

# HOUSE . . . . . No. 5217

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, JUNE 16, 1993.

The committee on Local Affairs, to whom was referred the petition (accompanied by bill, House, No. 4808) of Byron Rushing, Gloria L. Fox and Shirley Owens-Hicks for legislation to establish a new city of the Commonwealth from various precincts of the city of Boston, reports recommending that the accompanying bill (House, No. 5217) ought to pass.

For the committee,

BYRON RUSHING.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Ninety-Three.

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AN ACT RELATIVE TO THE INCORPORATION OF NEW CITY FROM VARIOUS EXISTING PRECINCTS IN THE CITY OF BOSTON.

*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. For the purpose of electing a charter commission  
2 to determine the economic viability for the establishment of a new  
3 municipality consisting of the following precincts of Boston:  
4 Precincts 3 and 4 of Ward 4, all Precincts of Wards 8, 9, 12,  
5 and 14, Precincts 1, 2, 6 and 7 of Ward 10, Precincts 1, 2, 3, 4, 5  
6 and 6 of Ward 11, Precincts 1, 2, 4 and 5 of Ward 13, Pre-  
7 cincts 1, 2 and 5 of Ward 15, Precincts 1, 2, 3, 5, 7, 8, 10 and 12  
8 of Ward 17, Precincts 1, 2, 3, 4, 5, 6 and 21 of Ward 18, there  
9 shall be submitted by the Secretary of State to the voters of said  
10 precincts at the state biennial election next occurring following  
11 the enactment of this act, the following question: "Shall a nine  
12 member charter commission be elected to review, and recommend  
13 the adoption of a charter for incorporating the following precincts  
14 as a new city of the Commonwealth: Precincts 3 and 4 of Ward 4,  
15 all Precincts of Wards 8, 9, 12, and 14, Precincts 1, 2, 6, and 7  
16 of Ward 10, Precincts 1, 2, 3, 4, 5 and 6 of Ward 11, Pre-  
17 cincts 1, 2, 4 and 5 of Ward 13, Precincts 1, 2 and 5 of Ward 15,  
18 Precincts 1, 2, 3, 5, 7, 8, 10 and 12 of Ward 17, Pre-  
19 cincts 1, 2, 3, 4, 5, 6 and 21 of Ward 18?"

1 SECTION 2. The provisions of section five of chapter forty-  
2 three B of the General Laws shall govern the nomination of  
3 charter commission members, provided however, the signatures  
4 of two hundred registered voters shall be required to nominate  
5 said charter commission member.

1 SECTION 3. A charter commission shall consist of nine  
2 registered voters of the precincts contained in section one of this  
3 act, elected at large within the precincts listed in section one, and

4 by official ballot, without party or political designation, at an  
5 election held in accordance with this act. The names of the  
6 candidates nominated in accordance with section two shall be  
7 placed on such ballot in alphabetical order, preceded by an  
8 instruction to the effect that a voter may vote for not more than  
9 nine persons as charter commission member whether or not he  
10 favors the election of a charter commission. The question of  
11 electing a commission to review, make a determination as to the  
12 economic feasibility, and recommend the feasibility of the charter  
13 shall be placed on such ballot in the form prescribed in section  
14 one.

15 If a majority of the votes cast upon the question of electing a  
16 charter commission to determine the feasibility of establishing a  
17 new municipality, adopting or revising the charter is in the  
18 affirmative, the nine candidates receiving the highest number of  
19 votes shall be declared elected.

20 If a majority of the votes cast upon the question is in the  
21 affirmative, the secretary of state shall notify the governor, senate  
22 president and speaker of the house.

23 The Secretary of State within ten days of the election shall notify  
24 the nine candidates elected to the charter commission of an initial  
25 charter commission meeting. At such initial meeting the charter  
26 commission shall promptly organize by the election from any of  
27 its members a chairman, a vice chairman and a clerk and shall  
28 file a notice of such organization with the Secretary of State. If  
29 any member dies, resigns or ceases to be a registered voter of the  
30 precincts contained in section one of this act a vacancy shall result  
31 which shall be filled by the election of any registered voter of such  
32 precincts by a vote of a majority of the remaining members. The  
33 commission may continue to act notwithstanding the existence of  
34 any vacancy.

1 SECTION 4. The study of any subject relevant to the property,  
2 affairs or government, structure or organization of the new said  
3 city of Commonwealth, or of any laws, local law or ordinances,  
4 resolutions, charter, and codes relating thereto, or of any matter  
5 of thing considered by the commission to be pertinent thereto,  
6 shall be deemed to be within the scope of the commission's power  
7 hereunder.



