



BOSTON CITY COUNCIL

Committee on Government Operations

Ricardo Arroyo, Chair

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REPORT OF COMMITTEE CHAIR

December 14, 2022

Dear Councilors:

Docket #0239, an ordinance creating a commission to study and develop reparation proposals for African Americans, was referred to Committee on February 2, 2022, and sponsored by Councilors Julia Mejia, Tania Fernandes Anderson, and Brian Worrell. The Committee held a hearing on March 28, 2022 and working sessions on December 2, 2022.

Summary of Legislation As Filed:

Docket #0239 would establish a Commission on the study of reparation proposals. The Commission would include 15 members, to be appointed by the Mayor, two of which shall be youth members. Of the 15 members, 5 members would be represented by specific community organizations. The remaining 10 members would be chosen by the community organizations just listed in consultation with the Mayor and the City Council. The ordinance would require that each member be paid \$100 per hour, not to exceed \$50,000 per year. The Commission's duties would include defining reparations, studying disparities and inequalities, documenting personal stories and histories, and creating spaces for information sharing. The Commission's findings would be synthesized in a report with specific reparation proposals that address international standards of remedy, how the City will offer a formal apology for its role in the perpetration of human rights violations and crimes against humanity, and how the City's current laws and policy continue to disproportionately negatively impact African-Americans. The Commission would also include an Executive Director, appointed by the Mayor, who shall have administrative powers to hire an assistant, submit a budget, and assist with procurement and supplies.

Information Gathered at the March 28th Hearing:

The Committee discussed how to run the Commission effectively and what the goals and benchmarks should be for reaching outcomes. Councilors discussed the compensation section which would allow for members to be paid up to \$50,000.00 per year. Councilors inquired whether members of other commissions are paid. The Committee discussed the specific naming of certain organizations and whether membership should be based on expertise rather than membership in a particular organization. Councilors discussed City Council confirmation of members. The Committee discussed enforcement of recommendations after the report is issued. The Committee discussed the importance that the Commission has the tools for success, the logistics of the Commission, community involvement and what other cities have done regarding this issue.

The following advocates joined the Committee:

- Dr. Jemadari Kamara, Director of the Center for African, Caribbean and Community Development;
- Yvette Modestin, Commissioner of the National African American Reparations Commission; and,
- Dr. Raymond Winbush, Director of the Institute for Urban Research at Morgan State University.

The advocates discussed community involvement and engaging private and non-profit organizations. The advocates discussed reparations model from Evanston, Illinois and best practices and the importance of addressing the wealth gap.

Information Gathered at the November 3, 2022 Working Session:

The Committee discussed language changes and reviewed the section of the ordinance. The Committee discussed the organization and membership of the Commission which would consist of 15 members appointed by the Mayor. The amended language includes a provision requiring that the Mayor consult with the City Council when appointing the members. The proposed amended language also removes the specific organizations that were named in the filed proposal for membership and replaces it with broader language that provides that the Commission shall be represented by certain categories consisting of individuals representing long-standing community organizations, research and policy, youth, historical expertise, and academic and institutional knowledge. The following panelists joined the Committee: Yvette Modestin, National reparations advocate, NAARC Commissioner, Encuentro Diaspora Afro; and, Dr. Jemadari Kamara, Chair, Associate Professor of Africana Studies, College of Liberal Arts, Director of Center for African, Caribbean and Community Development.

The Committee discussed the proposed amended language concerning the membership. The Committee discussed the importance of City Council and community involvement. Councilors discussed following the appointment format used for the Commission on Black Men and Boys where the Mayor appointed seven of the members from recommendations submitted by the City Council. For this process, the City Council had an application process and Councilors recommended individuals. Councilor Worrell suggested having the Council send the names to the Mayor and those individuals would be appointed. Councilor Worrell explained that this process would be more intentional. The Committee discussed youth membership and defining what “youth membership” is. Councilors discussed age ranges from 18-24 years old or 16-24 years old. Councilor Fernandes Anderson inquired about having an emphasis on elders. Councilor Mejia stated that the membership is designed to have an intergenerational representation so there would be an expectation that there would be representation of elders. The Committee discussed clarifying the language in the last sentence in the membership section to provide that membership shall include individuals from various areas.

The Committee discussed the term of the commissioners as well as the timeline for the Commission’s operation and the requirement that the Commission provide an initial report after 24 months. The Committee discussed having two year terms for commissioners with the possibility of reappointment. Councilors also discussed having more specificity around the vacancy process as well as including provisions concerning attendance, such as requiring attendance for ⅓ of meetings during a 12 month period. The Committee discussed the length of

the Commission's existence in order to have expectations of what comes next. Councilor Fernandes Anderson suggested including language that the Commission's report is due two calendar years from the Commission's first meeting. Councilor Worrell suggested codifying the structure of the Commission to include co-chairs, a secretary, and treasurer. Councilors discussed the importance of leadership roles and the need to specify such roles with the governance structure of the Commission.

The Committee discussed the compensation of the Commission members. Councilor Mejia indicated that the community is in support of having the members of the Commission receive compensation. Councilors discussed attaching the compensation with AMI and defining the terms equitable and respectable with regard to compensation. The Chair referred to the Commission to End Family Homelessness as a model for compensation.

