



## EXECUTIVE COMMITTEE MEETING #1 (FY22) AGENDA

Tuesday, August 17, 2021  
10:00 AM – 11:00 AM

Quincy City Hall - Lower-Level Conference Room  
1305 Hancock St, Quincy, MA 02169

And Via Zoom:

<https://us02web.zoom.us/j/85383272216?pwd=bkkrc21BOW9XbENFQXJOSzhGYWgwUT09>

Meeting ID: 853 8327 2216

Passcode: 641149

In accordance with M.G.L. 940 C.M.R. 29.03, but subject to legislation approved on June 16, 2021, notice is hereby given of an open meeting of the MBTA Advisory Board to be held remotely on the above date.

- A. Call to order by the Chair- note the Chair will be present in the meeting room.
- B. Roll Call of committee members by the Executive Director on behalf of the Chair.
- C. Discussion and action to adopt remote participation in meetings of the MBTA Advisory Board in accordance with 940 CMR 29.10.
- D. Discussion and action to adopt the MBTA Advisory Board's website as its official notice posting method, in compliance with 940 CMR 29.03.
- E. Discussion and action to accept the delegation of authority of the MBTA Advisory Board by the Executive Committee. See resolution language below.
- F. Discussion and possible action to adopt a procedure to make an appointment to the MBTA Board of Directors. See proposed procedure below.
- G. Nominations and possible action to appoint a member of the MBTA Board Directors, as authorized by Section 19 of Chapter 29 of the Acts of 2021.



## H. Adjourn

**Note:** This agenda has been prepared in advance and does not necessarily include all matters which may be taken up at this meeting.

**Note:** This meeting is accessible to people with disabilities. For accommodation or language assistance requests, please contact Brian Kane at [bkane@mbtaadvisoryboard.org](mailto:bkane@mbtaadvisoryboard.org). Requests should be made as soon as possible.

**Note:** This notice was posted on Wednesday, August 4, 2021, at or before 1:00 PM. A copy of this notice has been transmitted by electronic mail to the Secretary of the Commonwealth, Regulations Division ([regs@sec.state.ma.us](mailto:regs@sec.state.ma.us)) and also emailed to [Melissa.Andrade@state.ma.us](mailto:Melissa.Andrade@state.ma.us) in the office of the Attorney General. Notices were also sent to each of the city and town clerks of the 176 cities and towns in the MBTA service district via email



## **RESOLUTION TO PERMIT REMOTE PARTICIPATION**

**WHEREAS:** The MBTA Advisory Board strives to comply fully with the letter and spirit of all applicable Open Meeting Laws of the Commonwealth of Massachusetts, and;

**WHEREAS:** The Code of Massachusetts Regulations (CMR) Title 940, Section 29.00 offers the Office of the Attorney General's interpretation, enforcement, and effectuation of the Commonwealth of Massachusetts Open Meeting Laws;

**NOW, Therefore Be it Resolved:** That the Executive Committee of the MBTA Advisory Board, for itself and on behalf of the MBTA Advisory Board, and its committees, votes to allow remote participation in accordance with the requirements of 940 CMR 29.10.



## **RESOLUTION ADOPTING WEBSITE AS OFFICIAL NOTICE POSTING METHOD**

**WHEREAS:** The MBTA Advisory Board strives to comply fully with the letter and spirit of all applicable Open Meeting Laws of the Commonwealth of Massachusetts, and;

**WHEREAS:** The Code of Massachusetts Regulations (CMR) Title 940, Section 29.00 offers the Office of the Attorney General's interpretation, enforcement, and effectuation of the Commonwealth of Massachusetts Open Meeting Laws; and

**WHEREAS:** 940 CMR 29.03 permits regional bodies, such as the MBTA Advisory Board, to adopt its website as its official notice posting method;

**NOW, Therefore Be it Resolved:** That the MBTA Advisory Board, for itself and on behalf its committees, votes to adopt its website its website as its official notice posting method. Notices will be available on the calendar section of the website at <https://mbtaadvisoryboard.org/community/calendar/>



## **RESOLUTION TO ACCEPTING DELEGATION OF AUTHORITY**

**WHEREAS:** At its June 29, 2021, meeting the MBTA Advisory Board, with a quorum present and voting, unanimously approved the following statement:

Consistent with the by-laws of the organization, the Advisory Board delegates its powers to the Executive Committee established and elected under the by-laws of the board, and duly constituted. The Executive Committee is empowered to act for the full board on all matters not reserved for the full body in its enabling legislation for the period July 1, 2021 – June 30, 2022.

and;

**WHEREAS:** The Executive Committee, meeting on August 17, 2021, with a quorum present and voting, shall discuss and consider accepting the resolution of the full MBTA Advisory Board.

**NOW, Therefore Be it Resolved:** That the Executive Committee of the MBTA Advisory Board accepts the delegation of authority from the MBTA Advisory Board to act on behalf of, and for the full body on all matters not reserved for it in the enabling legislation, for fiscal year 2022 (July 1, 2021 – June 30, 2022).



TO: Executive Committee Members  
FROM: Brian Kane, Executive Director  
DATE: August 17, 2021  
RE: Advisory Board's appointee to the new MBTA Board of Directors

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The Advisory Board's enabling legislation and by-laws are silent on the procedure to select an appointee to the MBTA Board of Directors. The Advisory Board, by unanimous vote at its annual general meeting on June 29, 2021, delegated to the Executive Committee the power to act on its behalf on all matters not reserved for it in its enabling legislation, for the period July 1, 2021 – June 30, 2022. Under this delegation, the Executive Committee is empowered to adopt an appointment procedure and use it to make its appointment to the MBTA Board of Directors.

Procedure:

The Executive Committee, at its sole discretion, and on behalf of the full Advisory Board will appoint a person who meets the requirements of Chapter 29 of the Acts of 2021 in the following manner:

- The meeting's chair shall request nominations from members of the committee present at the meeting.
- Only when recognized by the chair, may a member make their nomination.
- Any person nominated must have their nomination seconded by different member of the committee.
- The person nominated should confirm verbally that they accept the nomination, once seconded. At this time, the chair may recognize them to speak briefly about their qualifications for appointment, and goals and objectives as the Advisory Board's appointee.
- The chair shall close nominations once they are satisfied that the committee has completed nominations.



- Following the close of nominations, the chair will call for a vote of the committee on the nominee(s). This vote will take place by the call of the role.
- In accordance with the by-laws, each Executive Committee member may cast one vote.
- Each committee member may only vote for one nominee during each round of voting.
- The nominee with the most votes of Executive Committee members shall be deemed to be elected by the Advisory Board as its appointee to the MBTA Board of Directors.
- The Executive Director notify the Governor and other interested parties of the Advisory Board's choice of appointee to the MBTA Board of Directors in writing.

All disputes, challenges, questions etc. shall be adjudicated by the meeting's chair under guidance from the organization's By-Laws and best practices.

Requirements:

Section 19 of chapter 29 of the acts of 2021 requires that 1 person be appointed by the advisory board. This appointee must have municipal government experience in the 176 cities and towns comprising the service district, plus as experience in transportation operations, transportation planning, housing policy, urban planning or public or private finance. The Advisory Board's appointee shall represent either the inner core, the 51 cities and towns, or the other communities served. The term of the Advisory Board's appointee is 4 years, with the possibility of reappointment once.