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CITY OF CAMBRIDGE

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795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Public Records Access Officer
Seah Levy

January 6, 2024

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Response to Awaiting Report 24-65 of 11/18/24, requesting that the City Manager work with the Law Department to draft a Home Rule Petition for the creation of a Cambridge Jobs Training Trust

Dear Mr. Huang:

I am writing in response to the above referenced Council Order. Attached please find a proposed Home Rule Petition entitled An Act Establishing the City of Cambridge Employment and Job Training trust, for the Council's consideration. The attached Home Rule Petition is consistent with the City's existing special legislation that created the Cambridge Affordable Housing Trust, and is similar to special legislation that the City of Somerville obtained for the Somerville Municipal Job Creation and Retention Trust.

If the Council files this Home Rule Petition with the Legislature, and it is enacted by the Legislature, in the future the Council will need to amend Section 11.202 of the Cambridge Zoning Ordinance, the Incentive Zoning Provisions, to require payment of an employment and job training contribution and to set the rate of that contribution, in order to fund this proposed trust fund. Additionally, the contribution will have to be consistent with and supported by the City's 2019 Nexus Study, and any future nexus study, in order to show an essential nexus between proposed development and the need for resident employment and job training, and to show that the contribution is roughly proportional to the impact the development will have on that public interest.

I will be available to answer any questions the Council may have.

Very truly yours,

A handwritten signature in blue ink that reads "Megan B. Bayer".

Megan B. Bayer
City Solicitor

An Act establishing the City of Cambridge employment and job training trust.

SECTION 1. There is hereby established a trust to be known as the City of Cambridge Employment and Job Training Trust (the “Trust”). The purpose of the Trust is to assist in the creation and maintenance of employment opportunities within the City of Cambridge for the residents of the City of Cambridge through employment and job training services.

SECTION 2. There is hereby established a board of trustees hereinafter referred to as the Board, which shall include no fewer than 5 and no more than 9 trustees, including *ex officio* the Cambridge City Manager or designee. Those members of the Board who are not serving in an *ex officio* capacity shall be appointed by the City Manager and are designated as public agents for purposes of the Constitution of the Commonwealth.

SECTION 3. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include but not be limited to, the following:

(a) to receive and accept personal property, by gift, grant, devise or transfer from any federal, state or local governmental or other public entity, or any person, trust, corporation or other private entity, including without limitation funds or other personal property tendered to the Trust in connection with the Cambridge Zoning Ordinance or any other city ordinance;

(b) to retain personal property, including without limitation personal property that is uninvested and investments that yield no income or yield a high rate of income;

(c) to make grants for Trust purposes upon such terms as the Board deems advisable;

(d) to make loans for Trust purposes upon such terms of repayment or otherwise as the Board deems advisable and to extend the time for payment of any obligation of the Trust;

(e) to sell, exchange, or transfer personal property of the Trust for such consideration and upon such terms as the Board deems advisable;

(f) to execute, acknowledge and deliver assignments, transfers, pledges, contracts, promissory notes, releases and other instruments, sealed or unsealed, necessary, proper or incidental to any transaction involving Trust assets in which the Board engages for the accomplishment of the purposes of the Trust;

(g) to employ advisors and agents, including without limitation accountants and appraisers, and to delegate to such persons or firms such ministerial or discretionary powers as the Board deems necessary;

(h) to pay reasonable compensation to all advisors and agents, and to apportion such compensation between income and principal as the Board deems advisable;

(i) to apportion receipts and charges between income and principal as the Board deems advisable;

(j) to exercise all powers and rights, including proxies and powers of attorney, necessary and proper in connection with the ownership of any securities held as part of Trust personal property; and

(k) to compromise, arbitrate, defend, enforce, release, settle or otherwise adjust claims in favor of or against the Trust and to accept any personal property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem advisable.

(l) to exercise all other powers authorized by common law, statute, the Constitution, or other provisions of this act.

SECTION 4. Notwithstanding any general or special law to the contrary, all monies paid to the Trust by public or private contribution or in accordance with the Cambridge Zoning Ordinance or any other city ordinance shall be paid directly into the Trust, and such monies do not have to be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property; and to be expended, these funds do not need to be further appropriated. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the Trust, remain Trust property.

SECTION 5. The Trust is a public employer and the members of the Board are public employees for purposes of Chapter 258 of the General Laws.

SECTION 6. The Trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of Chapter 268A of the General Laws.

SECTION 7. The Trust is a governmental body for purposes of Sections 18 to 25 of Chapter 30A of the General Laws.

SECTION 8. The Trust is exempt from Chapters 59 and 62 of the General Laws and from any other provisions concerning the payment of taxes based upon or measured by personal property or income imposed by the commonwealth or any political subdivision thereof.

SECTION 9. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

SECTION 10. The declaration of trust, which establishes and controls the Trust, as provided in this act, shall be filed in the office of the Cambridge City Clerk.

SECTION 11. The Trust is a board of the city for purposes of Chapter 30B and Section 15A of Chapter 40 of the General Laws; provided, however, that agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from the provisions of Chapter 30B.

SECTION 12. (a) The City of Cambridge may, by ordinance, require the payment of an employment and job training linkage fee for certain projects. The ordinance shall specify the dollar amount of the linkage fee; the method by which it shall be increased from time to time; and the types of uses to which it shall apply.

SECTION 13. The Board shall at least annually, and additionally upon request of the City Manager, file a written report with the City Manager of its activities for the reporting year and an accounting of its receipts and expenditures.

SECTION 14. This act shall take effect upon its passage.



City of Cambridge

Agenda Item No. 7
IN CITY COUNCIL
January 6, 2025

ORDERED: That the City Council petition the General Court of the Commonwealth of Massachusetts to enact the attached Home Rule Petition entitled: An Act Establishing the City of Cambridge Employment and Job Training Trust.