

January 31, 2018

Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

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

Dear Members of the Board of Aldermen,

A draft Board Resolution (#17779) proposes to recognize the recently formed “Union Square Neighborhood Council” as “as a body duly formed and prepared to negotiate in good faith a Community Benefits Agreement (“CBA”) with the Master Developer” and further “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.”

I believe this resolution is a well-intentioned effort to recognize the hard work that many people in the Union Square community have put in over the last several years to form a neighborhood organization. I was heavily involved in this process, having attended several dozen meetings on the topic and helping to draft bylaw language for the organization. That said, I do not believe a Board Resolution is the appropriate way to recognize a neighborhood council, whether it be in Union Square or in another neighborhood, either on an interim or permanent basis.

Instead, I urge the Board of Aldermen to pass legislation that provides a thoughtful, proactive, and comprehensive framework for fostering and empowering neighborhood councils throughout Somerville, including, if necessary, some sort of provisional/ “fast-track” process to address the unique circumstances of Union Square.

Recognizing a neighborhood council through a Board Resolution sets a poor precedent for the future. The Board of Aldermen has not legislated any standard or set of expectations about what a neighborhood council should be or do, how a neighborhood council should be formed, and what sort of representational goals should be met, if any.

By recognizing neighborhood councils on an ad-hoc, first-come-first-served basis, a Board Resolution sets the Board of Aldermen up for future instances of organizations coming forward seeking neighborhood council status without any “road map” for evaluating whether the organization is worthy of such a designation. What would prevent organizations (worthy and unworthy) in other neighborhoods from seeking neighborhood council status--and more importantly, how will the Board of Aldermen judge the merits of these requests? What if multiple organizations seek neighborhood council recognition for the same neighborhood? Is it even

appropriate for the Board of Aldermen, a legislative body, to be reviewing and approving these requests?

Without an ordinance, the concept of a neighborhood council, and more specifically, the Union Square Neighborhood Council, lacks a clear role and set of responsibilities that defines its partnership with the City of Somerville. Indeed, if I'm not mistaken, the only City document that currently references a neighborhood council is the Covenant Agreement between the Mayor and US2. It states:

"US2 agrees to negotiate in good faith a Community Benefits Agreement ("CBA") with the Union Square neighborhood council or interim council, when such council has been duly formed and recognized in accordance with the City's Community Benefits Committee ordinance to be promulgated by the City...."

I would make three observations about this language: (1) it provides no policy guidance on what a neighborhood council is or does, other than negotiate a CBA with this particular developer (albeit a consequential developer), (2) it is bilateral agreement that can be amended at any time by the two parties (i.e. the Mayor and US2) and therefore can be changed as easily as it was created, and (3), it specifically ties recognition of the Union Square Neighborhood Council to the "City's Community Benefits Committee ordinance to be promulgated by the City..." *which has not yet occurred.* As a result,

Even if the proposed Board Resolution was adopted and the language of the Covenant Agreement remained unchanged, the totality of these two documents does not create the legal or regulatory framework that will empower the Union Square Neighborhood Council to move ahead, nor do the documents establish a clear path forward for other neighborhood councils. This highlights the overdue need for the Board of Aldermen to develop and pass legislation regarding neighborhood councils.

The Board of Aldermen should invest the time necessary to pass a thoughtful, proactive, and comprehensive neighborhood council ordinance. The ordinance could set forth policies and processes to operationalize the formation of neighborhood councils. For example, the City could develop a transparent process that solicits proposals from organizations seeking neighborhood council recognition within defined neighborhood areas. A particular neighborhood area would get a one year contract (and an operating budget stipend) with the option to renew for up to two additional years. Neighborhood councils would need to demonstrate adherence to the standards articulated through the ordinance (see below). In return, neighborhood councils would provide the City with a structured forum for soliciting community feedback on legislation, development projects, park planning, transportation, expenditures from developer funded contributions, etc.

Separate and apart from this partnership between the City and a neighborhood council, a neighborhood council could enter into private agreements with other private parties, including

but not limited to developers (e.g. CBAs). The City would have no oversight role in these agreements among private parties.

An ordinance concerning the recognition of neighborhood councils should also set forth minimal standards and expectations about how neighborhood councils should function. For example, the Board could define certain standards for open meetings, public notice, conflict of interest disclosure and recusal, representation on the council's leadership (perhaps business owners and workers?), and fair election practices. These minimum standards will help empower the neighborhood councils to be seen as legitimate expressions of community consensus rather than narrowly focused groups with limited focus or representation.

Given the unique circumstances of the Union Square development and the Covenant Agreement with US2, I believe an ordinance could be passed in the more immediate future that establishes a "fast-track" process to recognize an interim neighborhood council for Union Square. Perhaps with additional time and study, a second, more robust ordinance could be passed that would encourage the development and recognition of neighborhood councils throughout Somerville.

I think a carefully crafted neighborhood council ordinance has the potential to foster enhanced civic participation and involvement of residents, workers, and business owners in the functioning and success of our city.

Sincerely,

Rob Buchanan
16 Wesley Park