

CITY OF SOMERVILLE
ORDINANCE NO. 2022-
IN CITY COUNCIL: _____, 2022

Be it ordained by the City Council, in session assembled, that Chapter VII, Article IX, titled Community Benefits Neighborhood Council Designation, is hereby amended as follows:

ARTICLE IX. –~~COMMUNITY BENEFITS NEIGHBORHOOD~~ COUNCIL RECOGNITION POLICY AND COMMUNITY BENEFITS DESIGNATION

Sec. 7-220. – Purpose and Definitions.

The purpose of this article is to:

- (1) Promote improved communications between neighborhood councils and City government by providing a standardized recognition policy;
- (2) Encourage widened public engagement with City government, especially land use decisions, by facilitating the formation of neighborhood councils;
- (3) Assist with meeting the varied needs of diverse communities, while not limiting the rights of any other person, including non-recognized neighborhood groups, to offer their input on the City's decision-making processes; and,
- (4) Facilitate a transparent community benefits negotiation process for development projects within neighborhoods represented by a recognized neighborhood council.

Community ~~b~~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.

Community benefits agreement shall mean a written agreement negotiated by and between a ~~designated-recognized~~ neighborhood council and a developer to mitigate development impacts in a specific neighborhood arising from such developer's project. A community benefits agreement may include a commitment to provide or fund one or more community benefits.

Community benefits funds shall mean monies offered to and received by the city in connection with any agreements entered into with the city or otherwise by which funds are given to and held by the city to be expended for community benefits and other related purposes.

Community benefits stabilization fund ~~or fund~~ shall mean any fund created for the specific purpose of funding community benefits and other related programs. Such fund shall be created by the city council pursuant to G.L. c. 40, § 5 and any expenditures therefrom shall be appropriated in accordance therewith. Funds allocated to mitigate development impacts in a specific neighborhood shall be deposited into a neighborhood-specific community benefits stabilization fund sub-account.

Neighborhood council shall mean ~~an open, inclusive, transparent and duly democratic~~ a voluntary organization, council, or association formed by property owners, residents, workers and/or tenants within a specified

geographic boundary within the city, non-profit organization representing a particular Somerville neighborhood.

Recognized neighborhood council shall mean a neighborhood council that meets the criteria set forth in section 7-221 and has been recognized designated by the city council according to the process set forth in section 7-222.

Sec. 7-221. – ~~Designation-Recognition~~ qualifications.

In order to be designated as recognized ~~a the negotiating entity of a community benefits agreement for a particular neighborhood recognized neighborhood council by the city council~~, a neighborhood council shall:

- (1) Be an open, inclusive, and duly democratic non-profit organization. A neighborhood council will be deemed to satisfy this standard when they meet the following criteria;
 - (A) The geographic boundaries of a recognized neighborhood council shall be reasonable and a description and map of the neighborhood included within the bylaws.
 - (I) The boundaries of separate neighborhood councils must not overlap, and there may be no more than one recognized neighborhood council per bounded area.
 - (B) Membership shall be open to all adult persons ~~residing who reside~~ within the boundaries of the neighborhood, or ~~who owns own~~ a place of business or ~~works or attends school work~~ within the boundaries of the neighborhood. Membership shall not be limited by race, creed, religion, color, gender identity, sexual orientation, age, heritage, national origin, or income.
 - (I) A neighborhood council shall make a good faith effort to have its membership evenly distributed throughout the neighborhood, and all members must be eligible to hold any officer position within the council.
 - (II) These requirements shall not preclude a neighborhood council from, at their discretion, expanding their membership criteria to include other groups with close connections to the neighborhood, including but not limited, for example, people younger than 18 years old or students of nearby schools.
 - (C) The bylaws shall expressly identify the process of succession when an officer steps down voluntarily or is removed, and how vacant positions will be filled.
 - (D) The bylaws shall clearly identify how membership and voting rights are established. Only those persons within the boundaries of the neighborhood who have affirmatively joined the council may be counted as members.
 - (I) Payment of dues may not be a prerequisite of membership or voting rights in the council.
 - (E) The council shall hold at least one regularly scheduled meeting of the general membership per year and shall make good faith efforts to provide notice of all meetings two (2) weeks in advance to all households and businesses within its boundaries, to encourage the fullest participation reasonably possible. Notice may be accomplished through one or more of the following:
 - (I) U.S. Mail;
 - (II) Delivered or posted flyers;
 - (III) Website or social media posting; or,

