

DRAFT

CITY OF SOMERVILLE

ORDINANCE NO. 2018-__

IN THE BOARD OF ALDERMEN: _____

COMMUNITY BENEFITS

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. Definitions

“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.

“Community Benefits Agreement” shall mean a written agreement negotiated by and between a designated 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 Board of Aldermen pursuant to G.L. c. 40, sec. 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 non-profit organization representing a particular Somerville neighborhood.

II. Designation Process

In order to be designated as the negotiating entity of a Community Benefits Agreement for a particular neighborhood, a neighborhood council shall:

- (a) Be an open, inclusive, and duly democratic non-profit organization;
- (b) Be organized with a corporate purpose to maintain and improve the health, safety and welfare of all Somerville residents, 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;
- (c) 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;
- (d) 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.

At such time as a neighborhood council seeks to be designated as the negotiating entity for a Community Benefits Agreement, it shall submit to the Mayor and the Board of Aldermen 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 designation as the negotiating entity.

Upon receipt of such filings, the Board of Aldermen shall hold a public hearing to consider the council's request for designation as the negotiating entity. The Board of Aldermen may approve the council's request for 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 Board of Aldermen shall communicate the council's designation as 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 Board of Aldermen as set forth below. Only one council may be designated as the negotiating entity at any given time.

The Board of Aldermen may also revoke by a 2/3 vote a neighborhood council's designation as the negotiating entity for a Community Benefits Agreement, after notice and a public hearing, for good cause as determined by the Board of Aldermen, including without limitation based upon receipt of written allegations of:

- (i) 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;
- (ii) a failure to act in accordance with the neighborhood council's own organizational documents; or
- (iii) a failure to comply with the requirements of subparagraph (a), above.

III. 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 Board of Aldermen.