

SENATE NO. 503

AN ACT RELATIVE TO THE METROPOLITAN BEACHES

*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. Section 1 of said chapter 21 of the General Laws, is hereby amended by inserting after
2 the fourth paragraph the following paragraph:-

3 Any fees or charges collected for the use of the state beaches within the geographic area defined in
4 section 33 of chapter 92, or proceeds derived from any lease agreement entered into for the
5 management of said lands or facilities, shall be deposited in the metropolitan beaches fund as provided
6 under Section 2000 of Chapter 29. Expenditures from said fund shall not be used for the purpose of
7 providing basic maintenance of lands and facilities or other services which would otherwise be the
8 responsibility of the division of urban parks and recreation. Expenditures from said fund shall be used
9 for providing additional improvements, including services, equipment, programming and
10 enhancements beyond basic maintenance and services, of lands and facilities under the control of the
11 division of urban parks and recreation.

12 SECTION 2. Section 8 of chapter 21A of the General Laws, as appearing in the 2004 Official Edition,
13 is hereby amended by inserting, after the paragraph 4, the following paragraph:

14 There shall be within the department of conservation and recreation an advisory board to be known as
15 the Metropolitan Beaches advisory board. The advisory board shall consist of the following 19
16 members: 3 members of the house of representatives appointed by the speaker of the house, 1 of whom
17 shall be the house minority leader or his designee and 1 of whom shall be appointed co-chair of the

18 board; 3 members of the senate appointed by the senate president, 1 of whom shall be the senate
19 minority leader or his designee and 1 of whom shall be appointed co-chair of the board; 1 member
20 appointed by the secretary of the executive office of environmental affairs or the secretary's designee;
21 1 member appointed by the commissioner of the department of conservation and recreation or the
22 commissioner's designee; 2 members appointed by the mayor of the city of Boston, of whom each
23 shall be a resident of the East Boston section of the city of Boston, a resident of the Dorchester section
24 of the city of Boston or a resident of the South Boston section of the city of Boston; 6 members who
25 are appointed by the chief executives or board of selectmen from the cities and towns of Hull, Nahant,
26 Quincy, Revere, Lynn, and Winthrop; 1 member appointed by the Boston Foundation; 1 member
27 appointed by the Greater Boston Chamber of Commerce; and 1 member appointed by the Boston
28 University School of Public Management. Each member appointed to the advisory board will serve for
29 a term of three years and may be reappointed for similar terms. The advisory board shall advise the
30 commissioner of the department of conservation and recreation on matters relevant to the affairs of the
31 department, shall meet at least quarterly and at the request of the commissioner. The members of the
32 advisory board shall receive no compensation but shall be reimbursed by the department for expenses
33 necessary to the performance of their duties. The advisory board shall be deemed to be a governmental
34 body for the purposes of, and shall be subject to, section eleven A and one-half of chapter thirty A of
35 the General Laws.

36 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after Section 2NNN the
37 following Section:--

38 Section 2000. There shall be set up on the books of the commonwealth a separate fund to be known
39 as the metropolitan beaches fund. There shall be credited to this fund all fees, charges collected and
40 proceeds derived from lease agreements in accordance with Chapter 21 or other law, and any income

41 derived from the investing of all amounts credited to the fund. Monies credited to the fund shall be
42 allocated by the commissioner of the department of conservation and recreation, upon approval of the
43 metropolitan beaches advisory board, to the local community, city or town from which the fees,
44 charges, proceeds, or any other income each originated, for the purpose of providing improvements
45 and direct recreational services to lands and facilities under the control of the division of urban parks
46 and recreation, but not for the purpose of providing supplemental funds for basic maintenance and
47 services of said lands and facilities which the division of urban parks and recreation is obligated to
48 provide.

