



BOSTON CITY COUNCILOR  
**LYDIA EDWARDS**  
DISTRICT ONE

July 6th, 2020

Clerk Maureen Feeney  
1 City Hall Square  
Room 601  
Boston, MA 02201

**Re: Written Request Pursuant to G.L. c. 43b §10(b), to Amend the Charter of the City of Boston by Submission of a Question for Approval by the Voters**

Dear Clerk Feeney,

In recent weeks, many residents of the City of Boston have raised the desire for a more interactive and responsive budgetary process. As you know, the budgetary authorities of the City of Boston are established through the charter of the City of Boston. Currently, the charter constrains the ability of members of the public to advance changes that would increase or otherwise reallocate public investments. Despite vociferous advocacy, members of the public have a muted influence on the city's budgetary process, and members of the local legislative body that represents them may not directly originate, add or reallocate budgetary orders or items to reflect public feedback.

As such, I am proposing a change to the charter of the City of Boston for public referendum. I believe it is incumbent on the municipal elected officials of the City of Boston to collaboratively advance this amendment and offer an opportunity for the voters of Boston to better inform future budgetary decisions. To reiterate, a yes vote by the council on the text of this change simply advances the question so that the voters may decide.

Pursuant to the provisions of **G.L. c. 43b §10(b)**, a member of a local legislative body may propose a charter amendment through a written request to the city clerk. This written request to the clerk's office initiates a mandatory timeline by which the council must hold a public hearing, advertise a public hearing in a newspaper of general circulation, and take final action. Approval of a referendum on a charter amendment submitted pursuant to **G.L. c. 43b §10** requires a vote of the council and a constitutional review by the Office of the Attorney General. Should the AGO approve the question, voters in Boston would vote yes or no at the next regular municipal election, provided such election is at least sixty days later than the time the AGO offers its approval. Should the AGO find the question in conflict with the law, the council would have the opportunity to amend through a two-thirds vote.

The change I am submitting would strike and replace Section 48 of the City Charter, which defines the structure for creation and approval of the municipal budget and the relative authorities of the mayor and council, to read as follows:

*Creation and Approval of the Municipal Budget.* The Mayor and City Council of the City of Boston shall hold equal budgetary authority, with the powers to originate an appropriation order for the capital and operating budgets, modify in whole or in part an appropriation order or an item within an appropriation order, designate a portion of the budget for a participatory budgeting process, amend the budget for Boston Public Schools, clarify budgetary procedures by municipal ordinance and take such other actions as are necessary to author, amend and approve the annual budget for the City. Notwithstanding the power of the council to originate a budget at a time of its choosing, the mayor, not later than the second Wednesday in April of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders as he may deem necessary. Not later than the second Wednesday in June, the city council shall take definite action on the annual budget, by adopting, amending or rejecting it, and in the event of their failure to act on a budget submitted by the Mayor, the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. The Mayor shall have seven days from the time of a budgetary vote of the council to approve or return said budget to the council, and in the event of the failure of the Mayor to act on a budget approved by the Council, the budget shall be in effect as approved by the council. The mayor may modify a budget approved by the council by returning it with amendment to said council, provided that, a vote of two-thirds of the council shall be sufficient to override any budgetary amendment, in whole or in part, or budgetary veto action made by the mayor. It shall be the duty of the city and the county officials when requested by the mayor, to submit to the mayor forthwith in such detail as the mayor may

require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council; provided, however, that the mayor shall neither submit, nor thereafter reduce, the appropriations for the city council at or to a level below that which existed for the previous fiscal year, nor shall the city council reduce the appropriations for the mayor's office below that which existed for the previous fiscal year.

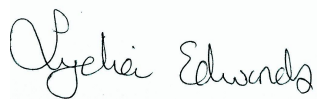
This change would allow for the council to respond to public feedback with actions other than simply rejecting the budget, including the increase or reallocation of funds. It also allows the council to offer more extensive oversight of the budget for Boston Public Schools. It would formally establish and allow for expansion of the participatory budgeting process within the city's appropriation orders. Currently, the city's participatory budgeting process is informal, limited and only available to youth engaged by the Mayor's office.

This charter change would preserve the primary budgetary function of the Mayor to originate a budget. It would preserve the requirement that the council act in a timely fashion. The change would *not* impact the budgetary authority or obligations of the Boston School Committee to originate the budget for Boston Public Schools and exercise the Committee's leadership in outlining school priorities, although the council would be able to modify the budget they have received.

In addition to enhancing discussions of any new proposed or desired spending, this change would give the city council more nimble tools in responding to budget cuts in the time of fiscal austerity, and allow for public deliberation on what services could or should be reduced without lasting harm. Furthermore, in the event the Mayor of Boston did not originate a budget by the legally obligated time in April, which is unchanged by the proposed amendment, or failed to sign a budget approved by the city council, this change ensures a budget can still be originated and passed. It also allows for earlier budgetary deliberation should either the Mayor or Council desire to do so.

Thank you for advancing this public conversation in the City of Boston. I look forward to further discussion.

Regards,

A handwritten signature in black ink that reads "Lydia Edwards". The signature is written in a cursive, flowing style.

Lydia Edwards  
Boston City Councilor, District One