

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron L. Saunders

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 Relative to Equitable Representation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act Relative to Equitable Representation.

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 238 of Session Laws, as so appearing in the Acts of 2024, shall be
2 amended by inserting the following new section :-

3 “SECTION XX:

4 Section 1. (a) Notwithstanding any general or special law to the contrary, including the
5 provisions of chapter 40N of the general laws, the powers of Springfield Water and Sewer
6 Commission, an independent public instrumentality of the Commonwealth of Massachusetts,
7 shall be exercised by or under the supervision of a board of directors consisting of seven
8 members. Four members of the board of directors shall be appointed by the mayor of the city of
9 Springfield and shall serve conterminous with the mayor; provided however, that one of the
10 previous named four members shall be a minority person as defined by section six of chapter
11 seven C of the general laws, and three members of the board of directors shall be appointed by
12 the advisory board as provided in section two. No more than four members of the board of
13 directors may reside in the same municipality. Members appointed by the advisory board shall

14 serve for terms of six years, provided, however, that, of the members first appointed by the
15 advisory board, one shall serve for a term expiring on June thirtieth, two thousand and twenty-
16 six, one shall serve for a term expiring on June thirtieth, two thousand and twenty-eight, and one
17 shall serve for a term expiring on June thirtieth, two thousand and thirty, with the term of each to
18 be designated by the advisory board at the time of appointment. Persons appointed to terms
19 succeeding the terms of members initially appointed by the advisory board, shall be appointed to
20 terms of six years.

21 (b) Each member of the board of directors shall serve until his successor is appointed and
22 qualified and each appointed member of the board of directors shall be eligible for
23 reappointment. Each member of the board of directors appointed to fill a vacancy on the board
24 shall be appointed for the unexpired term of the vacant position. Each member of the board of
25 directors before entering upon his duties shall take an oath before the governor to administer the
26 duties of office faithfully and impartially and a record of such oaths shall be filed in the office of
27 the secretary of the commonwealth. Any member of the board of directors may be removed by
28 the appointing commission for misfeasance, malfeasance or willful neglect of duty upon a
29 majority vote of the board of directors. The board of directors annually shall elect one of its
30 members as chairman. Four members of the board of directors shall constitute a quorum and the
31 affirmative vote of four members shall be necessary and shall suffice for any action taken by the
32 board of directors. Any action of the board may take effect immediately and need not be
33 published or posted unless otherwise provided by law. No vacancy in the membership of the
34 board of directors shall impair the right of a quorum to exercise the powers of the board of
35 directors. The members of the board of directors shall serve without compensation but each
36 member shall be reimbursed for all reasonable expenses incurred in the performance of his

37 duties. The board of directors shall be deemed to be a governmental body for purposes of and
38 shall be subject to section eleven A and one-half of chapter thirty A of the General Laws. The
39 Commission shall be deemed to be an agency for all other purposes under said chapter thirty A.
40 The Commission shall also be subject as a commission of the commonwealth to section forty-
41 two of chapter thirty and section ten of chapter sixty-six of the General Laws. The Commission
42 shall be deemed to -be a public body and all monies of the Commission shall be deemed to be
43 public funds for purposes of chapter twelve A of the General Laws.

44 (c) Notwithstanding any other provision of general or special law to the contrary, any
45 member of the board of directors who is also an officer or employee of the commonwealth or of
46 a city or town or other public body shall not thereby be precluded from voting for or acting on
47 behalf of the Commission, the commonwealth or such city or town or other public body on any
48 matter involving the Commission, the commonwealth or that city or town or other public body
49 and any member, officer, employee or agent of the Commission shall not be precluded from
50 acting for the Commission on any particular matter solely because of any interest therein which
51 is shared generally with a substantial segment of the public. The Commission shall be deemed to
52 be a state agency for purposes of chapter two hundred and sixty-eight A of the General Laws and
53 a governmental body for purposes of chapter two hundred and sixty-eight B of the General Laws.

54 Section 2. (a) There shall be an advisory board to the Commission consisting of (i) a
55 voting representative of each of the following cities and towns: Ludlow, Springfield, Wilbraham,
56 East Longmeadow, Longmeadow, Agawam, and West Springfield and (ii) two persons who
57 represents the interests of persons and communities in the Little River watershed area to be
58 designated by agreement among the chairman of the boards of selectmen in the towns of Russel,
59 Granville, and Blanford. The member of the advisory board representing a city or town shall

60 consist of the chief executive officer thereof; provided, however, that any chief executive officer,
61 by writing filed with the Commission may appoint a permanent designee to serve in his stead as
62 a member of said advisory board until the expiration of each term of office of the designating
63 chief executive officer or the earlier vacancy of the office of the designating chief executive
64 officer. For purposes of this section, the term "chief executive officer" shall mean the person
65 designated as the chief executive officer under the provisions of a local charter of laws having
66 the force of a charter, and otherwise the mayor in every city and the chairman of the board of
67 selectmen or president of the town council, as the case may be, in every town.

