

HOUSE No. 3192

The Commonwealth of Massachusetts

PRESENTED BY:

Robert A. DeLeo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act creating an advisory board to the massachusetts port authority and making certain changes to the massachusetts port authority board of directors

PETITION OF:

NAME:

Robert A. DeLeo

DISTRICT/ADDRESS:

19th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act creating an advisory board to the massachusetts port authority and making certain changes to the massachusetts port authority board of directors

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 465 of the Acts of 1956 is hereby amended by adding at the end
2 thereof the following section:-

3 Section 36. (a) There shall be an advisory board to the authority consisting of a voting
4 representative of each of the following cities and towns: Braintree, Bedford, Brookline,
5 Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lexington, Lincoln,
6 Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, and
7 Winthrop; provided further, that the city of Boston shall have seven voting representatives,
8 one of whom shall be a resident of the Beacon Hill or South End sections of the city of
9 Boston, one of whom shall be a resident of the East Boston section of the city of Boston, one
10 of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, one
11 of whom shall be a resident of the Charlestown section of Boston, one of whom shall be a
12 resident of the South Boston section of the city of Boston, one of whom shall be a resident of
13 the Roslindale or Hyde Park sections of the city of Boston, and one of whom shall be a
14 resident of the West Roxbury or Jamaica Plain sections of the city of Boston. The members
15 of the advisory board shall consist of the chief executive officer thereof; provided however,
16 that any chief executive officer, by writing filed with the authority, may appoint a permanent
17 designee to serve in his stead as a member of said advisory board until the expiration of each
18 term of office of the designating chief executive officer or the earlier vacancy of the office of
19 the designating chief executive officer; provided further, that if the chief executive officer of

20 the city of Boston opts to serve as the representative for the city of Boston to the advisory
21 board, he shall be deemed to represent the forgoing sections of the city of Boston; provided
22 further that a permanent designee shall be versed in at least one of the following three
23 disciplines: environmental affairs, community/airport relations or public health. For the
24 purpose of this section, the term “chief executive officer” shall mean the person designated
25 as the chief executive officer under the provisions of a local charter or laws having the force
26 of a charter, and otherwise the mayor in every city and the chairman of the board of
27 selectmen or president of the town council, as the case may be, in every town.

28 (b) Except as otherwise prescribed in this section, each voting representative shall cast
29 one vote on the advisory board. Each voting representative of the several sections of the city
30 of Boston as listed in paragraph (a) shall cast one vote. Wherein the chief executive officer
31 of the city of Boston shall opt to serve as the representative to the advisory board for the city
32 of Boston, he shall cast seven votes.

33 (c) Said advisory board may act at a regular periodic meeting called in accordance with
34 its by-laws; or at a special meeting called by the authority; or if a majority of board members
35 choose to do so. Except as specially provided in paragraph (f), a quorum of the advisory
36 board shall consist of a simple majority of voting members present, and the advisory board
37 may act, except as otherwise provided in paragraph (f), by affirmative casting of a majority
38 of the votes represented in the quorum. The advisory board shall be deemed to be a
39 governing body for the purposes of, and shall be subject to, section 11A½ of chapter 30A of
40 the General Laws, as appearing in the 2004 Official Edition.

41 (d) For the conduct of its business said advisory board shall adopt and may revise and
42 amend by-laws. Said advisory board shall annually elect a chairperson, a vice-chairperson, a
43 secretary and such officers as said advisory board might determine. Each officer may be
44 removed by a two-thirds vote of the advisory board without cause. In the event of a vacancy,

45 said board shall fill the vacancy for the unexpired term. Each member of said advisory board
46 shall serve without compensation but may be reimbursed, as an expense of said advisory
47 board, for all reasonable expenses incurred in the performance of his duties as approved by
48 the advisory board.

49 (e) The purposes of the advisory board shall be as follows:

50 (i) to appoint three members of the board of directors of the Massachusetts port
51 authority, as provided for in section 2 of this chapter, as amended by section 2 of this Act,
52 and in the manner prescribed in paragraph (f) of this section;

53 (ii) to make recommendations to the authority on annual current expense expenditure
54 budgets submitted to the advisory board under paragraph (j);

55 (iii) to hold hearings, which may be held jointly with the authority at the discretion of
56 the advisory board and said authority, on matters relating to said authority;

57 (iv) to review the annual report of the authority and to prepare comments thereon to the
58 authority and the governor, and to make such examinations of the reports on the authority's
59 records and affairs as the advisory board deems appropriate; and

60 (v) to make recommendations to the governor and the general court respecting the
61 authority and its programs. The advisory board shall have all powers necessary or
62 convenient to carry out and effectuate the foregoing purposes.

