



City of Cambridge

15.

IN CITY COUNCIL

March 29, 1993

COUNCILLOR WOLF
VICE MAYOR CYR
COUNCILLOR DUEHAY

WHEREAS: Senate 1119, An Act Strengthening Membership of Municipal and County Retirement Boards and including a Requirement for Disclosure, is being considered in the Joint Committee on Public Service; and

WHEREAS: S1119 would strengthen municipal retirement boards by broadening the membership of such boards, establishing municipal retirement boards that, in Cambridge, would include the City Auditor, the City Treasurer, a member elected by the members and retirees of the retirement system, an appointee of the City Manager and a member chosen by the other four members; and

WHEREAS: S1119 would also require an investment advisor, consultant, broker, or other service provider to disclose all persons having a financial interest in the advisory business and shall disclose any potential conflict of interest in making recommendations; and

WHEREAS: S1119 has been endorsed by the Massachusetts Municipal Association in the interest of good government practice; now therefore be it

ORDERED: That the City Clerk be and hereby is requested to send a suitably engrossed copy of this resolution to the chairs of the Joint Committee on Public Service, Representative Kevin Blanchette and Senator Michael Morrissey to be presented to the Committee, Governor Weld and to the Massachusetts Municipal Association; and be it further

ORDERED: That the City Clerk be and hereby is requested to follow up the disposition of S1119 in the Committee so that additional action can be taken when the matter is reported out by Committee.

In City Council March 29, 1993.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

SENATE No. 1119

By Mr. Havern, petition (accompanied by bill, Senate, No. 1119) of Robert A. Havern and the Massachusetts Municipal Association, by Michael P. Hogan, president, for legislation to strengthen the membership of municipal and county retirement boards and including a requirement for disclosure. Public Service.

The Commonwealth of Massachusetts

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

AN ACT STRENGTHENING THE MEMBERSHIP OF MUNICIPAL AND COUNTY RETIREMENT BOARDS AND INCLUDING A REQUIREMENT FOR DISCLOSURE.

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. Paragraph (b) of Subdivision (3) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the second sentence and inserting in its place: —

4 Said board shall consist of five members as follows: the county
5 treasurer, who shall be a member ex officio and serve as chair,
6 one member hereinafter referred to as the elected member, and
7 three members of the county retirement board advisory council
8 who shall be elected by a majority of those present and voting
9 at a public meeting of said council, properly posted, called
10 specifically for such election pursuant to paragraph (g).

1 SECTION 2. Paragraph (b) of Subdivision (4) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the remainder of the subsection after the first sentence and
4 inserting the following: —

5 Such board shall consist of five members and shall be chosen
6 in the following manner: the city auditor or town accountant or
7 other officer having similar powers and duties who shall be a
8 member ex officio, a second member who shall be elected by the
9 members in or retired from service of such system from among

10 their number in such manner and for such term, not exceeding
11 three years, as the chief executive officer of the city or town shall
12 determine, the city or town treasurer who shall be a member ex
13 officio, an appointee of the chief executive officer of the city or
14 town, and a fifth member who shall be chosen by the other four
15 members of the board for a term of three years. If the fifth member
16 is not chosen by the other four members within thirty days after
17 the expiration of the term of the fifth member, said member shall
18 be appointed by the chief executive officer of the city or town.
19 Future elections of the second member shall be held under the
20 supervision of such retirement board.

21 Paragraph (c) of Subdivision 4 is hereby amended by striking
22 the first and second paragraph and amending the remaining
23 paragraph by striking the first sentence and inserting the
24 following: Each member of the city or town retirement board
25 provided for in paragraph (b) shall continue to hold office until
26 the expiration of his or her term and until the qualification of his
27 or her successor.

