

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert A. DeLeo**

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*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

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, 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  
8 whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, one  
9 of whom shall be a resident of the East Boston section of the city of Boston, one of whom  
10 shall be a resident of the Dorchester or Roxbury sections of the city of Boston, one of whom  
11 shall be a resident of the Charlestown section of Boston, one of whom shall be a resident of  
12 the South Boston section of the city of Boston, one of whom shall be a resident of the  
13 Roslindale or Hyde Park sections of the city of Boston, and one of whom shall be a resident  
14 of the West Roxbury or Jamaica Plain sections of the city of Boston. The members of the

15 advisory board shall consist of the chief executive officer thereof; provided however, that  
16 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  
18 each term of office of the designating chief executive officer or the earlier vacancy of the  
19 office of the designating chief executive officer; provided further, that if the chief executive  
20 officer of the city of Boston opts to serve as the representative for the city of Boston to the  
21 advisory board, he shall be deemed to represent the forgoing sections of the city of Boston;  
22 provided further that a permanent designee shall be versed in at least one of the following  
23 three disciplines: environmental affairs, community/airport relations or public health. For  
24 the purpose of this section, the term "chief executive officer" shall mean the person  
25 designated as the chief executive officer under the provisions of a local charter or laws  
26 having the force of a charter, and otherwise the mayor in every city and the chairman of the  
27 board of 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  
29 cast one vote on the advisory board. Each voting representative of the several sections of  
30 the city of Boston as listed in paragraph (a) shall cast one vote. Wherein the chief executive  
31 officer of the city of Boston shall opt to serve as the representative to the advisory board for  
32 the city of Boston, he shall cast seven votes.

33 (c) Said advisory board may act at a regular periodic meeting called in accordance  
34 with its by-laws; or at a special meeting called by the authority; or if a majority of board  
35 members choose to do so. Except as specially provided in paragraph (f), a quorum of the  
36 advisory board shall consist of a simple majority of voting members present, and the  
37 advisory board may act, except as otherwise provided in paragraph (f), by affirmative  
38 casting of a majority of the votes represented in the quorum. The advisory board shall be  
39 deemed to be a governing body for the purposes of, and shall be subject to, section 11A½ of  
40 chapter 30A of 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  
45 vacancy, said board shall fill the vacancy for the unexpired term. Each member of said  
46 advisory board shall serve without compensation but may be reimbursed, as an expense of  
47 said advisory board, for all reasonable expenses incurred in the performance of his duties as  
48 approved by 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  
54 expenditure 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  
58 the authority and the governor, and to make such examinations of the reports on the  
59 authority's records and affairs as the advisory board deems appropriate; and

60 (vi) 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

65 of one of the following communities: Braintree, Brookline, Cambridge, Chelsea, Cohasset,  
66 Everett, Hingham, Hull, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere,  
67 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  
70 appoint successor members, who shall replace that member of the board of directors  
71 appointed by the advisory board whose term has expired or otherwise terminated. With  
72 respect to appointment of any member of the board of directors the advisory board shall  
73 act only if a special quorum is present consisting of two-thirds of voting members, and then  
74 only by an 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  
78 for the purpose of ascertaining, for subsequent report to the authority if necessary, the  
79 views of 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  
85 of 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  
95 annual 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  
99 the 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  
102 said determination shall be made in writing and said writing shall be delivered to the  
103 advisory board within two days; and, provided further, that said writing shall be signed by  
104 the 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  
110 by the advisory board according to the by-laws of said board; and three of whom shall be  
111 appointed by the mayor of the city of Boston; provided further, that no less than one member

112 appointed by said mayor be a resident of the East Boston section of the city of Boston. Those  
113 members of the Authority, having been duly appointed by the governor prior to January 1,  
114 2007, shall continue until such time as their designated term expires; at which time the  
115 governor shall appoint a replacement who shall serve a term of seven years. Those members of  
116 the Authority appointed by the advisory board and mayor of the city of Boston shall be  
117 appointed as follows: Said advisory board and mayor shall each appoint three initial members,  
118 one of whom shall serve for a term of five years, one of whom shall serve for a term of six  
119 years, and one of whom shall be serve for a term of seven years. Upon expiration of the terms  
120 of all initial appointees, the advisory board or mayor of the city of Boston, whichever  
121 applicable, shall appoint a replacement whose term shall be seven years. Thereafter all  
122 members shall be appointed for seven year terms in accordance with this act.

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PETITION OF:

NAME:

Robert A. DeLeo

DISTRICT/ADDRESS:

19th Suffolk