- (IV) E-mail, text message, direct message through social media, or other form of electronic messages delivered to the last known contact address of each member
- (F) The council shall not hold a vote of the general membership on any question or candidate(s) unless it is advertised through the methods described in subsection (1)(E) above, at least seven (7) days in advance.
- (G) Should a review of the council's bylaws by its membership result in changes to the election process, organizational structure, or communication processes, the updated bylaws shall be resubmitted to the city council within 60 days of any vote by the membership to accept the revisions.
- (H) The bylaws shall identify an orderly and democratic process for decision making. A neighborhood council's process shall be deemed orderly and democratic if decisions are made via a majority of the total votes cast by the council's officers, directors, or members using one of the following methods: in-person, mailed paper ballot, or electronic means.
- (I) If a virtual online meeting is used for an in-person vote, votes shall be recorded via a roll call vote.
- (II) When voting occurs by paper ballot or electronic means, results shall be tallied by a committee consisting of two or more members of the council and reported to council members in writing, either electronically or hard copy.
- (I) Elections or votes of the membership shall satisfy the requirements of subsection (1)(H) where:
- (I) Members are given advance notice as prescribed in subsection (1)(F) above; and,
- (II) Each member is afforded the ability to vote using at least one of the following methods: in-person, mailed paper ballot, or electronic means.
- (2) Be organized with a corporate purpose to maintain and improve the health, safety and welfare of all ~~Somerville~~ residents within the neighborhood council's boundaries, 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;
- (3) ~~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;~~ 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.
- (4) Submit to the city council an annual report, within 30-60 days of May 1st of each year after their recognition their regularly scheduled annual meeting of the general membership, containing, at minimum:
- (A) The number of members for the previous year;
- (B) Two designated points of contact, who shall receive notices from the city, including e-mail addresses, phone numbers, and mailing addresses;
- (C) Names, addresses, e-mail addresses, and phone numbers, where available, of current officers and/or board members;
- (D) An updated copy of the bylaws if they have been amended, per subsection (1)(G) above; and
- (E) The results of all votes taken in the previous year.

Sec. 7-222. – ~~Designation-Recognition~~ process.

At such time as a neighborhood council seeks to be ~~recognized designated as the negotiating entity for a community benefits agreement a recognized neighborhood council~~, it shall submit to the mayor and the city council the following:

- (1) Copies of all organizational documents, including records of votes;
- (2) A list of its elected board members showing all of the community affiliations of those members;
- (3) A map delineating the neighborhood represented by the neighborhood council;
- (4) Such other materials evidencing the council's commitment to the principles of inclusivity, transparency, and participatory democracy, including its efforts to seek out and listen to a broad array of community opinions with regards to policy and practices that may affect the neighborhood and its residents and businesses;
- (5) Affidavits, signed by each neighborhood council board member ~~and each member of any committee formed to negotiate the community benefits agreement~~, covenanting that each signatory shall observe all laws, regulations, and commonly held ethical standards, including recusal of any member who may have a conflict of interest, whether personal, financial, or organizational, in the performance of their duties. Each signatory shall acknowledge that failure to observe such laws, regulations, and standards may result in revocation of the council's ~~recognition designation as a recognized neighborhood council the negotiating entity~~.

Upon receipt of such filings, the city council shall hold a public hearing to consider the council's request for ~~recognition designation as a recognized neighborhood council the negotiating entity~~. The city council may approve the council's request for ~~recognition designation~~ by a 2/3 vote after reviewing all submissions of the council and any testimony, oral and written, from the public hearing. Upon a favorable vote, the city council shall communicate the council's ~~recognition designation as a recognized neighborhood council to the mayor and to the council's officers. the appropriate negotiating entity for a community benefits agreement to the mayor and the developer, and such council shall be the negotiating entity thereafter, unless and until such designation is revoked by the city council as set forth below. Only one council may be designated as the negotiating entity at any given time.~~

Sec. 7-223. – Revocation of ~~designation recognition~~.

