



City of Lowell - Law Department

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August 7, 2020

City Manager Eileen Donoghue *EMD*
Mayor John J. Leahy
And
Members of the City Council

Re: Motion Responses to Equity and Inclusion Fund

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

I write in response to the following motions relative to the establishment of an *Equity and Inclusion Fund*.

- Req. City Council vote to set up Lowell equity and inclusion fund to raise money from private donations to address racism, inclusiveness and equity in the City. (C. Elliot)
- Req. City Manager instruct the City Solicitor to investigate whether the residents can be asked to donate to the City's new equity and inclusion fund in the next tax bill. (C. Samaras and C. Elliot)

Pursuant to the recent passage of a Resolution (July 28, 2020), the City will be establishing a fund to raise money to assist minority communities and curb social injustice. A second motion seeks to solicit funds from residents for the *Equity and Inclusion Fund* in the next tax bill.

Massachusetts General Laws limit what can be included in a tax bill mailing. Generally, nonpolitical, municipal information, such as the creation of an *Equity and Inclusion Fund*, is allowable. MGL c.60, §3A(d).

State Ethics laws also limit the ability of a municipality to solicit funds. MGL c.268A, §23. In this case, seeking donations from residents to the City's *Equity and Inclusion Fund* via their tax bill would be allowable since the solicitation is aimed at all taxpayers, and avoids any inherently coercive, and direct solicitation with individual residents.

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All donations would need to be tracked and publicly disclosed pursuant to §23(b)(3) to guard against alleged favoritism. If, however, the donations are received through a platform which allows anonymous donations, no such tracking will be required since there could be no claims of favoritism.

Sincerely,

A handwritten signature in black ink that reads "Christine P. O'Connor". The signature is written in a cursive style with a long horizontal flourish at the end.

Christine P. O'Connor
City Solicitor