

# HOUSE . . . . . No. 3565

---

## The Commonwealth of Massachusetts

PRESENTED BY:

***Jonathan D. Zlotnik***

*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 adoption of the accompanying bill:

An Act establishing the Williams-Rockwell educational gift fund in the city of Gardner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>5/27/2015</i>

# HOUSE . . . . . No. 3565

---

By Mr. Zlotnik of Gardner, a petition (accompanied by bill, House, No. 3565) of Jonathan D. Zlotnik (with the approval of the mayor and city council) that the city of Gardner be authorized to establish the Williams-Rockwell educational gift fund. Municipalities and Regional Government. [Local Approval Received.]

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act establishing the Williams-Rockwell educational gift fund in the city of Gardner.

*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. Whereas, the school department in the city of Gardner was in receipt of a  
2   certain painting by artist Norman Rockwell given as a gift from a graduating class of Gardner  
3   High School for the purpose of inspiring and supporting the educational activities of the Gardner  
4   public schools; and

5           Whereas, the painting was displayed in the schools until 2000; and

6           Whereas, due to its current value, it became impractical to insure and secure said painting  
7   for display in the schools; and

8           Whereas, the school committee determined that it was in the best interest of the Gardner  
9   school district to sell the painting at public auction and establish an educational fund to continue  
10   the legacy of the original gift with the proceeds; and

Whereas on May 21, 2014 said sale netted one million, nine hundred thousand (\$1,900,000) dollars; now therefore:

Section 2. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Gardner is hereby authorized to establish a special fund for the Gardner school department to be known as the “Williams-Rockwell Educational Gift Fund” for the following purposes:

(a) Fifty percent (50%) for providing scholarships for students pursuing academic endeavors; support of academic and athletic programs in the Gardner Public Schools; professional development for faculty; and grant making and support for related programs throughout the Gardner school district.

(b) Fifty percent (50%) for providing scholarships for students pursuing the arts; support and promotion of arts education in the Gardner public schools, including, but not limited to painting, sculpture, dance, music, theater and any and all related programs; professional development for faculty; and grant making in support of related programs throughout the Gardner school district.

Provided that in any given year, the board of trustees, by a unanimous vote, may vary the percentage of funding for the purposes described in subparagraphs (a) or (b) by not more than fifteen percent (15%).

Section 3. Said fund shall be kept separate and apart from all other monies and managed under the direction and control of a board of nine (9) trustees who are hereby designated as the custodians of said fund. Such board shall be constituted as follows: The mayor of the city of Gardner, or his designee; the president of the city council, or his designee; the city’s treasurer;

the superintendent of schools; and a school committee representative elected by such committee, all of whom shall be trustees during the terms of their respective offices. In addition, four (4) members at large shall be appointed by the mayor, subject to confirmation by the city council. Two (2) of such members shall serve for a term of two (2) years and the other two (2) members shall serve for a term of three (3) years, which terms shall commence at the first meeting of said trustees as set forth below. Upon the expiration of the terms of office of the at large members, a successor shall be appointed for a term of three years or until a successor is duly appointed and qualified. Whenever a vacancy shall occur in an at large position by reason of death, resignation, or otherwise, such vacancy shall also be filled in like manner for the unexpired term. Upon assuming the office of trustee hereunder, whether by virtue of one's position, designation or appointment, each member shall be sworn to the faithful performance of the duties of a trustees of the "Williams – Rockwell Educational Gift Fund" in the same manner and to the same extent as other city officials.

Section 4. The trustees shall hold their first meeting within ninety (90) days following approval of this act and shall meet at least four (4) times per calendar year thereafter. Six (6) trustees shall constitute a quorum.

Section 5. No member of the board of trustees shall receive compensation for his services as a trustee hereunder.

Section 6. The trustees shall have the full power to elect such officers as the trustees may from time to time determine necessary or expedient provided that in any case, the trustees shall at their first meeting as set forth above, elect a clerk whose duty it shall be to keep a full and fair record of the proceedings of the board, and to discharge such other duties as they shall from time

to time prescribe. The trustees shall determine the tenure of all such offices, including the clerk, whose tenure shall be established at said first meeting. The trustees have full power and authority to establish rules, regulations and policies for the conduct of their meetings and all activities that they may perform under this act.

Section 7. The trustees shall keep a full accounting of the fund and make an annual report thereof to the school committee which report shall be incorporated into the school department's annual budget presentation to the city council. Said report shall include the total amount of the fund and the investments, receipts and disbursements on account of same, and shall set forth in detail the sources of all income and receipts, the purposes of such expenditures, and such other information as the trustees deem appropriate.

Section 8. In addition to administering the proceeds of the sale from the Williams-Rockwell gift as set forth herein, the trustees shall also have the authority to solicit, receive and deposit into such fund any other moneys donated to this fund, including but not limited to any gifts designating a specific purpose or purposes, It shall be the duty of the trustees to prudently invest the funds deposited in the "Williams-Rockwell Educational Gift Fund" in accordance with the standards set forth in G.L. c. 203C. To assist the board in carrying out its duties, the board shall issue a request for proposals to assist it in the professional financial management of the fund, and shall have the authority to enter into a contract or contracts with a qualified investment manager or managers, registered as such under the Investment Advisors Act of 1940, on such terms and conditions as the trustees determine shall assist them in carrying out the purposes of the fund. The board is hereby authorized to seek and utilize the City's Purchasing Department in preparing all documents related to such requests for proposals, including but not limited to

77 contracts, for issuing and reviewing such requests, and for any other assistance the Purchasing  
78 Department customarily provides for other city boards or departments.

79         Section 9. The trustees shall annually determine the number and criteria for scholarships,  
80 grants or other expenditures they wish to make from the income derived of this fund, and  
81 establish requirements and deadlines for applicants and recipients of the annual distributions. No  
82 more than ninety (90%) percent of the income so derived from the fund shall be so distributed in  
83 any one year, the remaining ten percent (10%) of such income to be reinvested in the fund.  
84 Notwithstanding this provision, the trustees may determine that due to unique or unusual  
85 circumstances the educational needs of the city's students would benefit from the deviation of  
86 this spending rule, the trustees may, upon making specific findings regarding such unique or  
87 unusual circumstances, and that such deviation is in keeping with the purpose and intent of this  
88 fund, deviate from this spending limitation. Any such deviation must be approved by a  
89 unanimous vote of said trustees and may not exceed ten percent (10%) of the fund's principal  
90 balance as of the end of the previous quarter, and provided further that any such deviation shall  
91 not result in a remaining fund balance which is less than the amount of the principal balance as  
92 of the date of the fund's inception, plus the principle sum of any subsequent donations, if so  
93 directed by the donor.

94         Section 10. Expenditures made by the trustees in accordance with the terms of this act  
95 may be made without further appropriation.

96         Section 11. This act shall take effect upon its passage.