Ordinance 06.23.17.doc Comments and Edits by Tori Antonino

Date: Wed, Jun 28, 2017 4:51 pm

Attachments: Community Benefits Ordinance 06.23.17.doc (132K)

[An item submitted to tonight's Legislative Matters Committee meeting.](#)

From: Tori Antonino [<mailto:toriantonino@me.com>]

Sent: Tuesday, June 27, 2017 8:02 PM

To: MaryJo Rossetti; Mark Niedergang; Katjana Ballantyne; William WhiteSPS; John Connolly; Lance Davis; Robert McWatters; Dennis Sullivan; Maryann Heuston; Matthew McLaughlin

Cc: John Long

Subject: Community Benefits Ordinance 06.23.17.doc Comments and Edits by Tori Antonino

Honorable Alderfolk,

I have concerns regarding the Community Benefits Ordinance as currently written.

Edit: Under II Announcement of Open Position

That the following be added to the first paragraph.

'increasing open and green space and improving the quality of the public realm'

Under V. Definitions, Neighborhood Advisory Committee

My main concern with the passing of this Community Benefits Ordinance is that it will give the mayor the power to appoint a Neighborhood Advisory Committee at will, without input from the community and without input from those who are hard at work at creating a Union Square Neighborhood Council.

There seems to be no protection of the community process in creating its own democratically elected inclusive broad reaching and representative Neighborhood Council.

Speaking as an individual member of the Union Square Neighborhood Council Working Group, there was a fear that if we didn't pass the Neighborhood Council last week that the mayor would appoint a board.

I want assurance that ongoing continued work at creating a Neighborhood Council will not be thwarted in any way by a mayoral appointed Neighborhood Advisory Committee. As long as we are moving forward at forming the Union Square Neighborhood Council, our rights to continue doing so need protection.

Please add language that safeguards that from that happening.

Under VI Powers and Duties 4, (c), i.

Another concern was that the stipend for an interim board would be half that of a non-interim board. I do not think this funding distinction should be made.

An interim board will need just as much, if not more, of an allowance to get it started.

Outreach, research, more outreach, and informing ourselves by going to conferences or traveling to other neighborhood councils, will be needed steps to get ourselves going on the right trajectory.

The stipend for an interim board should be the same of that as a regular board.

Under VII. Aldermanic Approval of Funding Recommendations (b):

As the ordinance is written, funding for a community needs assessment would come out of the Community Benefits Fund.

Can we please find another funding source other than the Community Benefits fund to do a Community Needs Assessment?

A community need I can think of of the bat is a healthier contribution to our community Benefits funds from US2.

Below is the Ordinance with my own commentary and edits. Edits are in neon green and comments are in dark green under 'Comments.'

Thank you for reading.

Tori Antonino

Draft of Revised Community Benefits Ordinance Edits an commentary

Sent from my iPhone

DRAFT

CITY OF SOMERVILLE

ORDINANCE NO. 2017-__

IN THE BOARD OF ALDERMEN: _____

COMMUNITY BENEFITS COMMITTEE

Be it ordained by the Board of Aldermen, in session assembled, that Article __, Section __ of the Code of Ordinances of the City of Somerville, is hereby amended by insertion of the following:

I. Community Benefits Committee

- (a) There is hereby established a Community Benefits Committee (“Committee”), consisting of nine voting members who are residents of Somerville. Of the nine members, at least one member shall own a small business in Somerville with less than 50 employees, at least two members shall be residential tenants, at least one member shall be a homeowner, and at least two members shall be board members or in senior leadership positions of a nonprofit organization. At least one of the Committee members shall also be a member of a protected class as defined by Chapter 151B of the Massachusetts General Laws.
- (b) No member shall serve more than two consecutive three year terms. In order to stagger the terms of the members, the initial appointment of one-third of the members shall be for one year; one-third shall be for two years; and one-third for three years.
- (c) Members of the Committee shall serve without compensation and shall be classified as special municipal employees for the purposes of Chapter 268A of the Massachusetts General Laws.

II. Announcement of Open Positions

There shall be a public announcement of any open positions, with at least a three week period for submittal of an application to the Mayor. The names and a brief summary describing each candidate's qualifications shall be posted on the city website for at least two weeks [to solicit comments](#). The members of the Committee should include ~~residents~~ [citizens](#) who have demonstrated interest in economic development [and workforce development](#), preventing and mitigating displacement of residents and businesses, [increasing open and green space and improving quality of the public realm](#), empowering residents to create and sustain community, and ensuring that developments deliver benefits to the community.

