



JOSEPH P. MCGONAGLE
CITY CLERK

City of Medford

MASSACHUSETTS

OFFICE OF THE CITY CLERK

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February 27, 1989

TO THE CITY/TOWN CLERKS IN THE MWRA SERVICE AREA:

Please place the enclosed communication from Medford City Councillor Robert M. Penta on the agenda of your next scheduled Council meeting. In addition, it would be appreciated if you could supply each member with a copy of the enclosed.

Councillor Penta would appreciate being informed of the date on which the matter will be discussed by your local legislative body.

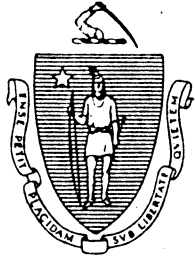
If you so desire, he will make every effort to be present at your meeting. In addition, should you require further information, please contact him at his home number 391-0809 or by contacting our office at 396-5500.

Very truly yours,

Joseph P. McGonagle
Joseph P. McGonagle

City Clerk

MG



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY- NINE

AN ACT

FURTHER REGULATING THE OPERATION OF THE MASSACHUSETTS
WATER RESOURCES AUTHORITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the
authority of the same, as follows:*

SECTION 1. Section 3 of chapter 372 of the acts of 1984 is hereby amended by striking out subsections (b) (c) (d) and (e) and inserting in place thereof the following subsections:-

(b) the powers of the authority shall be exercised by a board of directors consisting of one member from each city and town enumerated in subsections (c) and (d) of section eight. Said members shall be the chief executive officer of such city or town, provided, however, that any chief executive officer may appoint a permanent designee to serve in his stead as a member of said board of directors until the expiration of the term of officer of said chief executive officer on the earlier vacancy of the office of said executive officer

/ For purposes of this section, the term "chief executive officer" shall mean the person designated as the chief executive officer under the provisions of a local charter of laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

Each city and town shall have a weighted vote based on that city or town's population. Each city or town's weighted vote will be computed based on the latest state or federal census.

The board of directors shall meet at least once a month

The members of the board of directors shall serve without compensation but each member shall be reimbursed for all reasonable expenses incurred in the performance of his duties. The board of directors shall be deemed to be a governmental body for purposes of and shall be subject to section eleven A and one-half of chapter thirty A of the General Laws. The Authority shall be deemed to be an agency for all other purposes under said chapter thirty A. The Authority shall also be subject as an authority of the commonwealth to section forty-two of chapter thirty and section ten of chapter sixty-six of the General Laws. The Authority shall be deemed to be a public body and all monies of the Authority shall be deemed to be public funds for purposes of chapter twelve A of the General Laws.

(C) Notwithstanding any other provision of general or special law to the contrary, any member of the board of directors who is also an officer or employee of the commonwealth or of a city or town or other public body shall not thereby be precluded from voting for or acting on behalf of the Authority, the commonwealth or such city or town or other public body on any matter involving the Authority, the commonwealth or that city or town or other public body and any member, officer, employee or agent of the Authority shall not be precluded from acting for the Authority on any particular matter solely because of any interest therein which is shared generally with a substantial segment of the public. The Authority shall be deemed to be a state agency for purposes of chapter two hundred and sixty-eight A of the General Laws and a governmental body for purposes of chapter two hundred and sixty-eight B of the General Laws.

SECTION 2. Subsection (a) of section seven of said chapter 372 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:-

The executive director shall administer the affairs of the authority under the supervision and direction of the board of directors and said director shall not enter into any contract, hire any personnel or issue any water and sewer charges and rates without a vote of the board of directors.

SECTION 3. Subsection (a) of section 10 of chapter 372 of the acts of 1984 is hereby amended by inserting in line of after the word "therefor" the following words:-

and the payment received by the authority from the commonwealth under the provisions of subsection (c).

SECTION 4. Said section 10 of said chapter 372 is hereby amended by adding the following subsection

(c) On the last day of December in each year the authority shall notify the state treasurer of the amount

/ sufficient in each fiscal year with other revenues of Authority, if any, available therefor (i) to pay all current expenses, (ii) to pay all debt service on bonds of the Authority as the same becomes due and payable, (iii) to create and maintain all reserves reasonably required by any bond resolution, trust agreement or other agreement securing bonds of the Authority or as otherwise determined by the Authority to be necessary or desirable, (iv) to pay all costs of maintenance and replacement of the sewer and waterworks systems, and costs of improving, extending and enlarging said systems as determined by the Authority to be necessary or desirable, to be funded as current expenses in order to carry out the purposes of the Authority, (v) to provide for payments to the commonwealth for debt service as herein provided, and (vi) to pay or provide for all amounts which the Authority may be obligated to pay or provide for by any law or contract including any bond resolution, trust agreement or other agreement securing bonds of the Authority and including any amount to be repaid to the commonwealth to reimburse the commonwealth for debt service paid by the commonwealth on a bond issued under paragraph (f) of section five.

Upon notification of such amount the commonwealth shall pay over to the authority one half of such amount.

SECTION 5. Section 23 of said chapter 372 is hereby repealed.

SECTION 6. The board of directors as established by section one shall upon its organizations undertake a study and investigation to establish the most efficient and cost effective manner of rehabilitating the boston harbor.

Said board of directors shall by December thirty-first, nineteen hundred and eighty-eight establish new rate charges which shall be effective as of July first, nineteen hundred and eighty-eight.

The board of directors shall establish a program of rate reduction in water and sewerage charges for cities and towns

that have undertaken water saving techniques and true water and sewer accountability.

15.

S-185

Comm. from Joseph P. McGonagle, City Clerk of
Medford, transmitting a comm. from Medford
City Councillor Robert M. Penta Re: operation
of the Mass. Water Resources Authority.

In City Council,

March 20, 1989

3-20-89

Referred to the
City Manager.

copy sent to the City Manager
3/22/89mh