49 SECTION 4. Section 2E of chapter 90 of the General Laws, as appearing in the 2004 Official Edition,
50 by inserting after subsection (b) the following subsection:-

51 (b1/2) The registrar shall furnish, upon application, to the owners of private passenger motor vehicles
52 distinctive registration plates which shall display on their face a design indicating support for the
53 maintenance and restoration of state owned and maintained beaches. There shall be a fee of not less
54 than twenty dollars for such plates in addition to the established registration fee for private passenger
55 motor vehicles, such fee being payable at the time of registration of such vehicle and at each renewal
56 thereof. The portion of the total fee remaining after the deduction of costs directly attributable to the
57 issuance of such plates shall be deposited within 90 days of receipt thereof to the department of
58 conservation and recreation.

59 SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, the
60 department of conservation and recreation is hereby authorized and instructed to install, maintain and
61 operate, in cooperation and coordination with the city of Revere, parking meters along various portions
62 of the Revere beach reservation. The parking fee for such meters shall be set by the department of
63 conservation and recreation. All proceeds from such parking meters shall be collected, distributed and

64 utilized similar to parking lot revenues in accordance with the terms and conditions of an agreement by
65 and between the former metropolitan district commission and the city of Revere dated March 15,
66 2001; and provided further that any revenues collected from such parking meters that are distributed to
67 or retained by the department of conservation and recreation shall be deposited in the trust fund
68 created by Section 29 of Chapter 236 of the Acts of 2002.

69 SECTION 6. The General Laws are hereby amended by inserting after Chapter 92B the following
70 new chapter:

71 CHAPTER 93C.

72 THE METROPOLITAN BEACHES CORPORATION

73 Section 1. As used in this chapter, the following words shall, unless the context requires otherwise,
74 have the following meanings:--

75 "Board", the board of directors of the metropolitan beaches corporation.

76 "Corporation", the metropolitan beaches corporation.

77 "Department", the department of conservation and recreation

78 "Director", the director of the division of urban parks and recreation.

79 "Division", the division of urban parks and recreation.

80 "Member", a member of the board of directors of the Metropolitan Beaches Corporation.

81 "Beaches", Malibu beach, Constitution beach, Carson beach, City Point beach, M. Street beach,

82 Pleasure Bay, Savin Hill beach, and Tenean beach in the city of Boston; Nantasket beach in Hull;

83 Nahant beach in the town of Nahant; Winthrop beach in the town of Winthrop; Wollaston beach,

84 Pleasure Bay, and Squantum Point park in the city of Quincy; Revere beach and Short beach in the

85 city of Revere; and Red Rock park and Lynn beach in the city of Lynn.

86 Section 2. There is hereby created a nonprofit body to be known as the metropolitan beaches
87 corporation. The corporation is hereby placed in the division, but shall not be subject to the
88 supervision of the division, nor any office, board, bureau, department, or other agency of the
89 commonwealth, except as specifically provided in this chapter. This shall not preclude the director or
90 his agents from inspecting the books, records, files or premises of the corporation at any time.

91 The corporation may receive, subject to appropriation, an annual operating subsidy from the
92 commonwealth through a line item in the budget of the department.

93 Pursuant to section three of chapter twenty-nine, the corporation may submit a request for such annual
94 operating subsidy to the office. The commonwealth may also fund, from time to time, major capital
95 improvements and expansion subject to the provisions of section nine.

96 The corporation shall be governed and its corporate powers exercised by the board, which shall consist
97 of _____ members appointed by the governor in the following manner: the director or his designee,
98 ex-officio; _____

99 _____
100 _____

101 _____ . The members other than the director shall be appointed
102 for terms of not less than one year and not more than four years as determined by the governor. Upon
103 expiration of the initial appointment, the governor shall appoint said members to four year terms.

104 All members of the board shall exercise full and equal voting privileges. Any person appointed to fill a
105 vacancy shall serve for the remainder of the term. Members shall be eligible for reappointment. Any
106 member may be removed by the governor for just cause.

107 _____ board members shall constitute a quorum and the affirmative vote of a majority of the members
108 present and eligible to vote shall be necessary for any action to be taken by the board. The members

109 shall serve without compensation, but each member shall be entitled to reimbursement for necessary
110 expenses incurred in the performance of official duties of the corporation. Said expenses and duties
111 shall be specified in the board's by-laws. Disbursements for these expenses shall be detailed and
112 available for review in the account books of the corporation. The board shall meet at least once a
113 month and shall have authority over the activities of the corporation.