III. *Establishment of Nominating Committee*

- (a) Applications to serve on the Community Benefits Committee shall be reviewed by a nominating committee. The nominating committee shall consist of three members, as follows:
 - (1) One member to be appointed by the Mayor;
 - (2) One member to be appointed by the Board of Aldermen; and
 - (3) One [board](#) member from a non-profit organization appointed by agreement of the Mayor and the Board of Aldermen
- (b) The nominating committee shall make recommendations for Committee membership which shall ensure that there is city-wide representation and that Committee members have [interest or](#) expertise in one or more of the following areas: finance and development, planning and zoning, open space, [sustainability](#), housing, traffic/engineering, human services, culture and the arts. The nominating committee shall forward its recommendations for appointment to the Mayor. Appointments by the Mayor to the Community Benefits Committee shall be subject to Board of Aldermen approval.

IV. *Election of Chairperson*

The Committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. A Committee member may serve as chairperson for no more than two consecutive years.

V. Definitions

“Applicant” shall mean a community based organization, association, [group](#) or other entity applying to the [city-Committee](#) to provide or undertake a program of community benefits subject to a grant agreement or contract. For purposes of this chapter, the city may join with one or more applicants in submitting a funding request hereunder; [provided, however, that the city may not join with a for profit entity in submitting a funding request.](#) [A neighborhood council may not be an applicant hereunder.]

“Community Based Organization” shall mean a non-profit entity registered pursuant to 26 U.S.C 501(c)(3) organized to undertake, administer, provide or perform one or more community benefits.

“Community Benefits” shall mean the provision of programs or services that directly benefit Somerville residents including but not limited to human services, the arts, cultural enrichment, sustainability measures, public health, preventing and mitigating commercial and residential displacement, housing, educational programs focused on science, technology, engineering, and other areas of community enrichment. [Specific goals of community benefits programs or services shall include but not be limited to \(i\) fostering the creation of new jobs and local hiring programs in Somerville; \(ii\) maintaining and promoting local businesses; \(iii\) creating multi-functional community spaces, including green space; \(iv\) providing open technologies, connectivity and policies to support a shared innovation platform; \(v\) improving quality of life by bolstering social capital and community resilience; \(vi\) and such other matters as the Neighborhood Council may deem appropriate.](#)

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“Community Benefits Committee” or “Committee” shall mean the Committee established by this chapter and appointed by the Mayor subject to Board of Aldermen approval to identify community benefits needs of the residents of Somerville based on the priorities established by the Neighborhood Council(s) or Neighborhood Advisory Committee(s) and to solicit and evaluate applications for the provision of said services by qualified applicants in order to make recommendations to the Mayor for submission to the Board of Aldermen for the allocation of Community Benefits Stabilization Funds for the award of grant agreements or contracts for the provision of said services.

“Community Benefits Stabilization Funds” or “Funds” shall mean any funds [created for the specific purpose of funding community benefits and other related programs. Such Fund shall be created by the Board of Aldermen pursuant to G.L. c. 40, sec. 5 and any expenditures therefrom shall be appropriated in accordance therewith. The Fund shall hold monies](#) offered to and received by the City in connection with any agreements entered into with the City by which funds are given to and held by the City to be expended for community benefits and other related purposes. Funds allocated to mitigate development impacts in a specific neighborhood shall be deposited into a neighborhood-specific community benefits stabilization fund sub-account.

“Funding Priorities” shall mean funding goals, [including Neighborhood Council Funding Priorities, determined-influenced](#) by periodic needs assessments to be conducted by the Committee, [and approved by the Board of Aldermen](#) for the expenditure of community benefits funds in Somerville.

“Funding Request” shall mean a proposal by an Applicant to enter into a grant agreement or contract to provide or undertake a program of community benefits consistent with or in furtherance of the Funding Priorities. A funding request shall not seek community benefits funds for an Applicant’s capital or infrastructure projects or general operational expenses except as otherwise provided herein.

“Funding Recommendation” shall mean the recommendations of the Community Benefits Committee for appropriations of specific amounts from the Community Benefits Stabilization fund or applicable Neighborhood-Specific Fund to implement a Funding Request(s). Funding recommendation(s) shall be submitted to the Mayor.

“Interim Neighborhood Council” shall mean an open, inclusive, transparent and duly democratic temporary organization with all the characteristics, principles, duties, and obligations of a Neighborhood Council, as defined herein, which has been duly recognized by the Board of Aldermen. This designation shall terminate upon for a period not to exceed the earlier to occur of (a) the formation of a Neighborhood Council; or (b) six months from the date of formal recognition.