1 SECTION 3. Subdivision (2) of Section 23 of Chapter 32 is
2 hereby amended by inserting the following paragraph: —

3 (h) No board shall do business with an investment advisor,
4 consultant, broker or other service provider unless the person files
5 with the board a statement under the penalties of perjury setting
6 forth the names and addresses of all persons having a financial
7 interest therein, not including, however, any person whose only
8 financial interest therein consists of the holding of one per cent
9 or less of the capital stock of a corporation contracting to provide
10 such services. An investment advisor, consultant, broker or other
11 service provider when making recommendation or taking an
12 action, shall disclose to the county, city, or town retirement board
13 in writing a conflict of interest an investment advisor, consultant,
14 broker or other service provider may have and which could
15 reasonably be expected to impair the ability to render unbiased
16 and objective advice.

SENATE No. 1119

By Mr. Havern, petition (accompanied by bill, Senate, No. 1119) of Robert A. Havern and the Massachusetts Municipal Association, by Michael P. Hogan, president, for legislation to strengthen the membership of municipal and county retirement boards and including a requirement for disclosure. Public Service.

The Commonwealth of Massachusetts

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

AN ACT STRENGTHENING THE MEMBERSHIP OF MUNICIPAL AND COUNTY RETIREMENT BOARDS AND INCLUDING A REQUIREMENT FOR DISCLOSURE.

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. Paragraph (b) of Subdivision (3) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the second sentence and inserting in its place: —

4 Said board shall consist of five members as follows: the county
5 treasurer, who shall be a member ex officio and serve as chair,
6 one member hereinafter referred to as the elected member, and
7 three members of the county retirement board advisory council
8 who shall be elected by a majority of those present and voting
9 at a public meeting of said council, properly posted, called
10 specifically for such election pursuant to paragraph (g).

1 SECTION 2. Paragraph (b) of Subdivision (4) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the remainder of the subsection after the first sentence and
4 inserting the following: —

5 Such board shall consist of five members and shall be chosen
6 in the following manner: the city auditor or town accountant or
7 other officer having similar powers and duties who shall be a
8 member ex officio, a second member who shall be elected by the
9 members in or retired from service of such system from among

10 their number in such manner and for such term, not exceeding
11 three years, as the chief executive officer of the city or town shall
12 determine, the city or town treasurer who shall be a member ex
13 officio, an appointee of the chief executive officer of the city or
14 town, and a fifth member who shall be chosen by the other four
15 members of the board for a term of three years. If the fifth member
16 is not chosen by the other four members within thirty days after
17 the expiration of the term of the fifth member, said member shall
18 be appointed by the chief executive officer of the city or town.
19 Future elections of the second member shall be held under the
20 supervision of such retirement board.

21 Paragraph (c) of Subdivision 4 is hereby amended by striking
22 the first and second paragraph and amending the remaining
23 paragraph by striking the first sentence and inserting the
24 following: Each member of the city or town retirement board
25 provided for in paragraph (b) shall continue to hold office until
26 the expiration of his or her term and until the qualification of his
27 or her successor.

1 SECTION 3. Subdivision (2) of Section 23 of Chapter 32 is
2 hereby amended by inserting the following paragraph: —

3 (h) No board shall do business with an investment advisor,
4 consultant, broker or other service provider unless the person files
5 with the board a statement under the penalties of perjury setting
6 forth the names and addresses of all persons having a financial
7 interest therein, not including, however, any person whose only
8 financial interest therein consists of the holding of one per cent
9 or less of the capital stock of a corporation contracting to provide
10 such services. An investment advisor, consultant, broker or other
11 service provider when making recommendation or taking an
12 action, shall disclose to the county, city, or town retirement board
13 in writing a conflict of interest an investment advisor, consultant,
14 broker or other service provider may have and which could
15 reasonably be expected to impair the ability to render unbiased
16 and objective advice.

SENATE No. 1119

By Mr. Havern, petition (accompanied by bill, Senate, No. 1119) of Robert A. Havern and the Massachusetts Municipal Association, by Michael P. Hogan, president, for legislation to strengthen the membership of municipal and county retirement boards and including a requirement for disclosure. Public Service.

The Commonwealth of Massachusetts

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

AN ACT STRENGTHENING THE MEMBERSHIP OF MUNICIPAL AND COUNTY RETIREMENT BOARDS AND INCLUDING A REQUIREMENT FOR DISCLOSURE.

