

**HOUSE . . . . . No. 3565**

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**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:

*Jonathan D. Zlotnik*

DISTRICT/ADDRESS:

*2nd Worcester*

**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

11           Whereas on May 21, 2014 said sale netted one million, nine hundred thousand  
12           (\$1,900,000) dollars; now therefore:

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

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

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

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

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

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

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

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

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

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

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

65           Section 8. In addition to administering the proceeds of the sale from the Williams-  
66 Rockwell gift as set forth herein, the trustees shall also have the authority to solicit, receive and  
67 deposit into such fund any other moneys donated to this fund, including but not limited to any  
68 gifts designating a specific purpose or purposes, It shall be the duty of the trustees to prudently  
69 invest the funds deposited in the "Williams-Rockwell Educational Gift Fund" in accordance with  
70 the standards set forth in G.L. c. 203C. To assist the board in carrying out its duties, the board  
71 shall issue a request for proposals to assist it in the professional financial management of the  
72 fund, and shall have the authority to enter into a contract or contracts with a qualified investment  
73 manager or managers, registered as such under the Investment Advisors Act of 1940, on such  
74 terms and conditions as the trustees determine shall assist them in carrying out the purposes of  
75 the fund. The board is hereby authorized to seek and utilize the City's Purchasing Department in  
76 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.