: or (b) one year from the date of formal recognition. Our interim board Neighborhood Council term proposal is one year.

“Neighborhood Advisory Committee” shall mean the advisory committee(s) appointed by the Mayor and approved by the Board of Aldermen in the absence of a recognized Neighborhood Council or Interim Neighborhood Council to identify community benefits needs and priorities for a specific neighborhood or neighborhoods or citywide. The Neighborhood Advisory Committee shall represent to the extent possible the diversity of the neighborhood and make special efforts to seek out and listen to a broad range of people and groups in the neighborhood. The Neighborhood Advisory Committee shall terminate upon the earlier to occur of (a) the formation of a Neighborhood Council or Interim Neighborhood Council; or (b) six months after its initial meeting.

Comment: what is the timeline for when the mayor might decide to form a Neighborhood Advisory Committee?

At all costs the community would like to have a democratically elected and inclusive neighborhood council. WE DONT WANT ONE APPOINTED BY THE MAYOR!

I can't find a timeline of at what point would the mayor appoint a Neighborhood Advisory Committee ?

I (Tori) anticipate having a Neighborhood Council by October.

If passing this ordinance implies that the mayor can, on a whim at any time, decide to form a Neighborhood Council Advisory Committee then please do not pass this, or add language to safeguard the community created Neighborhood Council.

The community process to create a Neighborhood Council needs to be safeguarded.

What language can we add or take away from this ordinance that will insure that?

“Neighborhood Council” shall mean an open, inclusive, transparent and duly democratic organization or non-profit organization recognized by the Board of Aldermen as representing a particular Somerville neighborhood. In order to be granted official recognition by the Board of Aldermen, a neighborhood council shall:

- (a) Be organized with a corporate purpose to maintain and improve the health, safety and welfare of all Somerville residents and to implement the goals of the city’s comprehensive plan and the neighborhood plan adopted for the neighborhood represented, with special attention given to the members of the community for whom quality of life and permanence in the community may be harder to attain, including environmental justice populations and residents facing mobility, age and/or other personal and family challenges;
- (b) Clearly define the neighborhood area represented;
- (c) Undertake review of and deliberation on planning, zoning, development, community benefits and other material matters of neighborhood oversight and operations, and clearly and openly communicate the results of such efforts to the community, city government and others;
- (d) Make special efforts to seek out and listen to a broad array of community opinions with regard to policy and practices that may affect the neighborhood and its residents;
- (e) Observe all laws, regulations, and commonly held ethical standards, including recusal of any member who may have a direct or indirect conflict of interest, whether personal, financial, or organizational. Failure to observe such laws, regulations, and standards may result in revocation of official recognition of the Neighborhood Council by the Board of Aldermen, after notice and a public hearing.

At such time as a Neighborhood Council or Interim Neighborhood Council seeks official recognition, it shall submit to the Mayor copies of any organizational documents, a membership list showing the community affiliations of its members, a map delineating the neighborhood to be represented by the council, and such other materials evidencing the council’s commitment to the principles set forth above. Upon receipt of such filings from the Mayor, the Board of Aldermen shall hold a public hearing to consider the council’s request for official recognition. The Board of Aldermen shall grant formal recognition to only one neighborhood council for each neighborhood. Upon formal recognition by the Board of Aldermen, the council shall receive a stipend to defray its administrative and operating expenses. The amount of such stipend shall be fixed by the Board of Aldermen but all councils shall receive the same amount. The council shall annually resubmit its credentials to the Board of Aldermen for renewal of its recognized status. Concurrently with each such renewal, the Board of Aldermen shall grant the annual stipend to such council. Each recognized Interim Council shall receive a one time stipend equal to an amount equal to one-half the annual stipend. ’

Comment: what would the interim council receive less in stipend money than an official neighborhood council? I feel the interim board, if it were to function for a year, would need just as much funding, if not more, in order to get off the ground as an established neighborhood council.

Outreach, advertising, research, transportation to other local neighborhood councils, attending conferences etc. are something that an interim board may need more of than an established board.

Please reconsider the 'one half annual stipend' for the interim board to be equal to a one year stipend of a regular board.

“Neighborhood Council Funding Priorities” shall mean funding goals recommended by the Neighborhood Council, or Neighborhood Advisory Committee if no Neighborhood Council has been recognized by the Board of Aldermen for that neighborhood, for the expenditure of community benefits funds in Somerville.