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. Paragraph (b) of Subdivision (3) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the second sentence and inserting in its place: —
4 Said board shall consist of five members as follows: the county
5 treasurer, who shall be a member ex officio and serve as chair,
6 one member hereinafter referred to as the elected member, and
7 three members of the county retirement board advisory council
8 who shall be elected by a majority of those present and voting
9 at a public meeting of said council, properly posted, called
10 specifically for such election pursuant to paragraph (g).

1 SECTION 2. Paragraph (b) of Subdivision (4) of Section 20
2 of Chapter 32 of the General Laws is hereby amended by striking
3 out the remainder of the subsection after the first sentence and
4 inserting the following: —
5 Such board shall consist of five members and shall be chosen
6 in the following manner: the city auditor or town accountant or
7 other officer having similar powers and duties who shall be a
8 member ex officio, a second member who shall be elected by the
9 members in or retired from service of such system from among

10 their number in such manner and for such term, not exceeding
11 three years, as the chief executive officer of the city or town shall
12 determine, the city or town treasurer who shall be a member ex
13 officio, an appointee of the chief executive officer of the city or
14 town, and a fifth member who shall be chosen by the other four
15 members of the board for a term of three years. If the fifth member
16 is not chosen by the other four members within thirty days after
17 the expiration of the term of the fifth member, said member shall
18 be appointed by the chief executive officer of the city or town.
19 Future elections of the second member shall be held under the
20 supervision of such retirement board.

21 Paragraph (c) of Subdivision 4 is hereby amended by striking
22 the first and second paragraph and amending the remaining
23 paragraph by striking the first sentence and inserting the
24 following: Each member of the city or town retirement board
25 provided for in paragraph (b) shall continue to hold office until
26 the expiration of his or her term and until the qualification of his
27 or her successor.

1 SECTION 3. Subdivision (2) of Section 23 of Chapter 32 is
2 hereby amended by inserting the following paragraph: —

3 (h) No board shall do business with an investment advisor,
4 consultant, broker or other service provider unless the person files
5 with the board a statement under the penalties of perjury setting
6 forth the names and addresses of all persons having a financial
7 interest therein, not including, however, any person whose only
8 financial interest therein consists of the holding of one per cent
9 or less of the capital stock of a corporation contracting to provide
10 such services. An investment advisor, consultant, broker or other
11 service provider when making recommendation or taking an
12 action, shall disclose to the county, city, or town retirement board
13 in writing a conflict of interest an investment advisor, consultant,
14 broker or other service provider may have and which could
15 reasonably be expected to impair the ability to render unbiased
16 and objective advice.



City of Cambridge

15.

IN CITY COUNCIL

March 29, 1993

COUNCILLOR WOLF

WHEREAS: Senate 1119, An Act Strengthening Membership of Municipal and County Retirement Boards and including a Requirement for Disclosure, is being considered in the Joint Committee on Public Service; and

WHEREAS: S1119 would strengthen municipal retirement boards by broadening the membership of such boards, establishing municipal retirement boards that, in Cambridge, would include the City Auditor, the City Treasurer, a member elected by the members and retirees of the retirement system, an appointee of the City Manager and a member chosen by the other four members; and

WHEREAS: S1119 would also require an investment advisor, consultant, broker, or other service provider to disclose all persons having a financial interest in the advisory business and shall disclose any potential conflict of interest in making recommendations; and

WHEREAS: S1119 has been endorsed by the Massachusetts Municipal Association in the interest of good government practice; now therefore be it

ORDERED: That the City Clerk be and hereby is requested to send a suitably engrossed copy of this resolution to the chairs of the Joint Committee on Public Service, Representative Kevin Blanchette and Senator Michael Morrissey to be presented to the Committee, Governor Weld and to the Massachusetts Municipal Association; and be it further

ORDERED: That the City Clerk be and hereby is requested to follow up the disposition of S1119 in the Committee so that additional action can be taken when the matter is reported out by Committee.

Wm. Wolf
March 29, 1993
NON-CONSENT ORDER #15

R 143

Councillor Wolf re: Legislation to
strengthen the membership of municipal
and county retirement boards and
including a requirement for disclosure.

In City Council,

March 29, 1993

Order Adopted