



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

June 18, 2009

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 Further Defining the Membership of the Franklin Foundation."

The Franklin Foundation was established by the Legislature in 1908 to manage funds bequeathed to the City of Boston by Benjamin Franklin, and to manage the Franklin Institute of Boston, a technical institute established with those funds. The Foundation is currently comprised of twelve members, including the mayor of the City of Boston, who serve terms for an undefined number of years. In the event of a vacancy in membership, the Foundation must petition the Supreme Judicial Court to appoint new members. The Foundation must similarly petition the Court to remove members.

The proposed legislation will allow the current members to appoint their own members, to set the length of members' terms and other conditions of membership, and will allow for the removal of members by a two-thirds vote of the then-serving members. The legislation thus establishes a more flexible means of appointing and removing members, without the need to petition the Court.

The legislation further clarifies that the Foundation is the entity having the sole care and custody of the Franklin Institute of Boston.

I urge your Honorable Body to assist the Franklin Foundation in effectively carrying out its duties by allowing it to further define the terms of its membership.

Sincerely,

Thomas M. Menino
Mayor of Boston

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CITY OF BOSTON

IN CITY COUNCIL

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 FURTHER DEFINING THE MEMBERSHIP OF THE FRANKLIN FOUNDATION

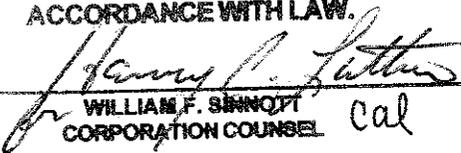
SECTION 1. Section 1 of chapter 569 of the Acts of 1908, as appearing in Section 1 of chapter 77 of the Acts of 1953, is hereby amended by striking out the second and third sentences and inserting in place thereof the following: The members of said corporation shall be the mayor of the City of Boston or the mayor's designee for the time being and eleven to twenty other persons, as determined by said members in the by-laws of said corporation from time to time. If at any time a vacancy occurs from any cause, it shall be the duty of the members of said corporation to fill such vacancy by a procedure established in the by-laws of the corporation, provided that during such vacancy the remaining members may exercise all the powers of members notwithstanding the vacancy. The members may establish in the by-laws of the corporation such terms of office and additional terms and conditions of membership as they may in their discretion determine appropriate. Any member, other than the mayor of the City of Boston or the mayor's designee, may be removed by a vote of two thirds of the then-serving members, with or without cause.

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SECTION 2. The first sentence of Section 2 of chapter 569 of the Acts of 1908, as appearing in Section 2 of chapter 77 of the Acts of 1953, is hereby amended by striking out the first sentence and inserting in place thereof the following: Said corporation shall have the sole care, custody, management and control of the institution established from Franklin's gift and known originally as the Franklin Union, now known as the Franklin Institute of Boston, an independent technical school.

SECTION 3. This act shall take effect upon its passage.

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


WILLIAM F. SINNOTT
CORPORATION COUNSEL cal