



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
MARTIN J. WALSH

June 3, 2016

TO THE CITY COUNCIL

Dear Councilors:

The Order before you authorizes the acceptance and expenditure of payments to be made to the City of Boston by Wynn, MA LLC, in order to mitigate anticipated adverse impacts that the development and operation of a gaming establishment in Everett will have on Boston, particularly the adjacent neighborhood of Charlestown.

Under the terms of the Massachusetts Gaming Act and the gaming license awarded to Wynn for the Everett casino, the City of Boston and Wynn signed a Surrounding Community Agreement (“SCA”), which includes the payment of a Community Impact Fee. Pursuant to the SCA, Wynn must make annual payments of two million dollars (\$2,000,000.00) for fifteen years beginning when the casino opens. Pursuant to the SCA, these payments shall be under the exclusive custody and control of the City of Boston. Under the attached Order, these funds will be held in a custodial account to be known as the Charlestown Community Impact Trust Fund and will be used only for those purposes defined in Section 2.1 of the SCA. In addition, a one-time payment of one million dollars (\$1,000,000.00) made by Wynn to the City of Boston shall be accepted into this Trust to be used to support Charlestown’s non-profits per the gaming license. Under the Order, all disbursements will be made according to the recommendations of a group that will include the district councilor, or with the approval of the Council and Mayor.

Protecting the people of Boston and ensuring the neighborhood of Charlestown is treated fairly is our shared goal. I urge your Honorable Body to pass this Order.

Sincerely,

Martin J. Walsh
Mayor of Boston

AN ORDER AUTHORIZING THE ACCEPTANCE OF FUNDS IN TRUST TO BE KNOWN AS THE CHARLESTOWN COMMUNITY IMPACT TRUST FUND.

WHEREAS, Pursuant to Chapter 194 of the Acts and Resolves of 2011, and G.L. c. 23K, the Massachusetts Gaming Commission awarded Wynn, MA LLC ("Wynn"), a limited liability company organized under the laws of the State of Nevada, a Category 1 gaming license subject to certain conditions, including the negotiation of a Surrounding Community Agreement ("SCA") to mitigate anticipated adverse impacts from the development and operation of the gaming establishment ("the Project") on Boston and in particular, on the adjacent neighborhood of Charlestown; and

WHEREAS, Pursuant to G.L. c. 23K, s. 15(9), the SCA was made and entered into as of January 27, 2016 by and between the City of Boston and Wynn; and

WHEREAS, Section 2.1 of the SCA states that following the opening date of the Project and throughout the term of the license, Wynn shall make an annual payment of two million dollars (\$2,000,000.00) to the City (the "Community Impact Fee"), for purposes including (i) improvements to the facilities within the City to facilitate water transportation and to fund staffing and other public safety initiatives related to increased use of water transportation in the Boston Harbor related to the Project; (ii) support Charlestown's non-profits, parks, after-school activities, senior programs, job training programs, cultural events and related activities that promote Charlestown's heritage, quality of life, recreational and cultural activities; (iii) staffing and other public safety initiatives related to increased pedestrian and vehicular traffic in the City related to the Project following the opening date; and (iv) any other impacts including any transportation infrastructure impacts and the Sullivan Square Infrastructure Project (as defined by the SCA); and

WHEREAS, Pursuant to Section 2.3 of the SCA, the Community Impact Fee shall remain in the exclusive custody and control of the City, and shall be used and applied at Boston's sole discretion and determination toward any impact, infrastructure, improvement and/or mitigation measures related to the Project that Boston deems necessary and suitable; and

WHEREAS, Section 2.2 of the SCA states that following the approval of the SCA by the Gaming Commission, the one-time, upfront, non-refundable payment of one million dollars (\$1,000,000.00) made by Wynn to the City would be released by the Gaming Commission. Per the gaming license, this payment can be used to

support Charlestown's non-profits, parks, after-school activities, senior programs, job training programs, cultural events and related activities; therefore be it

ORDERED: That pursuant to G.L. c. 44, s. 53A, the Collector-Treasurer be and hereby is authorized to accept and expend an amount of up to thirty million dollars (\$30,000,000.00) from Wynn over the period of time the commercial gaming facility is operated at the Project site, beginning when the Project commences operations and opens to the general public in accordance with G.L. 23K and Section 2.1 of the SCA. Such expenditures may either be in the form of a grant agreement or by further appropriation to a departmental budget to be used only for such purposes pursuant to Section 2.1 of the SCA.

ORDERED: That in order to comply with G.L. 23K and Section 2.3 of the SCA, these payments are to be held by the Collector-Treasurer in an account, to be known as the Charlestown Community Impact Trust Fund, and shall be used and applied at Boston's sole discretion and determination toward any impact, infrastructure, improvement and/or mitigation measures related to the Project that Boston deems necessary and suitable.

ORDERED: That pursuant to G.L. c. 44, s. 53A, the Collector-Treasurer be and hereby is authorized to accept and expend the one-time, pre-opening payment in an amount of one million dollars (\$1,000,000.00) from Wynn, MA LLC in accordance with Section 2.2 of the SCA. Such payment shall also be held by the Collector-Treasurer in the account to be known as the Charlestown Community Impact Trust Fund and shall be used and applied at Boston's sole discretion and determination in the form of grant agreements to support Charlestown's non-profits, parks, after-school activities, senior programs, job training programs, cultural events and related activities as per the gaming license.

ORDERED: That a managing committee hereby be established made up of the Collector-Treasurer or his/her designee, the District One City Councilor or his/her designee, the State Senator for the Middlesex and Suffolk District that includes Charlestown or his/her designee, the State Representative for the Second Suffolk District that includes Charlestown or his/her designee, the City's Commissioner of Public Works or his/her designee, the City's Transportation Commissioner or his/her designee, and the City's Chief of Civic Engagement or his/her designee for the exclusive purpose of recommending distributions from said Trust Fund. The managing committee shall promulgate or amend guidelines pursuant to which it will recommend distributions prior to the recommendation of any distribution from the Trust Fund. Recommendations by the committee shall be binding upon the Collector-Treasurer unless the Collector-Treasurer requests and receives approval from the City Council and Mayor to make an alternative distribution from the Trust.

in City Council AUG 24 2016

Maura Leary
City Clerk

Approved AUG 31 2016

[Signature]
Mayor