The Committee discussed the membership of the Commission consisting of 15 members and what the rationale is for that number. Councilor Mejia stated that having 15 members will allow for diversity and that having co-chairs is important to keep the Commission's agenda going. Councilor Fernandes Anderson suggested having standards and qualifiers. The Committee discussed having ten members or having two per category as provided for in the Organization Section, 15-12.2. The Chair stated that it is best to have an odd number of individuals. Dr. Kamara and Ms. Modestin stated that 15 members is a workable number and allies for expertise. Dr. Kamara stated that a Commission consisting of 15 members is based upon his experience in working with Commissions and allows for a breadth of expertise and inclusiveness of expression which is necessary. Dr. Kamara did not agree with specifying two from each category. Councilor Mejia stated that the application could specify different groups in the nomination process as well as ask for specific categories.

The Committee discussed the terms of the Commission members and whether the terms should be staggered. Councilors discussed the initial report after 24 months and the next steps. Councilor Mejia stated that the report would outline the next steps and explained that there would be a hearing to discuss the recommendations of the Commission's report. The Committee discussed including reappointment language. The Committee discussed the length of terms and having some members serve for two, three, or four year terms. The Committee discussed having staggered terms or reappointment options. Councilor Louijeune stated that reappointment is more straightforward. Councilor Louijeune suggested creating a purpose clause in Section One by incorporating the *whereas* clauses.

The Committee discussed the amended language in the Administrative Powers Section. The Committee discussed the language that provides that the Executive Director report to the Commission. Councilor Mejia stated that the Executive Director should be accountable to the Commission. Councilor Louijeune stated that there may be an issue with separation of powers if the Executive Director reports to the Commission and the requirement that the Mayor consult with the City Council when appointing an Executive Director. The Committee discussed that the phrase "core community members" is vague and should be more intentional. The Committee discussed that the requirement of submitting a budget within 30 days may be difficult to achieve. Councilor Mejia suggested changing the budget submission to 90-120 days. Councilor Fernandes Anderson inquired if the budget would consist of funds for events and activities. Councilor Worrell suggested requiring quarterly reports from the Commission on progress. Councilor Mejia agreed with Councilor Worrell and stated that requiring quarterly reports on progress could be added to the Duties and Responsibilities section. Councilor Louijeune

suggested adding more specifics to the budget section to include funding for programming, outside research, and consultants.

Summary of Amendments:

Based on information gathered at the hearing and working session, the docket is amended from its initial filing as follows:

- The entity to study reparations in the City will be a Task Force rather than a commission. Section 15-13.1 establishes the Task Force and defines its purpose: There shall be established in the City a Task Force to be known as the Task Force on the Study on City of Boston Reparations to the Descendants of formerly enslaved Black people. The original docket consisted of a Commission of 15 member
- In Section 15-13.1, the second paragraph defines the various phases of the Task Force with a total of three phases.
- Section 15-13.2 defines the organization of the Task Force which will consist of five members appointed by the Mayor with terms ending December 31, 2024. The members shall be representatives of certain categories as defined in this section. This amendment lists categories based upon expertise or experience rather than naming specific organizations.
- Section 15-13.2 is amended to allow the Chair of the Task Force to add additional positions.
- In Section 15-13.2, the compensation provisions, subsection D, is amended removing the specific amounts and replacing it with language allowing for stipends that align with the members duties or expenses with the stipends determined by the Mayor.
- Section 13.3, Duties and Responsibilities is amended as follows:

The Task Force shall:

- A. In partnership with additional scholars and experts, research and document the City of Boston's role in and historical ties to the slave trade and the institution and legacies of slavery
- B. Assess the City of Boston's actions to date to address continued impacts
- C. Develop a community engagement process to openly and directly share the findings and information with residents and community members
- D. Collaborate with the administration and City Council to recommend next steps for truth, reconciliation and reparations addressing the City of Boston's historical involvement.
- The sections relating to the reaction of a report and administrative powers of the Commission are removed from the amended version.

Rationale and Recommended Action:

Passage of this docket in its amended draft will provide for the establishment of a Task Force known as the Task Force on the Study on City of Boston Reparations to the Descendants of formerly enslaved Black people ("Task Force"). The ordinance in its amended draft provides clear tasks for the Task Force to address by defining expectation and duties through phases. The proposal in its amended version takes into account the engagement of the community by requiring that the Task Force engage with residents and members of the community in each phase. The amended ordinance also includes language that the Mayor takes into account individuals with a connection and understanding of the descendants of formerly enslaved Black people. This express language is significant because it acknowledges that individuals with a connection or experience are included in the decision making process. Passage of this docket in its amended draft will allow the City through the establishment of this Task Force to examine

reparations in a meaningful and intentional way by including those with expertise and engaging the community.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0239, an ordinance creating a commission to study and develop reparation proposals for African Americans,

submits a report recommending that this docket **ought to pass in a new draft.**

For the Chair:

A handwritten signature in blue ink, appearing to read "Ra", followed by a horizontal line.

Ricardo Arroyo, Chair
Committee on Government Operations