1 SECTION 4A. The commission may within six months after  
2 their election establish an educational advisory committee for the  
3 purpose of assisting the commission in compiling information for  
4 a report required under section five of this act as it relates to the  
5 creation of a school district or districts. Such committee shall  
6 consist of seven members, one of whom shall be appointed upon  
7 the recommendation of the Commissioner of the Department of  
8 Education; one of whom shall be appointed upon the recommen-  
9 dation of the president of a collective bargaining unit representing  
10 teachers; one of whom shall be appointed upon the recommen-  
11 dation of an organization of parents; one of whom shall be a  
12 student; two of whom shall be residents of the precincts contained  
13 in section one appointed by the chairman of the commission and  
14 one of whom shall be a commission member designated by the  
15 chairman of the commission. Such advisory committee shall file  
16 their recommendation in a report submitted to the commission  
17 on a date fixed by the commission, not earlier than six months  
18 after the establishment of such advisory committee, and such  
19 report shall include proposed legislation to implement such  
20 recommendations.

1 SECTION 4B. The commission may, within six months after  
2 their election establish a public safety and public service advisory  
3 committee for the purpose of assisting the commission in  
4 compiling information for a report required under section five of  
5 this act as it relates to the establishment of various municipal  
6 departments to provide police, fire, water, sewer and any other  
7 public services determined necessary by the commission. Such  
8 committee shall also consist of seven members, one of whom shall  
9 be appointed upon the recommendation of Administrator of the  
10 State Department of Personnel Administration; one whom shall  
11 be appointed upon the recommendation of the State Fire Marshal;  
12 one of whom shall be appointed upon the recommendation of the  
13 Commissioner of the Department of Public Safety; one of whom  
14 shall be appointed upon the recommendation of the head of a  
15 public employees organization; two of whom shall be residents  
16 of the precincts contained in section one appointed by the  
17 chairman of the commission and one of who shall be a commis-  
18 sion member designated by the chairman of the commission.

19 Such advisory committee shall file their recommendations in  
20 a report submitted to the commission on a date fixed by the  
21 commission, not earlier than six months after the establishment  
22 of such advisory committee, and such report shall include but not  
23 limited to recommendations pertaining to the civil services rights  
24 and retirement benefits for the employees of said city of the  
25 Commonwealth.

1 SECTION 4C. The commission may, within six months after  
2 their election, establish an advisory committee on tax and finance  
3 for the purpose of assisting the commission in compiling infor-  
4 mation for a report required under section five of this act as it  
5 relates to the total estimated expenses and revenues required for  
6 the incorporation of the precincts listed in section one of this act.  
7 Such committee shall consist of seven members, two of whom  
8 shall be appointed by the Commissioner of the Department of  
9 Revenue; one of whom shall be appointed by the House Ways  
10 and Means Chairman; one of whom shall be appointed by the  
11 Senate Ways and Means Chairman; two of whom shall be  
12 residents appointed by the chairman; and one of whom shall be  
13 a commission member designated by the chairman. Such advisory  
14 committee shall file their recommendations in a report submitted  
15 to the commission on a date fixed by the commission, not earlier  
16 than six months after the establishment of such advisory  
17 committee.

1 SECTION 4D. The commission may establish an advisory  
2 committee on electoral districts for the purpose of recommending  
3 apportionment of any local legislative body established by the  
4 proposed charter. Such committee shall consist of the state  
5 legislators or their designees of the state legislative districts  
6 representing the said city of the commonwealth and the Secretary  
7 of State or his designee.

1 SECTION 5. Within twenty-four months, but not before  
2 eighteen months, following the date of the election of the commis-  
3 sion, the commission shall submit its recommendations as to the  
4 economic feasibility of incorporating and, if recommended by a  
5 majority vote of the commission a proposed charter, to the Mayor



6 of Boston, the Governor of the Commonwealth, the President of  
7 the Senate and the Speaker of the House of Representatives.

