



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR  
MARTIN J. WALSH

January 23, 2017

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval a home rule petition to the General Court entitled “Petition for a Special Law Re: An Act Relative to Boards and Commissions of the City of Boston.” This Home Rule Petition will allow the mayor to appoint members to vacant or expired seats on certain city boards and commissions if the relevant nominating entity fails to submit names for the mayor’s consideration within ninety (90) days after the vacancy or expiration of a member’s term occurs.

Several city boards and commissions currently have vacant seats or board members who are serving in holdover capacities because new members have not been nominated. These boards’ enabling acts, however, fail to provide a method by which members may be selected if the board’s nominating entity fails to submit new names for consideration. This home rule petition would ensure a method to fill vacancies or to replace holdover seats in the event that a nominating entity is unable to or otherwise fails to nominate new members to fill a vacancy. Once a vacancy occurs, either because of the resignation or removal of a board member or the expiration of a term, the mayor shall provide written notice to the board’s nominating entities of the vacancy or expired term. If the nominating entity fails to make recommendations to the mayor within ninety (90) days, the mayor may make an appointment to fill the vacant seat.

This process will ensure that city boards and commissions function effectively by having a full complement of members, and will provide new opportunities for individuals who have not previously served on city boards to participate in city government.

This home rule petition will apply to the following city boards and commissions:

Boston Arts Commission  
Boston School Committee Nominating Panel  
Back Bay Architectural Commission  
Beacon Hill Architectural Commission  
Boston Landmarks Commission  
Boston Housing Authority Monitoring Committee

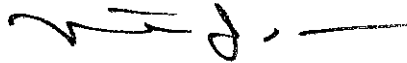
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617-635-4500 • [www.boston.gov](http://www.boston.gov)

Freedom Trail Commission  
Boston Zoning Commission  
Boston Zoning Board of Appeals

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I urge your Honorable Body to join me in this effort to ensure greater efficiency in the functioning of our city boards and commissions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Walsh', with a long horizontal line extending to the right.

Martin J. Walsh  
Mayor of Boston

# CITY OF BOSTON

## IN CITY COUNCIL

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**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

### **PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO BOARDS AND COMMISSIONS OF THE CITY OF BOSTON**

SECTION 1. Section 1 of chapter 410 of the acts of 1898 is hereby amended by inserting at the end of the second paragraph the following paragraph:-

Upon a vacancy on the commission resulting from either the resignation or removal of a commissioner prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor as herein described within ninety days of being notified of a vacancy, any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein.

SECTION 2. Paragraph (g) of section 6 of chapter 108 of the acts of 1991 is hereby amended by inserting after the last sentence the following paragraph:-

Upon a vacancy on the nominating panel resulting from either the resignation or removal of a member prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the representative entities of the nominating panel herein described by certified or registered mail. If a representative entity fails to select a member to serve on the nominating panel as herein provided within ninety days of being notified of a vacancy, any individual may be appointed to serve on the nominating panel by the mayor at his or her discretion

notwithstanding any contrary provisions herein. The members of the nominating panel shall at all times during their terms of office be Boston residents.

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SECTION 3. The first paragraph of section 4 of chapter 625 of the acts of 1966 is hereby amended by inserting after the last sentence the following paragraph:-

Upon a vacancy on the commission resulting from either the resignation or removal of a commissioner or an alternate prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor as previously described within ninety days of being notified of a vacancy, any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein. The members of the commission shall at all times during their terms of office be Boston residents.

SECTION 4. The first paragraph of section 4 of chapter 616 of the acts of 1955 is hereby amended by inserting after the last sentence the following paragraph:-

Upon a vacancy on the commission resulting from either the resignation or removal of a commissioner or an alternate prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within ninety days of being notified of a vacancy, any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein. The members of the commission shall at all times during their terms of office be Boston residents.

SECTION 5. The second paragraph of section 3 of chapter 772 of the acts of 1975 is hereby amended by inserting after the first sentence the following paragraph:-

Upon a vacancy on the commission resulting from either the resignation or removal of a commissioner or an alternate prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail.

If a nominating entity fails to recommend nominees to the mayor within ninety days of being notified of a vacancy, any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein.

SECTION 6. Section 2 of chapter 88 of the acts of 1989 is hereby amended by inserting after the fourth sentence the following paragraph:-

Upon a vacancy on the Monitoring Committee in a seat reserved for a public housing tenant or rental assistance tenant resulting from the resignation or removal of a member prior to his or her term, or the expiration of a term, the mayor shall provide written notice by certified or registered mail, in the case of a public housing tenant vacancy, to the city-wide public housing tenant organizations and public housing development-based tenant organizations of the Boston Housing Authority responsible for nominating mayoral appointees, or, in the case of a rental assistance tenant vacancy, to the rental assistance tenants who have served in a resident advisory capacity.

If a nominating entity fails to recommend nominees to the mayor within ninety days of being notified of a vacancy, any individual may be appointed to the Monitoring Committee by the mayor at his or her discretion notwithstanding any contrary provisions herein.

SECTION 7. Section 1 of chapter 625 of the acts of 1965 is hereby amended by inserting after the first sentence the following paragraph:-

Upon a vacancy on the commission in a seat previously occupied by an appointee from the Freedom Trial Foundation, Inc., resulting from either the resignation or removal of a member prior to his or her term or the expiration of a term, the mayor shall provide written notice to the

Freedom Trail Foundation, Inc. by certified or registered mail. If the Freedom Trail Foundation, Inc. fails to recommend nominees to the mayor within ninety days of being notified of a vacancy,

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any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein. The members of the commission shall at all times during their terms of office be Boston residents.

SECTION 8. Section 1 of chapter 665 of the acts of 1956 is hereby amended by inserting after the second paragraph the following paragraph:-

Upon a vacancy on the zoning commission resulting from either the resignation or removal of a commissioner prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within ninety days of being notified of a vacancy, any individual may be appointed to the commission by the mayor at his or her discretion notwithstanding any contrary provisions herein.

SECTION 9. Section 8 of chapter 665 of the acts of 1956 is hereby amended by inserting after the second paragraph the following paragraph:-

Upon a vacancy on the board resulting from either the resignation or removal of a commissioner or an alternate prior to his or her term, or the expiration of a term, the mayor shall provide written notice to the nominating entities herein described by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within ninety days of being notified of a vacancy, any individual may be appointed to the board by the mayor at his or her discretion notwithstanding any contrary provisions herein.

SECTION 10. This act shall go into effect upon passage.

I HEREBY CERTIFY THAT  
THE FOREGOING, IF PASSED IN  
THE ABOVE FORM, WILL BE IN  
ACCORDANCE WITH LAW.

BY Eugene L. O'Flaherty  
EUGENE L. O'FLAHERTY  
CORPORATION COUNSEL

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