



City of Boston, Massachusetts

Office of the Mayor

MICHELLE WU

December 14, 2022

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Ordinance establishing the Office of Participatory Budgeting, amending the City of Boston Code, Chapter V, with the insertion of a new Section 5-1.11. The purpose of this Office is to provide the structure necessary to further public engagement and direct democratic involvement, and to align with the City's goals of achieving and embedding equity and inclusion into the City's annual budget.

In the 2021 Municipal Election, Boston's voters overwhelmingly approved a ballot measure to create an Office of Participatory Budgeting charged with furthering public engagement on how the City's budget is created and how our tax dollars are spent. Following the vote, I instructed my administration to work with advocates and residents to draft this ordinance and to work with your Honorable Body to establish this office.

This ordinance establishes the Office of Participatory Budgeting, which will include a director and an external oversight board composed of residents and leaders from across the city. The Office, working in partnership with the external oversight board, will establish and manage a Participatory Budgeting Process for residents to both engage with the City's annual budget process and to make recommendations for projects to include in the budget. The Office shall build partnerships with other City departments and agencies, external organizations, and community representatives to promote year-round public involvement and engagement with the Participatory Budgeting Process.

I urge your Honorable Body to act favorably on the proposed ordinance.

Sincerely,

Michelle Wu
Mayor of Boston



CITY OF BOSTON

IN CITY COUNCIL

5-1.11 OFFICE OF PARTICIPATORY BUDGETING

5-1.11.1 Establishment.

There shall be within the Finance Cabinet an office, known as the Office of Participatory Budgeting (the “Office”). The Office shall consist of a Director, appointed by the Mayor pursuant to 5-1.11.3, and an external oversight board (the “Board”), appointed by the Mayor pursuant to 5-1.11.5.

(Passed in City Council May 19, 2021, Approved by Mayor June 7, 2021, Ratified by Voters by Ballot Initiative on November 2, 2021)

5-1.11.2 Purpose.

The purpose of the Office is to further public engagement and direct democratic involvement, and to align with the City’s goals of achieving and embedding equity and inclusion into City practices, and building collective capacity on issues of racial and social justice. Participatory budgeting in city spending will provide an official point of entry for residents to contribute to the city’s budget process. To accomplish this purpose, the Office, in partnership with the Board, shall create and oversee an equitable and binding decision-making process open to all Boston residents by Fiscal Year 2024, consistent with M.G.L. c. 44, § 53 (“the Participatory Budgeting Process”). The Office shall build partnerships with other City departments and agencies, external organizations, and community representatives to promote year-round public involvement and engagement with the Participatory Budgeting Process. The Office shall establish an equitable and binding method of Boston resident engagement.

5-1.11.3 Appointment, Term of Director.

The Office shall be under the charge of an officer, known as the Director, to be appointed by the Mayor. The Mayor may receive input from the External Oversight Board in the selection of the Director.

5-1.11.4 Duties of the Director.

The Director shall have the power to appoint staff members, as appropriate, and shall be responsible for the daily management and operations of the Office and staff members. The Director shall administer the Participatory Budgeting Process consistent with this Chapter.

5-1.11.5 Composition, Appointment and Term of the External Oversight Board.

The Board shall consist of nine (9) Boston residents with experience and expertise in various topics relevant to participatory budgeting, including but not limited to community investment and development, public finance, open space, urban planning, community organization and outreach, affordable housing, public education, public health, environmental protection, and historic preservation, and a demonstrated history of civic involvement in their local communities. The Mayor, or designee, shall solicit applications for Board membership, which shall require a statement of interest from the applicant.

The selection of the nine (9) board members will be as follows:

- All potential nominations must include an application of interest addressed to the Mayor or designee for review.
- The Mayor will appoint five (5) individuals to the oversight board
- The Mayor will appoint four (4) individuals to the oversight board from a pool of 8 applicants provided by the City Council

Board members shall reflect the diversity of the City of Boston. All Board members shall be residents of Boston. Board members may not include City of Boston employees or City of Boston elected officials.

The Mayor shall appoint all members of the Board for two (2) year terms, and no Board member shall serve more than three (3) consecutive terms, provided that members may continue to serve until their replacement is appointed. Vacancies in Board membership shall be filled in the same manner in which members are appointed. If a vacancy should arise and a new member is appointed to serve a partial term of less than two years, that partial term shall not count against the three (3) year term limit.