8 Such recommendations shall be filed in a report detailing all  
9 sources of revenue derived from the precincts listed in section one,  
10 including but not limited to, property taxation, motor vehicle  
11 excise, room occupancy revenue, fees and charges and any state  
12 educational aid, or any other state reimbursements and  
13 distribution attributed to the student population or other  
14 demographic or geographic factors existing within the precincts  
15 listed in section one. In addition such recommendations shall  
16 detail the necessary expenses required to provide essential  
17 municipal public services, including but not limited to education,  
18 public safety, administration, and maintenance of public facilities  
19 such as water, sewer, ways, buildings, parks, and recreation within  
20 the precincts listed in section one. The Commission shall file said  
21 recommendations and its proposed charter with the Secretary of  
22 State and shall hold public hearings within said city of the  
23 Commonwealth for at least three months thereafter. At the  
24 conclusion of said public hearings, the Commission may adopt  
25 amendments, and approve by resolution such charter to provide  
26 for the submission of the charter to the voters of the wards and  
27 precincts listed in section one of this act at the next succeeding  
28 state biennial election or, if the Commission considers it desirable  
29 to submit such charter at a special election, the Commission may  
30 recommend such special election to the Governor who may, at  
31 his or her discretion, make proclamation of special election, which  
32 proclamation shall be at least forty-five days but not more than  
33 sixty days prior to the date of such special election.

1 SECTION 6. At such election, there shall be submitted to the  
2 voters of the wards and precincts listed in section one of this act  
3 composing the said city of the Commonwealth the question:  
4 "Shall the charter for the new city of the Commonwealth be  
5 adopted?". There shall also be submitted to such voters at such  
6 election the following question: "Provided that the greatest  
7 number of votes cast in said election by the registered voters of  
8 the precincts contained in section one are cast in the negative, shall  
9 such charter commission continue in existence for the purpose of  
10 drafting an alternative proposed charter for the proposed city of  
11 the Commonwealth?".

12 If the charter for the said city of the commonwealth submitted  
13 by such charter commission receives the affirmative vote of a  
14 majority of the votes cast in such election, such charter shall take  
15 effect as specified therein, and until such time, the said wards and  
16 precincts shall remain a part of the City of Boston. If the charter  
17 for the said City of the Commonwealth receives the negative vote  
18 of the majority of the votes cast in such election, with the second  
19 question receiving the affirmative vote of the majority of votes  
20 cast in such election, the charter commission shall remain in  
21 existence for no less than twelve and no more than eighteen  
22 months duration for the purpose of drafting an alternative  
23 proposed charter for the said city of the Commonwealth in a  
24 manner prescribed herein. If the charter of the said city of the  
25 Commonwealth submitted by such charter commission receives  
26 the negative vote of a majority of the votes cast in such election,  
27 with the second question receiving the negative vote of a majority  
28 of the votes cast in such election, the charter commission shall  
29 be dissolved.

1 SECTION 7. The provisions of Chapter fifty-three and  
2 Chapter fifty-four of the General Laws and any other law relating  
3 to the general or special elections so far as the same are appli-  
4 cable and not inconsistent herewith, shall apply to the questions  
5 submitted pursuant to this act.

1 SECTION 8. Such charter commission shall provide for such  
2 publication or other publicity in respect to the provisions of the  
3 proposed new charter of the said City of the Commonwealth as  
4 it may deem proper.

1 SECTION 9. The charter commission for the said city of  
2 Commonwealth shall also be subject to the following provisions:

3 (a) All members of the commission shall be allowed their actual  
4 and necessary expenses incurred by them in performance of their  
5 duties hereunder.

6 (b) The commission shall employ and may at their pleasure  
7 remove such employees and consultants as it shall require and fix  
8 their compensation with amounts appropriated therefor and may  
9 accept any services, facilities, or funds and use or expend the same  
10 for its purposes.

11 (c) The commission shall have power to conduct private  
12 hearings, take testimony, subpoena witnesses and require the  
13 production of books, papers, records and other documents.

14 (d) The commission may request and receive from any state,  
15 city or Massachusetts department, board, bureau, commission,  
16 office, agency, or other instrumentality such facilities, assistance,  
17 data and personnel as may be necessary or desirable for the proper  
18 execution of its powers and duties.

19 (e) The terms of office of the members of the commission shall  
20 expire upon the adoption of the proposed charter by the the voters  
21 of the said city of the Commonwealth; provided, however, that  
22 such terms may continue until the effective date of such charter.

1 SECTION 10. Upon the acceptance of the charter by the voters  
2 under the provision of section six of this act, said municipality  
3 is hereby vested with all the powers, privileges, rights and  
4 immunities, and subject to all the duties and obligations conferred  
5 or imposed upon municipalities by the constitution and laws of  
6 the Commonwealth.

1 SECTION 11. Severability. If any sentence, paragraph,  
2 section or part of this act shall be adjudged invalid by a court  
3 of competent jurisdiction, such judgment shall not impair or  
4 invalidate the remainder thereof but shall be confined to the part.

1 SECTION 12. This act shall take effect upon its passage.