

## Public Notification and Public Comment on the Uses of Emergency, Disaster or Stimulus Funds Not Appropriated Through Town Meeting

Submitted by:

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To see if the Town will adopt the following as a new Article 4.10 of the Town By-laws:

### ARTICLE 4.10

#### Emergency, Disaster and Stimulus Funds

##### SECTION 4.10.1 Definitions

As used herein, "Emergency funds" refer to a specific allocation of government monies made available to communities that have experienced an emergency. An emergency is a sudden, unforeseen happening requiring action to protect lives or property.

As used herein, "Disaster funds" refer to a specific allocation of government monies made available to communities that have experienced losses due to disasters. A disaster refers to a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources. Disasters can mean both human-made and natural catastrophes.

As used herein, "Stimulus funds" refer to a specific allocation of government monies made available to communities that are designed to generate or increase economic activity linked specifically to a government-declared state of emergency or government-declared disaster or national or global financial crisis.

As used herein, qualifying Emergency, Disaster, and Stimulus funds are those that are not in response to one-time winter weather events that are declared an emergency by the State or Federal government.

As used herein, qualifying Emergency, Disaster, and Stimulus funds are those that provide the Town with \$500,000 or more in a specific allocation of government monies to be used to respond to a government-declared state of emergency, or government declared disaster or national or global financial crisis.

Notwithstanding the foregoing, Stimulus Funds shall not include monies made available under the annual Community Development Block Grant or other annual Federal or Commonwealth of Massachusetts monies made available to the Town outside of emergencies or disasters and shall not include any funds provided to the Public Schools of Brookline.

As used herein, "Information for the public on the fund" refers to the name of the fund, the name of the government funding source, the allowable uses of the fund and if the Town has any discretion on uses, the amount the Town of Brookline is eligible for, any obligation and expenditure deadlines, and if the Town of Brookline intends to accept the funds and web links to the statutory and regulatory requirements governing the funds.

#### SECTION 4.10.2 Public Disclosure of Emergency, Disaster or Stimulus Funds

The Town of Brookline shall in the event of being eligible for an allocation of Emergency, Disaster or Stimulus funds from the federal, state, or county government or a combination thereof:

- 1) Within 10 business days of the Town receiving written notice of funding eligibility, post on the Town's website or the relevant Town Department website with a link provided to it on the Town website the Information for the Public on the Fund, insofar as the Information is available.
- 2) Within 10 business days of the Town receiving written notice of funding eligibility, send a notification via email or other means containing the Information for the Public on the Fund to the following groups: Town Meeting Members, the Advisory Committee, the Select Board, and the School Committee. The Town will include in the notifications where on the Town website or relevant Town Department website the Information for the Public on the Fund can be found and the contact Information of the Town employee who can answer questions about the Fund.

#### SECTION 4.10.3 Reporting to the Public on Emergency, Disaster or Stimulus Funds

- 1) On a quarterly basis, the Town will post a report on the Town website listing the Information for the Public on the Fund. The report will include a table on how the funds have been obligated and expended by Town Departments and said table shall provide line-item detail on how the funds were obligated and expended including dollar amounts.
- 2) Within 30 days of all funds being expended, a final report similar to the previously filed reports will be posted on the Town website and notification via email or other means will be provided to: Town Meeting Members, the Advisory Committee, the Select Board, and the School Committee.

#### SECTION 4.10.4 Public's Right to be Heard on Use of Emergency, Disaster and Stimulus Funds

For Emergency, Disaster or Stimulus funds that provide the Town with any flexibility in how the funds are spent, within 30 days after 30% of the funds have been obligated in a manner that has been determined to qualify for expenditure, the Select Board or their designee will hold a public hearing to receive public comment on the funds. Only one such public hearing shall be required. If a report as specified in Section 4.10.3 has not been issued prior to the public hearing, the Town will post a similar report five business days prior to the hearing. The Town is not required to halt spending of the funds while the Town holds the public hearing and prepares the reports.

#### SECTION 4.10.5 Effective Date

All of the requirements in the by-law shall take effect July 1, 2021 or approval by the Attorney General, whichever is later, and shall apply to all Emergency, Disaster or Stimulus funds received since February 2020.

or act on anything relative thereto.

#### **WARRANT ARTICLE EXPLANATION**

This warrant article will bring transparency to the public and to various Town elected bodies and appointed boards, committees and commissions on how the Town is planning for and expending Emergency, Disaster or Stimulus funds from other government entities such as the Federal Government, the Commonwealth of Massachusetts or Norfolk County. The COVID-19 pandemic is one of the longest public health and economic disasters in living memory. Unfortunately, we know that the future likely holds more large-scale disasters and emergencies including both natural and human-made. Typically, when large-scale emergencies and disasters occur, various government entities allocate emergency, disaster and stimulus funding available to other units of government. These funds are usually outside of the regular public budget process of the Town. This warrant article will provide a structure for the Town to make information about Emergency, Disaster and Stimulus funds available to the public. The article also sets up the structure for the public to provide comment on Emergency, Disaster and Stimulus funds. This warrant article does not tell the Town how to use the funds. The Town is not required to halt spending of the funds while the Town holds the public hearing and prepares the reports.