68 (b) The total voting strength of the advisory board shall be one hundred votes, of which
69 ninety votes shall be divided on a fractional basis in the manner hereafter provided among the
70 cities and towns listed in clause (i) of the first sentence of paragraph (a) of this section and ten
71 votes shall reside with the representative provided for in clause (ii) of said sentence. The
72 fractional vote of the representative of each city or town shall be determined on an annual basis
73 by the Commission on a weighted basis by dividing a reasonable estimate of the charges for the
74 Commission's services to users in that city or town by a reasonable estimate of the charges for
75 the Commission's services to all users in all such cities and towns. For each year the
76 determination of votes shall be certified to the advisory board by the Commission, provided,
77 however, that within five days of the effective date of this act the executive office of
78 environmental affairs shall prepare an interim voting value based on the most recent available
79 annual records of the costs of water and sewer services of the metropolitan district commission,
80 which interim voting value shall be conclusive upon the advisory board until July first, nineteen
81 hundred and eighty-six. Said advisory board may act at a regular periodic meeting called in
82 accordance with its by-laws or at a special meeting called by the Commission or by

83 representatives of four or more members of the advisory board. Except as specially provided in
84 paragraph (e), a quorum of the advisory board shall consist of representatives who hold a total
85 voting strength of sixty seven or more of the votes of the advisory board, and the advisory board
86 may act, except as otherwise provided in paragraph (e), by the affirmative casting of a majority
87 of the votes represented in the quorum. The advisory board shall be deemed to be a
88 governmental body for purposes of, and shall be subject to, section eleven A and one-half of
89 chapter thirty A of the General Laws and shall also be subject to section ten of chapter sixty-six
90 of the General Laws.

91 (c) For the conduct of its business said advisory board shall adopt and may revise and
92 amend by-laws. Said advisory board shall annually elect a chairperson, a vice chairperson and a
93 secretary and such other officers as said advisory board may determine. Each officer shall serve
94 until a successor is chosen and qualified. Each officer may be removed by vote of the advisory
95 board with or without cause. In the event of a vacancy, said board shall fill the vacancy for the
96 unexpired term. Each member of said advisory board shall serve without compensation but may
97 be reimbursed, as an expense of said advisory board, for all reasonable expenses incurred in the
98 performance of its duties as approved by the advisory board.

99 (d) The purposes of the advisory board shall be as follows:

100 (i) to appoint three members of the board of directors of the Commission, in the manner
101 hereafter provided and in section one;

102 (ii) to consider matters committed to the approval of the advisory board;

103 (iii) to make recommendations to the Commission on annual current expense expenditure
104 budgets submitted to the advisory board;

105 (iv) to make recommendations to the Commission on its charges;

106 (v) to hold hearings, which may be held jointly with the Commission at the discretion of
107 the advisory board and said Commission, on matters relating to said Commission;

108 (vi) to review the annual report of the Commission and to prepare comments thereon to
109 the Commission and the governor, and to make such examinations of the reports on the
110 Commission's records and affairs as the advisory board deems appropriate; and

111 (vii) to make recommendations to the governor and the general court respecting the
112 Commission and its programs. The advisory board shall have all powers necessary or convenient
113 to carry out and effectuate the foregoing purposes.

114 (e) Three members of the board of directors of the Commission shall be appointed by the
115 advisory board. Members of the board of directors so appointed may also be members of said
116 advisory board. Said advisory board shall appoint successor members, which successor members
117 shall replace those members of the board of directors appointed by the advisory board whose
118 terms have expired or otherwise terminated. With respect to appointment of any member of the
119 board of directors the advisory board shall act only if there is a special quorum consisting of a
120 majority of those persons who are voting members of the advisory board and only by an
121 affirmative vote of the majority of the members present, each voting member voting one
122 unweighted vote, and in this instance the total voting strength of the advisory board shall equal
123 the total number of persons entitled to vote.

124 No member of the board of directors of the Commission shall be appointed by the
125 advisory board for more than two consecutive terms, provided that an appointment to fulfill a

126 term of less than six years due to a vacancy or initial appointment as established in section one
127 shall not be applicable to the two consecutive term limit.

128 (f) Within thirty days of receiving any proposed current expense budget of the
129 Commission or within fifteen days of receiving any proposed amended expense budget of the
130 Commission, the advisory board shall hold a public hearing on matters relating to such budget
131 for the purpose of ascertaining, for subsequent report to the Commission if necessary, the views
132 of the public thereon.

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

136 (i) preparation of analysis for the advisory board of the Commission's current expense
137 budgets, capital expenditure budgets and capital programs and their effect on the charges of said
138 Commission;

139 (ii) representation of the advisory board to said Commission in all matters relating to said
140 Commission's programs, operations, finances and charges;

141 (iii) reporting regularly to the advisory board on the activities of the ombudsman and
142 other staff of the advisory board, on the affairs of the Commission, and on the effect of the
143 Commission's program and operations on the costs to consumers of water and sewer services;
144 and

145 (iv) exercising such other duties and responsibilities consistent with the powers of the
146 advisory board as the advisory board may assign from time to time. Reports of the ombudsman,
147 after acceptance by the advisory board, shall be made available to the public.

148 (h) The advisory board may incur expenses, not to exceed one hundred thousand dollars
149 annually for expenses authorized under paragraph (c). Such expenses shall be paid by the
150 Commission in the fiscal year commencing July first, two thousand twenty-six from amounts
151 appropriated to the Commission by the commonwealth, and thereafter shall be provided for in
152 current expense budgets of the Commission. The maximum level of advisory board expenses
153 may be increased from time to time upon the review and approval by the Commission of the
154 justification for such increases submitted by the advisory board.

155 Section 3. No later than December thirty-first of two thousand and twenty-six the
156 Commission shall update any by-law or other organizational document to conform to this act.