

OFFERED BY COUNCILORS TANIA FERNANDES ANDERSON, DURKAN,
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CITY OF BOSTON IN CITY COUNCIL

ORDINANCE TO ESTABLISH AN INTERNAL DISCRETIONARY INCIDENTALS FUND FOR EACH COUNCIL OFFICE

WHEREAS, The City Council’s website states that “The City Council serves as a link between the citizens of Boston and their municipal government. Councilors help constituents by connecting them to resources, services, and City departments. They serve as advocates for all Bostonians”; *and*

WHEREAS, Section 17G of the Boston City Charter states that the Council may take part in the expenditure of funds as necessary for the contingent and incidental expenses of the City Council; *and*

WHEREAS, The Council’s ability to provide prompt and adequate constituent services is contingent on there being sufficient resources to address the needs of constituents with the urgency they deserve; *and*

WHEREAS, City Councilors often receive requests from constituents for immediate aid, services which even the administration may not be able to cover expediently; *and*

WHEREAS, While the administration has funding, staffing, and budgetary resources to help address constituent needs, not all of these resources are available to the City Council, including access to translation and interpretive services; *and*

WHEREAS, Without internal resources for constituent service incidentals, and without direct access to administration resources, some Councilors use personal or campaign funds to provide aid to constituents, raising ethical concerns; *and*

WHEREAS, 801 CMR 21.00 defines incidental purchases as “A one-time purchase, or multiple purchases, with a total dollar value that does not exceed the minimum amount established by law”; *and*

WHEREAS, City Councils throughout the United States, including New York City and Los Angeles, utilize discretionary budgets to help empower nonprofits in their

community and strengthen their capacity to provide quality constituent services;
and

WHEREAS, The Boston City Council has an obligation to provide high-quality constituent services, and an internal discretionary budget distinct from the services offered through the administration presents a way to shorten the gap between constituents in need and the organizations designed to help them; **NOW, THEREFORE BE IT**

Ordained by the City of Boston, as follows:

That the City of Boston Municipal Code, Ordinances be amended by adding in Chapter VI, Section 6-12:

Section 6-12 Purpose.

The purpose of this ordinance shall be to enable the Boston City Council's Central Staff Office to maintain, regulate, and allocate an internal District Incidentals Fund for each City Councilor, which shall be used by the City Councilors on the contingency of it being designated to non-profit organizations to solve local district issues.

6-12.1 Organization and Procedure.

The City Council Central Staff Director shall maintain an internal District Fund for use by the City Council Members.

The internal District Incidentals Fund shall receive \$6,500,000 from the City's budget, and upon the beginning of each fiscal year, shall be maintained at \$6,500,000. Each Councilor shall be allotted no more than \$500,000 within a fiscal year.

The District Incidentals Funds must be used to:

- I. Prevent immediate homelessness;
- II. Alleviate significant hunger;
- III. Enrich extracurricular activities for youth;
- IV. Enrich services for constituents with disabilities;
- V. Enrich services for elderly citizens; and
- VI. Build civic and/or community engagement.

The Boston City Council Central Staff Budget Analyst, under direct supervision of the Central Staff Director, or a City Council Member, may request an audit of fund allocations by City Councilors.

The Boston City Council Central Staff Director shall create and upkeep an accessible online dashboard of the applications and approvals of District Incidentals Fund allocations which shall include:

- I. Each application from the City Councilors;
- II. The amount of funds allocated per approval;
- III. A brief summary of how the City Councilors or non-profits have utilized such awarded funds; and
- IV. Any vendors or organizations who financially benefited from the funds.

The Boston City Council Central Staff Director shall intake applications by City Councilors to use a portion of the fund, and upon ensuring the application is completely and correctly filled to the specifications provided below in *Section 6-12.2*, deny or move said applications into City Council for a vote.

Applications for District Incidentals funding shall only be approved upon a majority vote of the City Council members.

6-12.2 Application.

Each City Councilor, in order to take advantage of the District Incidentals Funds, shall submit an application for the funds.

All applications shall be consistent with *M.G.L. Chapter 268A: CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES*.

All applications shall be submitted by the Boston City Council's Central Staff Director to be approved by a majority vote by the City Council.

Applications shall:

- I. Be submitted to the Central Staff Director;
- II. List the amount of funds requested;
- III. Detail the reason the fund is being requested, including how the funds will be used;
- IV. Detail the benefits that the community will receive because of the funds;
- V. Detail how the funds will be spent, including:
 - A. List any and all parties that will or may receive any portion of the funds;
 - B. List all items and resources that may be purchased with the funds;
 - C. List and itemized ledger of any and all the various costs of the service and or benefit the funds will be allocated to;
- VI. List the name of the City Councilor who is applying for the funds;

- VII. If applicable, list the details of the vendor that will be using the funds, as listed by the Secretary of the Commonwealth, including the name, street address, and director of the organization; and
- VIII. A completed conflict of interest disclosure/certification form
 - A. Disclosure/certification forms shall contain either disclosure of any relationship between an organization and City Council Members and associated persons or firms so that a determination may be made as to whether funding such organization is consistent with Conflicts of Interest Laws as listed in *M.G.L Chapter 268A* and if so whether disclosure is necessary, or a certification that no such relationships exist.

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