“Neighborhood-Specific Fund” a sub-account of the Community Benefits Stabilization Fund containing monies allocated as mitigation for development in a specific neighborhood.

VI. *Powers and Duties of the [Community Benefits Committee](#)*

(a) To carry out its responsibilities under this chapter, the Committee shall:

- (1) Identify community benefits needs of the residents of Somerville based on the priorities established by various Neighborhood Councils or Neighborhood Advisory Committees.
- (2) Evaluate and make recommendations to the Mayor for the award of grant agreements or contracts for the provision or undertaking of community benefits to be paid for from the Community Benefits Stabilization Fund consistent with the Neighborhood Council Funding Priorities and in furtherance of the ~~funding-Funding priorities~~[Priorities](#).
- (3) Establish rules, regulations and guidelines to provide for the proper administration and implementation of the Committee’s responsibilities.
- (4) Conduct an annual public hearing and additional public hearings as needed to prioritize needs, possibilities and resources regarding community benefits. Subject to and consistent with the Funding Priorities and Neighborhood Council Funding Priorities, the Committee shall consider the following guiding principles:
 - (i) Fund programs or services that directly benefit Somerville residents.

- (ii) Emphasize Neighborhood Funding Priorities informed by the outcomes of a needs assessment.
 - (iii) Consider neighborhood(s) impacted by development projects.
 - (iv) Consider other public resources allocated to a neighborhood in order to better understand unmet needs.
 - (v) Prioritize funding for Applicants with a history of promoting collaboration, partnership and collective impact.
 - (vi) Establish a transparent, inclusive, and collaborative process.
- (b) Develop a standard form of application for Funding Requests.
- (c) Evaluate Funding Requests for the provision of community benefits.
- (i) No less than sixty (60%) percent of any funds paid to mitigate development in a specific neighborhood shall be allocated to benefit that neighborhood; provided, however, that the Committee may vote to allocate a higher percentage of such monies to such neighborhood, with the balance to be allocated city-wide.

Comment: Does this mean that the CBF created from Union Square Development would go to other areas of the city? Is that how it worked at Assembly Square? If a Neighborhood Council forms in Davis Square does that mean funds gained through development in Davis could be used for all areas in Somerville?

If this is true, I would like to know the rationale and would like your (Alderfolk's) opinion on it.

- (1.) The Committee shall accept Funding Requests from city-wide applicants for disbursements from the city-wide fund.
 - (2.) The Committee shall prioritize Funding Recommendations from the city-wide fund in accordance with the Funding Priorities established by the city-wide needs assessment.
- (ii) The committee shall reject Funding Requests submitted for an applicant's capital or infrastructure projects or general operational expenses, unless such operational funding

directly provides for an expansion of the applicant's initiatives. Notwithstanding the foregoing, an applicant's Funding Request budget may include reasonable overhead attributable to the provision of the program services to be funded.

- (iii) In subsequent years, if initial community benefits Funding Priorities have been met, the committee may elect to allow Funding Requests for renewable grants to returning nonprofit providers that have an excellent performance evaluation record and programmatic success.
- (d) Conduct a city-wide needs assessment of community benefits Funding Priorities every five (5) years.

VII. Aldermanic Approval of Funding Recommendations

- (a) In order to identify Somerville's most pressing community benefits needs, the Board of Aldermen shall periodically assess the Committee's Funding Priorities based in part on a needs assessment conducted every five years by the Committee.
- (b) In each fiscal year, the Board of Aldermen shall make such appropriations from the Community Benefits Stabilization Fund as it deems necessary for the administrative and operating expenses of the Committee, including funds necessary for the city-wide needs assessment to be undertaken by the Committee.

Given US2's Community Benefit Allotment of 3.5 million dollars over the course of 30 years, can't the city find another mechanism of funding for a citywide 'needs assessment'? I fear we are not going to have a lot of pie to go around. Does the city need to dip into 'our' funds to do an assessment? Please?

- (c) After receiving the Committee's funding recommendations from the Mayor, the Board of Aldermen shall take such action and authorize such appropriations from the Community Benefits Stabilization Fund.
- (d) In the event that the Committee initially proposes that a project be funded by the Community Benefits Stabilization Fund and that initial proposal is rejected or reduced by the Board of Aldermen, the Committee shall be given one opportunity to respond to such actions by the Board of Aldermen and/or to adjust the scope and terms of any proposed project prior to a final decision by the Board of Aldermen as to the allocation of Community Benefits Stabilization Fund for the given year.

VIII. Effective Date

This chapter shall take effect upon its passage.

Approved:

President
Board of Aldermen

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