The Board members shall be deemed to be Special Municipal Employees for the purposes of Massachusetts General Laws Chapter 268A.

5-1.11.6 Rules and Regulations of the External Oversight Board.

- a. The Board, by majority vote, shall elect two of its members as Chair and Co-Chair on an annual basis. In the event both Chairs are unavailable, the most senior member in tenure of the Board shall chair the Board.
- b. Five (5) members shall constitute a quorum for the purpose of convening a meeting and of conducting the business of the oversight board. The Board shall approve its actions by majority vote of the quorum.

- c. All records of the Office and Board shall be public unless an exemption applies under the state's public records law.
- d. The board shall serve without compensation, but each commissioner shall be entitled to his or her reasonable expenses actually and necessarily incurred in the performance of their duties as board members, as defined by the Rule Book. These expenditures shall be paid from the budget of the Office of Participatory Budget.

5-1.11.7 Power and Duties of the External Oversight Board

- a. Consult with staff in the Office of Participatory Budgeting to create, formally adopt, and annually review, amend or update Boston's Participatory Budgeting Rule Book (the "Rule Book").
- b. Request and receive relevant information for the oversight of the Participatory Budgeting process from the Director of the Office of Participatory Budgeting as well as other city officials and employees.
- c. At the end of each fiscal year, create an annual review of the Participatory Budgeting process for review by the Mayor and City Council and accessible to the public.
- d. Review candidates and provide recommendations to the Mayor for appointing the Director of Office of Participatory Budgeting.
- e. Based on the outcome of the Participatory Budgeting Process, the Board, in partnership with the Director, shall submit project proposals to the Mayor consistent with the legal authority of the City of Boston for public spending.

5-1.11.8 Powers and Duties of the Office.

The Office shall study the best practices for creating an inclusive and equitable participatory budgeting process in Boston and, in collaboration with the Board, work to produce Rule Book. In doing so, the Office shall consult with Boston residents, experts, and other cities that have established participatory budgeting processes to incorporate best practices and policies into the Rule Book. This Rule Book shall outline the policies and procedures of the Participatory Budgeting Process, including measures that align with the city goals of achieving and embedding equity and inclusion into City practices, and building collective capacity on issues of racial and social justice. The Rule Book shall be a standard set of rules and operations that will include but are not limited to: outlining project solicitation; project nomination; project proposals; project submission; and other processes that would be appropriate for the Rule Book.

The Office shall, annually review, amend, and update the Rule Book as needed, in consultation and with the majority approval of the Board. The Office shall annually update the City Council on the participatory budget process through an executive summary submitted at the end of the fiscal year.

Public hearings of the Board shall be planned so as to maximize citizen attendance including a preference to hold hearings in the evenings or off-site from City Hall, as well as ensuring language accessibility for Boston residents. Notice of all public hearings of the Board shall be posted publicly on the City website and published once a week for two (2) weeks preceding a hearing in a newspaper of general circulation in the City.

Participatory budgeting proposals shall be limited to one-time, non-recurring programs, shall not include the creation of new permanent positions, must be feasible to implement, and shall be implemented by the appropriate City department or agency with jurisdiction for the project being proposed. Proposals that would require multi-year funding may make payments to a special revenue fund and can accept and expend additional grant funds as they are awarded. Participatory budget proposals shall include cost estimates for implementation and be provided by the Board and Director in a timeframe that aligns with the City's regular budget process and are subject to appropriation.

Proposals with estimated costs will be reviewed in advance by an appropriate City department or agency and will be certified by the City's Chief Financial Officer. The Office may consult with appropriate City staff to support the development of proposals.

The Office shall regularly report on the uses of the funds, map the geographic distribution of funded projects, and study the economic and demographic breakdown of benefitting areas. It shall make such analysis and the underlying data available on a City website on at least an annual basis in a public hearing held by the Oversight Board.

5-1.11.9 Fiscal Accountability.

- (a) The Office's annual operating budget is subject to annual appropriations, and shall include funding for the administration of the Office, the Participatory Budgeting Process, and the funding for projects that are proposed by the Board and Director based on the results of the Participatory Budgeting Process.
- (b) Funded projects shall be limited to one-time, non-recurring programs, and shall not include the creation of new permanent positions.
- (c) The Office can make payments to support multi-year projects in a special revenue fund and can accept and expend additional grant funds as they are awarded.

**I HEREBY CERTIFY
THE FORGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**

BY


**ADAM CEDERBAUM
CORPORATION COUNSEL**