

February 1, 2018

Board of Aldermen
City Hall
[93 Highland Avenue](#)
[Somerville, MA 02143](#)

RE: #17779, a Resolution recognizing the Union Square Neighborhood Council

Dear Honorable Members of the Board of Aldermen,

To briefly give context for my remarks, since January 2017 I was heavily involved in the Working Group to set up the Union Square Neighborhood Council (USNC) and helped write a number of the sections of the Interim Bylaws.

Since the USNC election last fall, I have attended as many of the USNC meetings as possible, work on their newly established Community Benefits Agreement Committee and Built Environment Committee, and continue to try to put the voices of the broader community into the room. I also continue to be involved with a number of other Union Square community organizations, and I hope many of them can come together to achieve the goals of community members as Union Square develops.

I have some specific concerns about the Resolution #17779 before you. My primary concerns are regarding the legal implications of the resolution, but also how those would then relate to the inclusion of all the voices of the Union Square community. For ease of reference, the end of the resolution is copied here:

"RESOLVED: That the Somerville Board of Aldermen:

- 1) recognizes the formation of the Union Square Neighborhood Council;*
- 2) congratulates the many volunteers who devoted efforts to its formation and the Founding Board members who were elected fairly and openly;*
- 3) acknowledges the Union Square Neighborhood Council as a body duly formed and prepared to negotiate in good faith a Community Benefits Agreement ("CBA") with the Master Developer; and*
- 4) urges the city administration to meet with the Board to discuss a designated role for the Neighborhood Council as a representative voice for the neighborhood in pending and future proceedings of significance by city departments, boards and commissions relevant to Union Square."*

This resolution exists alongside a draft Community Benefits Ordinance (CBO) that could be robust legislation governing neighborhood councils and community benefits throughout Somerville.

In a sense, Union Square is unique right now because the idea of a neighborhood council has already been injected into the legal language of the Covenant between US2 and the City in the context of both a Community Benefits Agreement (CBA) between US2 and a USNC, and the CBO, which would more properly regulate neighborhood councils throughout the City. I believe it may be possible to address this particular CBA independent of granting the USNC any specific legal powers in the City.

If US2 and the USNC were independently as private parties negotiating a CBA contract, I don't think there would be any question at all that such a negotiation could go forward. However, because negotiating this CBA is required specifically in another contract between the City and US2, I have an open question as to whether this changes the relation between the USNC and US2 in constructing this particular CBA. If I read the relevant section of the Covenant correctly, the CBA negotiation is tied to (a currently non-existent) CBO and to the Community Benefits Funds in that language. I think it may be possible for this CBA and the broader CBO language to be separated from each other though I don't know if this would require some sort of clarification or amendment to the Covenant. I do not know the answers to any of the above questions and merely hope that they are addressed in the discussion to add clarity and figure out explicitly the steps to move forward on this.

Separate from this particular CBA, I have a broader concern about sections 1 and 4 in the resolution.

Does "recognize" in section 1 impart any specific legal authority to the USNC that goes above and beyond any other private community group that currently exists in Union Square?

I also believe that the language in section 4 may set a bad precedent. Does this language imply a USNC would have legal voting authority on City matters or that USNC board members would be added to existing City committees? Does it imply this group would get funding from the City or that it would have a specific role on City matters that have significant direct and indirect financial implications for the community?

Because no CBO or related neighborhood council ordinance legislation has been passed yet, there are no standards governing the parameters, specifications, requirements, or other criteria for the City to recognize any particular private organization in any Somerville neighborhood as the singular representative voice of that neighborhood on City, community, or private matters. Furthermore, there is no legislation governing how the City and Board of Aldermen would have oversight over neighborhood councils or what their role should be beyond this particular CBA where a role has already been stated via the Covenant. Absent specific legislation, what would stop any other private Union Square group from urging the City to meet with them to have a designated role in City matters?

Union Square is fairly unique in its diversity of groups that provide great feedback to the Aldermen and the City on critical issues, such as Union United, Union Square Neighbors, Union Square Main Streets, now this Union Square Neighborhood Council, and all the other groups involved. Until there is a legislative process for judging, regulating, and granting authority to

neighborhood councils, **I hope that the expectation will be that while the Union Square Neighborhood Council may be able to synthesize views and feedback from the community that were not heard before, the USNC is an additional voice for the Union Square community alongside all these other groups, not the only voice that carries weight.**

If the intent of this resolution is to grant the USNC particular legal authority or even non-enumerated powers in City governance, then **I am wondering if some sort of compromise on the resolution can be established that would not grant this private entity any particular authority over the rest of Union Square until explicit legislation on choosing and regulating neighborhood councils is established.**

It must additionally be pointed out that this is a one year Interim Founding Board and permanent bylaws must be established by the end of this year with input from the broad community. As the USNC (myself included) is currently figuring out the best methods and practices of operating and interfacing with the community, it would seem far too early to grant them a unique position on broader Union Square matters.

I hope that the neighborhood council project is successful, but I also want to make sure proper guidelines are established by the Board of Aldermen and the City if neighborhood councils are going to have a unique position going forward throughout the City.

Sincerely,

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