

**DECLARATION OF TRUST
CITY OF SOMERVILLE SOMERPROMISE TRUST FUND**

This Declaration of Trust is hereby made on this ____ day of _____, 2011, by the City of Somerville acting by and through its Board of Aldermen, as approved by City Ordinance _____ on _____, 2011.

ARTICLE FIRST: Name of the Trust

The Trust shall be called the "City of Somerville SOMERPROMISE Trust FUND" (Trust).

ARTICLE SECOND: Purpose

The trustees may receive and accept property, whether real, personal, or mixed, by way of gift, bequest, or devise, from any person, firm, trust, or corporation, to be held, administered, and disposed of in accordance with and pursuant to the provisions of the Declaration of Trust.

The Trust is established to ensure that each Somerville child who is 0-18 years old achieves his or her greatest potential, including graduation from high school college-ready. Data on service delivery and input from residents will guide decisions on how to use limited resources to achieve the greatest success.

The principal and income of all property received and accepted by the trustees to be administered under this Declaration of Trust shall be held in trust by them. The trustees may make payment or distributions from income or principal, or both, to or for the use of nonprofit organizations and agencies to provide services deemed critical for the success of Somerville children and youth, in such amounts as the trustees shall from time to time determine, subject to approval of the Mayor and Superintendent. The Board of the Trust will issue requests for proposals to achieve high priority desired outcomes identified by the SomerPromise Coalition (Coalition). The SomerPromise Coalition refers to all agencies, departments, and organizations working together for the benefit of the children and youth in the City. Upon receipt of proposals, the Board will determine which are most likely to effectively and efficiently achieve the stated desired outcomes. The Board will issue grants or contracts to the organizations who submitted those proposals. SomerPromise staff will collect data from the grant or contract recipients and measure the extent to which the desired outcomes were achieved.

ARTICLE THIRD: Trustees

There shall be a Board of Trustees (Board) composed of eleven Trustees, including two representatives of the City of Somerville, a member of the Board of Aldermen, two representatives of Somerville Public Schools, one representative of the Somerville Housing Authority, one representative of Tufts University, two representatives of low-income residents of the current target area of the Trust, and two representatives of nonprofit organizations serving low-income residents of the current target area of the Trust. Trustees representing the City of Somerville shall be appointed by the Mayor of Somerville. The member of the Board of Aldermen shall be appointed by the President of the Board of Aldermen. Trustees representing Somerville Public Schools shall be appointed by the Superintendent. Trustees

representing the Somerville Housing Authority shall be appointed by the Executive Director of the Somerville Housing Authority. Trustees representing Tufts University shall be appointed by the President of the University. Trustees representing low-income residents of the current target area of the Trust shall be appointed by a majority vote of nonprofit organizations that serve low-income residents of the current target area of the Trust and that are active members of the Coalition, with each nonprofit organization having one vote, subject to the approval of the Mayor of Somerville. These appointees may include participants of a Somerville resident leadership development program or any other resident of Somerville. Trustees representing nonprofit organizations serving low-income residents of the current target area of the Trust shall be appointed by a majority vote of nonprofit organizations that are active members of the Coalition, with each nonprofit organization having one vote. Trustees shall serve three-year terms with the option to serve a maximum of three consecutive terms, in accordance with appointment or election procedures as stated herein. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term. Trustees may be removed at any time, with or without cause, by the person or group with the authority to appoint members on behalf of their represented bodies. Formal, non-binding recommendations for removal of a Trustee may be submitted by affirmative vote of the Board to the person or group with the authority to appoint that member on behalf of their represented bodies. Any Trustee may resign at any time by delivering written notice of resignation to the Chairperson or Secretary of the board. Such resignation shall be effective upon receipt unless it is specified therein to be effective at a later time, and acceptance of the resignation shall not be necessary.

ARTICLE FOURTH: Meetings of the Trust

The Board may from time to time establish quarterly or other regular meetings of the Board, the specific date, time, and place to be determined by the Chairperson. Special meetings of the Board may be called by the Chairperson. All meetings shall comply with the open meeting law. Attendance of a majority of Trustees shall constitute a quorum for the transaction of business at any meeting of the Board.

ARTICLE FIFTH: Powers of the Trustees

The Board of Trustees shall have the following powers:

- (1) to propose policy for the Coalition to the Mayor and Superintendent, including the Coalition's mission statement, vision statement, goals and strategies;
- (2) to monitor the Coalition's operations, including evaluating the program director and the Coalition's initiatives and programs;
- (3) to provide the Mayor and Superintendent with recommendations on the grant-making process, recommendations on approvals for requests for proposals, assessments of funding proposals, recommendations on which activities and proposals to fund, and evaluations of success of funded activities and proposals;
- (4) to publicly advocate for the Coalition;
- (5) to ensure the ethical integrity and accountability of the Coalition;
- (6) to create committees of the Board

The powers and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Mayor.

ARTICLE SIXTH: Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust as a duly authorized municipal agency shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the Trust, remain Trust property.

ARTICLE SEVENTH: Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

ARTICLE EIGHTH: Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the City, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

ARTICLE NINTH: Taxes

The Trust is exempt from G.L Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

ARTICLE TENTH: Custodian of Funds

The City Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities at the expense of the Trust.

ARTICLE ELEVENTH: Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. Chapter 39.

ARTICLE TWELFTH: Board of the City

The Trust is a board of the City for purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40;

ARTICLE THIRTEENTH: Duration of the Trust

Unless extended by vote of the Board of Aldermen or otherwise terminated in accordance with applicable law, the Trust shall terminate on the third anniversary of its approval by the Board of

Aldermen. Each extension shall be for three years, unless otherwise voted upon by the Board of Aldermen. Upon termination of the trust, subject to the payment of or making provisions for the payments of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to a City fiduciary fund for purposes of supporting the achievement and well-being of Somerville children and youth. The powers of the Trustees shall continue until the affairs of the Trust are concluded. In the event there are no positions appropriated by the Board of Aldermen for the Somerpromise staff, the Mayor or his or her designee shall perform such duties.

ARTICLE FOURTEENTH: Rules and Regulations

The Board may adopt such rules and regulations as required to conduct its affairs.

ARTICLE FIFTEENTH: Titles

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

ARTICLE SIXTEENTH:

The Trustees shall keep a record of the Trust's doings and at the close of every fiscal year, make a report thereof to the Board of Aldermen. The report shall include a description and source of funds received and expended and the type of activities implemented with the funding. The Trustees shall also provide the Board of Aldermen with a copy of the Trust's annual audit.

ARTICLE SEVENTEENTH: Amendment

This Trust may be amended from time to time by vote of a majority of the Board and approved by the Board of Aldermen.

ARTICLE EIGHTEENTH: Validity

If any provision of this Trust shall be deemed illegal or unenforceable by final Judgment, order or decree by a Court of competent jurisdiction, the remaining provisions of this Trust shall not be affected thereby.