63 (f) Three members of the board of directors shall be appointed by the advisory board
64 in accordance with section 2 of this chapter, as amended; two of whom shall be a resident of
65 one of the following communities: Braintree, Brookline, Cambridge, Chelsea, Cohasset,
66 Everett, Hingham, Hull, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy,
67 Revere, Somerville, Weymouth, or Winthrop; and one of whom shall be a resident of the
68 communities of Bedford, Concord, Lexington or Lincoln. Members of the board of directors

69 so appointed may also be members of said advisory board. Said advisory board shall appoint
70 successor members, who shall replace that member of the board of directors appointed by the
71 advisory board whose term has expired or otherwise terminated. With respect to
72 appointment of any member of the board of directors the advisory board shall act only if a
73 special quorum is present consisting of two-thirds of voting members, and then only by an
74 affirmative vote of two-thirds of the voting members.

75 (g) Within thirty days of receiving any proposed current expense budget of the
76 authority or within fifteen days of receiving any proposed amended expense budget of the
77 authority, the advisory board shall hold a public hearing on matters relating to said budget for
78 the purpose of ascertaining, for subsequent report to the authority if necessary, the views of
79 the public thereon.

80 (h) The advisory board shall provide for the appointment of an ombudsman who, with
81 the assistance from such staff and consultants as the advisory board may authorize and
82 appoint, shall act for and in the name of the advisory board in the following respects:

83 (i) preparation of analysis for the advisory board of the authority's current expense
84 budgets, capital expenditure budgets and capital programs and their effect on the charges of
85 said authority;

86 (ii) representation of the advisory board to said authority on all matters pertaining to
87 said authority's programs, operations, finances and charges;

88 (iii) reporting regularly to the advisory board on the activities of the ombudsman and
89 other staff of the advisory board, on the affairs of the Authority, and on the effect of the
90 authority's program and operations on residents of neighboring communities.

91 (iv) exercising such other duties and responsibilities consistent with the powers of the
92 advisory board as the advisory board may assign from time to time.

93 (i) The advisory board may incur annual expenses, not to exceed \$500,000 for
94 expenses authorized under paragraph (c) and for personnel and office expenses. Said annual
95 expenses shall be paid by the authority.

96 (j) The authority shall provide any information, including but not limited to, annual
97 current expense expenditure budgets and capital expenditure reports, requested by the
98 advisory board which are necessary for the discharge of its duties; provided however, that the
99 advisory board shall not be granted access to any information if it be determined by the
100 executive director of the authority and the director of security for the authority that the
101 release of such information would be detrimental to public safety; provided further, that said
102 determination shall be made in writing and said writing shall be delivered to the advisory
103 board within two days; and, provided further, that said writing shall be signed by the
104 executive director and director of security of said authority under pains and penalties of
105 perjury.

106 SECTION 2. Section 2 of chapter 465 of the Acts of 1956 is hereby amended by striking the
107 first sentence of the second paragraph and inserting in place thereof the following:--

108 “The Authority shall consist of thirteen members; seven of whom shall be appointed by the
109 governor by and with the advice and consent of the council; three of whom shall be appointed by
110 the advisory board according to the by-laws of said board; and three of whom shall be appointed
111 by the mayor of the city of Boston; provided further, that no less than one member appointed by
112 said mayor be a resident of the East Boston section of the city of Boston. Those members of the
113 Authority, having been duly appointed by the governor prior to January 1, 2007, shall continue
114 until such time as their designated term expires; at which time the governor shall appoint a
115 replacement who shall serve a term of seven years. Those members of the Authority appointed
116 by the advisory board and mayor of the city of Boston shall be appointed as follows: Said
117 advisory board and mayor shall each appoint three initial members, one of whom shall serve for
118 a term of five years, one of whom shall serve for a term of six years, and one of whom shall be
119 serve for a term of seven years. Upon expiration of the terms of all initial appointees, the
120 advisory board or mayor of the city of Boston, whichever applicable, shall appoint a replacement
121 whose term shall be seven years. Thereafter all members shall be appointed for seven year terms
122 in accordance with this act.