



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

December 15, 2009

Dear Councilors:

The Committee on Government Operations held a hearing on an order designating board and commission members to be special municipal employees under M.G.L. c. 268A (Docket #1138). This matter was sponsored by Mayor Menino, referred to this Committee on Wednesday, September 2, 2009, and heard at a public hearing on Monday, December 14, 2009 at which public comment was taken.

The proposed order would designate certain categories of municipal positions as special municipal employees under state law. Only the City Council can designate positions as special municipal employees. At the hearing a representative from the City's Law Department testified as to what this designation would mean. Only unpaid positions or part-time positions may qualify for the designation, thus allowing someone to work another job during work hours. If such a designation is made, then the conflict of interest law is less imposing on such positions. For example, dual representation becomes less of a hurdle as does having a financial interest in a contract with the City.

There are still conflict of interest requirements and safeguards, but because such positions aren't full-time or paid, the strict requirements of certain provisions of the conflict of interest law are not warranted. The Law Department testified that the majority of Board and Commission members are already designated as special municipal employees on ad-hoc bases, but some positions have gone overlooked. This measure would merely bring certain positions in line with others and allow those who voluntarily give of their time to serve the City to avoid some unnecessary and unduly requirements under the conflict of interest law.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #1138 An order designating board and commission members to be special municipal employees under M.G.L. c. 268A

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass.**

For the Chair:

Maureen Feeney, *Chair*

Committee on Government Operations



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

August 28, 2009

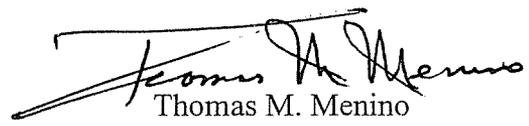
TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval an order authorizing the allowance of the attached list of Board and Commission members to be designated special municipal employees, subject to Massachusetts General Laws chapter 268A.

I urge your Honorable Body to pass this order at the earliest possible date.

Sincerely,


Thomas M. Menino
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

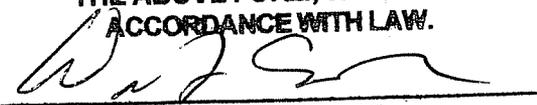
**AN ORDER DESIGNATING BOARD AND COMMISSION MEMBERS
TO BE SPECIAL MUNICIPAL EMPLOYEES UNDER
MASSACHUSETTS GENERAL LAW CHAPTER 268A**

ORDERED: That under the provisions of Chapter 268A of the Massachusetts General Laws, to properly designate all members and commissioners of, as well as every person who shall, on a part time and consultative basis, perform any professional services for, all Boards and Commissions listed in this section and created under proper authority within the City as special municipal employees for the purposes of Chapter 268A of the General Laws, that all members and commissioners of, as well as every person who shall, on a part time and consultative basis, perform any professional services for, all of the following Boards and Commissions shall be deemed special municipal employees for the purposes of Chapter 268A of the General Laws:

Advisory Council for Minority & Women Businesses
Air Pollution Control Commission
Animal Control Commission
Arts and Humanities Advisory Commission
Archives and Records Advisory Commission
Audit Committee of the City of Boston
Back Bay Architectural Commission
Back Bay West/Bat State Road Architectural
Conservation District Commission
Bay Village Historic District Commission
Beacon Hill Architectural Commission
Board Of Appeal
Board of Examiners
Board of Review - Assessing
Boston Arts Commission
Boston Civic Design Commission
Boston Compensation Advisory Board
Boston Cultural Council
Boston Elections Commission
Boston Employment Commission
Boston Housing Authority Monitoring Committee
Boston Homestead Program
Boston Industrial Development Financing Authority
Boston Landmarks Commission
Boston Public Health Commission

Boston Public Library Board of Trustees
Boston Public School Nominating Panel
Boston Redevelopment Authority
Boston School Committee
Boston Waterways Board
Clean City Commission
COB 501c(3) Trust Funds
COB Scholarship Fund
COB School Trust Funds
COB Testamentary Trusts
Compensation Advisory Board
Commission for Persons with Disabilities
COB Trust Funds
Conservation Commission
Disability Commission
Edward Ingersoll Browne Trust Fund
Emergency Shelter Commission
Environmental Ordinance Enforcement Commission
Fair Housing Commission
Freedom Trail Commission
Fund for Boston Neighborhoods, Inc.
Fund for Parks and Recreation in Boston
George Robert White Fund
Groundwater Trust
Homeless Planning Commission
Human Rights Commission
Listing Board
Living Wage Advisory Committee
Mass. Water Resource Authority
Mattapan Community Advisory Board
Mission Hill Triangle Architectural Conservation District
Commission
Neighborhood Housing Trust Fund
Neighborhood Jobs Trust
Outside Council
Parks & Recreation Commission
Public Facilities Commission
Public Improvement Commission
Rent Equity Board
Residency Compliance Commission
Resident Advisory Board
South End Landmark District Commission
St. Botolph Architectural Conservation District
Commission
Strand Theatre Task Force
Trustees of Charitable Donations for Inhabitants of
Boston
Water and Sewer Commission
Zoning Board of Appeals
Zoning Commission

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


WILLIAM F. SINNOTT
CORPORATION COUNSEL

EDR

01138

City Council REFERRED TO
COMMITTEE ON

SEP 02 2009

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

DEC 15 2009

THE COMMITTEE/CHAIR
RESPECTFULLY REPORTS THAT THE MATTER
WITHIN OUGHT

Madden-Lenay
CHAIR

ACCEPTED,

CITY CLERK