



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

June 1, 2017

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Present	
William A. White Jr.	Alderman At Large	Absent	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Absent	
Dennis M. Sullivan	Alderman At Large	Present	
Lance L. Davis	Ward Six Alderman	Present	

Others present: Michael Glavin - OSPCD, Tom Galligani - OSPCD, Frank Wright - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Kristen Stelljes - CPC, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 7:19 PM by Alderman Davis and adjourned at 9:20 PM.

Approval of the April 20, 2017 Minutes

RESULT:	ACCEPTED
----------------	-----------------

Approval of the April 26, 2017 Minutes

RESULT:	ACCEPTED
----------------	-----------------

Approval of the May 4, 2017 Minutes

RESULT:	ACCEPTED
----------------	-----------------

202599: That the Mayor, the City Solicitor, and this Board's Committee on Legislative Matters develop a Home Rule Petition to enable the collection of revenues from developers of projects and large landowners benefited by the GLX.

Mr. Snyder told the committee that the city is seeking to recapture 1/2 of \$50 million contribution made for GLX. This proposal is to allow the city to potentially collect revenue from future developers and large landowners benefiting from the GLX. Mr. Snyder noted that nothing has been formalized yet.

Solicitor Wright of the Law Department shared his research of this and found a similar recent case law where the SJC found in favor of the town. The Law Department is still examining the proposal and asked for directions from the committee to determine if it's preferable to do something internally via an ordinance or to seek a Home Rule Petition (HRP).

Mr. Snyder spoke about the legislative session and said that a HRP may be filed at anytime, however it's hard to say how long it might take to get through the legislature. The current formal legislative session ends at the end of July 2018. Alderman Connolly asked about the challenge potential of a HRP and Solicitor Wright replied that the city would have a stronger argument with a HRP, since the legislature passed it by a special act. He went on to say that there is a greater risk for a challenge of an ordinance.

Alderman Ballantyne asked about a time frame for enactment and Mr. Snyder said that currently, the city has a way to secure contributions like this however, the HRP would provide more security for the city. Mr. Glavin said all major developers were approached and asked to pay a charge per square foot of development to the city. Alderman Connolly inquired about the general perception from developers and Mr. Glavin said that opinions vary, as they are being asked to contribute to a state project. On other hand, developers are here in Somerville because of what city has to offer, so they may recognize the inherent value of doing business here.

Chairman Rossetti's motion, *that the City Solicitor prepare a Home Rule Petition to enable the City of Somerville to collect revenues from developers of projects and large landowners benefitted by the Green Line Extension*, was approved.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

203097: Assistant City Solicitor submitting the US2-City Development Covenant.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

203098: Assistant City Solicitor submitting an Ordinance to create a Community Benefits Committee.

Chairman Rossetti referenced a memo from Eileen McGettigan (dated May 15, 2017) which accompanied a Revised Community Benefits Ordinance that included changes requested by the Legislative Matters Committee through May 4, 2017.

Solicitor Wright spoke about the Law Department's review of the Somerville Benefits Ordinance, (SBO), that was submitted by members of the community, i.e., Union United, and said that their edits of the SBO substantially changed what was before committee and effects an unlawful delegation of authority and is, therefore, a violation of law. Additionally there is an issue with whether a Neighborhood Council is a public or private entity. Chairman Rossetti requested that the Law Department further review a revised draft document submitted this evening from Union United containing revisions from the Sugar Law Center.

REVIEW:

I. Community Benefits Committee

(a) Alderman Niedergang and Alderman Connolly moved to change the number of tenants from one to at least two residential tenants (while keeping the total members at nine). The change was APPROVED. Mr. Snyder said language would be changed to make all categories read "at least".

Alderman McLaughlin moved to require at least one slot to be filled by a diversity. Chairman Rossetti asked Solicitor Wright to insert language that considers age, color and gender.

(c) There was a discussion of this clause and Solicitor Wright explained why it was inserted. Alderman Niedergang doesn't think city employees should be members of the Community Benefits Committee, (CBC), since they already benefit from and are invested in the city. Alderman Connolly believes that membership should be open to everyone. Alderman Niedergang then suggested that city employees be appointed at the discretion of the BOA. Alderman McLaughlin want CBC members to have independent voices. Alderman Davis moved to strike this clause, but withdrew his motion after Mr. Glavin explained that the clause is there to make it clear that CBC members are bound by ethics regulations that they may not be aware of. Chairman Rossetti requested that the City Clerk provide instances of similar language found in other committees/commissions. Alderman Niedergang said that he wants more time to think about this.

II. Announcement of Open Positions

Alderman McLaughlin moved to add the words "and workforce development" after the words "economic development" in the third sentence. The change was APPROVED.

III. Establishment of Nominating Committee

(b) Alderman Niedergang moved to add the words "interest or" before the word "expertise". The change was APPROVED.

V. Definitions

"Community Benefits" - Chairman Rossetti moved to insert the definition proposed by Union United, excepting the words "in Union Square". Mr. Glavin explained that the language in the city's document was developed through meetings with individuals familiar with these things. Alderman Connolly amended Chairman Rossetti's motion so that Union United's language be added to what is in the city's version. Alderman Ballantyne stated that there is an overlap in the two versions and she agrees with Chairman Rossetti's motion. Alderman Connolly's amendment failed. Alderman Davis thinks that some original categories should be included. Chairman Rossetti requested that the OSPCD staff review the language and submit another draft for this definition. Chairman Rossetti reworded her motion so that Union United's definition be added to the city's definition. The motion was APPROVED.

"Funding Priorities" - Alderman Niedergang suggested replacing the definition with the following: Funding Priorities shall mean funding goals proposed by the Neighborhood Councils, influenced by periodic needs assessments to be conducted by the Committee, and approved by the Board of Aldermen. Alderman Niedergang thinks that the document doesn't empower the neighborhoods enough and he thinks that things should work bottom up, not top down. Alderman Connolly asked for a graphic illustration to show the flow of funding.

VI. Powers and duties of the Community Benefits Committee

(a) (2) Alderman Davis moved to capitalize Funding Priorities at end of the paragraph. Mr. Glavin explained funding priorities from neighborhood councils and from the city-wide committee. Alderman Davis said that he isn't sure of the intent of the language and Mr. Glavin said that the funding priority is the committee's recommendation to the BOA. Alderman Davis suggested that references to "funding priorities" be reworded for clarity.

RESULT:

KEPT IN COMMITTEE

203192: Union United submitting comments re: the Union Square Development Covenant.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Updated Draft CBC Ordinance (with 203098)
- Memo re proposed SBO (with 203098)
- Revisions proposed by Sugar Law Center (with 203098)
- Distinctions - Public Body vs Private Entity (with 203098)