The city council may also revoke by a 2/3 vote a neighborhood council's ~~recognition designation as the negotiating entity for a community benefits agreement a recognized neighborhood council~~, after notice and a public hearing, for good cause as determined by the city council, including without limitation based upon receipt of written allegations of ~~a failure to comply with the requirements of section 7-221 above, or a failure to act in accordance with the neighborhood council's own organizational documents.~~

- (1) ~~Any neighborhood council recognized prior to [insert date of passage of this amendment] shall not be subject to revocation of their recognition designation as a recognized neighborhood council for failure to comply with the requirements of section 7-221 unless, within 60 days of their regularly scheduled annual meeting of the general membership in the following calendar year, they fail to provide evidence in their annual report of a good faith effort to attain compliance with the requirements of section 7-221.~~

- (1) ~~A violation of law, regulation, or commonly held ethical standard, including the failure of a member who may have a conflict of interest, whether personal, financial, or organizational, to recuse him or herself;~~
- (2) ~~A failure to act in accordance with the neighborhood council's own organizational documents; or~~
- (3) ~~A failure to comply with the requirements of subparagraph section 7-222(a), above.~~

Sec. 7-224. – Responsibilities of recognized neighborhood councils.

(a) Recognized neighborhood councils shall:

- (1) Establish and follow a clear method for reporting to the City accurate reflections of the neighborhood's position on pertinent issues of concern. When a recognized neighborhood council presents its official position on an issue to the City, it shall be prepared to identify whether the decision was reached by the board, a poll of the general membership, or by a vote of the members at a meeting of the general membership.
- (2) Notify the city council of general membership meetings at least five (5) business days in advance.
- (3) Make special efforts to seek out and listen to a broad array of community opinions with regards to policy and practices that may affect the neighborhood and its residents.
- (4) By interaction with their members, residents, and the city, strive to engage with the community and land use planning, protect the environment, and promote the community welfare.
- (5) Make efforts to foster communication between the recognized neighborhood council and city government on plans, proposals, and activities affecting their area.
- (6) Use best efforts to inform members and other eligible participants others in their neighborhood council boundary of current issues, and to inform themselves of the needs and desires of the neighborhood.
 - (A) This shall include good faith efforts to seek out and consider the positions of groups not eligible for membership, but who nonetheless have a stake in issues within the community (e.g., non-adult students or employees).
- (7) Strive for productive resolution of conflicts between residents of the neighborhood and proponents of development projects, including, but not limited to, through the negotiation of community benefits agreements.

(b) In addition to the above responsibilities, a recognized neighborhood council may:

- (1) Submit to the City proposals proposed ideas and request for projects or activities needed in their neighborhood areas.
- (2) Designate representatives to appear before the city council at public hearings, or subject to sponsorship by a city councilor, on matters that affect their area.

(c) The recognition of a neighborhood council shall not, under any circumstances, does not preclude individuals or other organizations from advocating for their interests of the interests of their community.

Sec. 7-225. – Community benefits agreement negotiation.

- (a) A recognized neighborhood council shall be the designated as a representative of the interests of the neighborhood in the negotiation of may negotiate a community benefits agreement with any a developer

whose project significantly impacts the area within the council's boundaries, and where such negotiations may be necessary to mitigate harms to the community at large.

- (b) In the event that a development project impacts an area that falls within the boundaries of two or more recognized neighborhood councils, the affected councils shall work as a unit to represent their areas in the negotiation of a community benefits agreement.

Sec. 7-226. – Community benefits stabilization fund.

There is hereby created a community benefits stabilization fund, into which all monies received by the city for the purpose of funding community benefits shall be deposited. Funds to be expended for the benefit for a particular neighborhood shall be held in a neighborhood-specific sub-fund. Any expenditure from such community benefits stabilization fund or sub-fund shall be appropriated by vote of the city council.

Approved:

President

Approved:

Mayor