

HOUSE No. 3192

The Commonwealth of Massachusetts

In the Year Two Thousand 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 1. Chapter 465 of the Acts of 1956 is hereby amended by adding at the end thereof the
2 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, Malden,
6 Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, and Winthrop;
7 provided further, that the city of Boston shall have seven voting representatives, one of whom
8 shall be a resident of the Beacon Hill or South End sections of the city of Boston, one of whom
9 shall be a resident of the East Boston section of the city of Boston, one of whom shall be a
10 resident of the Dorchester or Roxbury sections of the city of Boston, one of whom shall be a
11 resident of the Charlestown section of Boston, one of whom shall be a resident of the South
12 Boston section of the city of Boston, one of whom shall be a resident of the Roslindale or Hyde
13 Park sections of the city of Boston, and one of whom shall be a resident of the West Roxbury or

14 Jamaica Plain sections of the city of Boston. The members of the advisory board shall consist of
15 the chief executive officer thereof; provided however, that any chief executive officer, by writing
16 filed with the authority, may appoint a permanent designee to serve in his stead as a member of
17 said advisory board until the expiration of each term of office of the designating chief executive
18 officer or the earlier vacancy of the office of the designating chief executive officer; provided
19 further, that if the chief executive officer of the city of Boston opts to serve as the representative
20 for the city of Boston to the advisory board, he shall be deemed to represent the forgoing sections
21 of the city of Boston; provided further that a permanent designee shall be versed in at least one of
22 the following three disciplines: environmental affairs, community/airport relations or public
23 health. For the purpose of this section, the term “chief executive officer” shall mean the person
24 designated as the chief executive officer under the provisions of a local charter or laws having
25 the force of a charter, and otherwise the mayor in every city and the chairman of the board of
26 selectmen or president of the town council, as the case may be, in every town.

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

32 (c) Said advisory board may act at a regular periodic meeting called in accordance with
33 its by-laws; or at a special meeting called by the authority; or if a majority of board members
34 choose to do so. Except as specially provided in paragraph (f), a quorum of the advisory board
35 shall consist of a simple majority of voting members present, and the advisory board may act,
36 except as otherwise provided in paragraph (f), by affirmative casting of a majority of the votes

37 represented in the quorum. The advisory board shall be deemed to be a governing body for the
38 purposes of, and shall be subject to, section 11A½ of chapter 30A of the General Laws, as
39 appearing in the 2004 Official Edition.

40 (d) For the conduct of its business said advisory board shall adopt and may revise and
41 amend by-laws. Said advisory board shall annually elect a chairperson, a vice-chairperson, a
42 secretary and such officers as said advisory board might determine. Each officer may be
43 removed by a two-thirds vote of the advisory board without cause. In the event of a vacancy,
44 said board shall fill the vacancy for the unexpired term. Each member of said advisory board
45 shall serve without compensation but may be reimbursed, as an expense of said advisory board,
46 for all reasonable expenses incurred in the performance of his duties as approved by the advisory
47 board.

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

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

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

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

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

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

62 (f) Three members of the board of directors shall be appointed by the advisory board in
63 accordance with section 2 of this chapter, as amended; two of whom shall be a resident of one of
64 the following communities: Braintree, Brookline, Cambridge, Chelsea, Cohasset, Everett,
65 Hingham, Hull, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere,
66 Somerville, Weymouth, or Winthrop; and one of whom shall be a resident of the communities of
67 Bedford, Concord, Lexington or Lincoln. Members of the board of directors so appointed may
68 also be members of said advisory board. Said advisory board shall appoint successor members,
69 who shall replace that member of the board of directors appointed by the advisory board whose
70 term has expired or otherwise terminated. With respect to appointment of any member of the
71 board of directors the advisory board shall act only if a special quorum is present consisting of
72 two-thirds of voting members, and then only by an affirmative vote of two-thirds of the voting
73 members.

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

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

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

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

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

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

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

94 (j) The authority shall provide any information, including but not limited to, annual
95 current expense expenditure budgets and capital expenditure reports, requested by the advisory
96 board which are necessary for the discharge of its duties; provided however, that the advisory
97 board shall not be granted access to any information if it be determined by the executive director
98 of the authority and the director of security for the authority that the release of such information

99 would be detrimental to public safety; provided further, that said determination shall be made in
100 writing and said writing shall be delivered to the advisory board within two days; and, provided
101 further, that said writing shall be signed by the executive director and director of security of said
102 authority under pains and penalties of perjury.

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

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