114 The chairperson shall be chosen by a majority vote of the board. The board shall also designate a
115 secretary who shall not be a member of the board. The secretary shall keep a record of proceedings of
116 the corporation and detailed minutes of each meeting, and shall be custodian of all books, documents,
117 and papers of the corporation, and its official seal. The secretary shall retain copies of all minutes and
118 other records and documents of the corporation and shall certify such copies' authenticity. The board
119 shall also appoint a treasurer who shall have charge of the books and records of account and
120 accounting records of the corporation and shall be responsible, under the supervision of the president,
121 for financial control of the corporation.

122 The corporation shall establish procedures by which all meetings of the corporation and the board are
123 open to the public.

124 The provisions of chapter two hundred and sixty-eight A and chapter two hundred and sixty-eight B
125 shall apply to all members, officers and employees of the corporation; provided, that such members,
126 officers and employees shall be authorized to conduct fund-raising activities on behalf of the
127 corporation following notice to the state ethics commission.

128 Section 3. The board shall select a qualified individual to act as president and chief executive officer.

129 The president shall present to the board for its approval an annual budget, a staffing plan, and an
130 operating plan. The president shall, subject to the approval of the board, supervise the employees of
131 the corporation, and shall have the power to hire and terminate.

132 The corporation shall have the authority to develop a flexible professional personnel system as
133 necessary to attract and hire qualified professional employees to enhance and coordinate programming
134 at the beaches. The corporation shall establish said professional personnel system, in consultation with
135 the human resources division within the executive office for administration and finance. The
136 corporation shall set, in consultation with said office, salary scales and establish job classifications for
137 its employees which shall not be subject to the provisions of section forty-six of chapter thirty. The
138 corporation shall possess the management flexibility to establish employment qualifications and to
139 remove and or discipline its employees. The corporation shall establish professional standards of
140 performance and conduct for its employees. All corporation employees shall have the authority to
141 solicit and collect both private and public donations, grants, bequests and devises, conditional or
142 otherwise, of money, real and personal property, services or other things of value on the corporation's
143 behalf and for the corporation's benefit, consistent with the provisions of section four chapter two
144 hundred and sixty-eight A.

145 Neither the corporation nor any of its officers, members, agents, employees, consultants or advisors
146 shall be subject to the provisions of section three B and sections fifteen through twenty-nine inclusive,
147 of chapter seven; sections nine A, forty-five, forty-six C through H, and fifty-two, of chapter thirty;
148 and chapter thirty-one; provided, that in purchasing products or services, the corporation shall at all
149 times follow generally accepted business practices.

150 Section 6. The corporation shall have the following duties and obligations:

151 (a) The corporation shall, at its discretion, develop and provide educational and recreational activities
152 and programming at the beaches, including but not limited to providing swimming lessons, concerts,
153 and establishing or working with local groups and organizations to promote and advocate for the
154 beaches as a whole.

155 (c) The corporation shall file with the secretary of the commonwealth to establish itself as a chartered
156 nonprofit corporation within the commonwealth.

157 (d) shall be subject to and have the powers and privileges conferred by the provisions of chapter 180 of
158 the General Laws except insofar as said provisions are inconsistent with or otherwise restricted or
159 limited by the provisions of this act.

160 (d) The corporation shall file with the internal revenue service to establish itself as a nonprofit
161 corporation to ensure that contributions to the corporation are tax deductible.

162 (e) The corporation shall, to the best of its ability, raise funds and gifts of property or services or both
163 from individuals, corporations, foundations and any other public or private entities for the purpose of
164 enhancing, expanding and maintaining programs, exhibits, buildings, visitor services, and any other
165 purpose consonant with the responsibilities outlined in this chapter. The corporation may establish gift
166 shops, concessions, rentals, membership programs, publications, and other revenue raising devices to
167 meet its obligations to raise funds for operating and capital purposes.

168 (f) The corporation shall maintain a detailed inventory of its personal property which it shall
169 incorporate in its annual financial report.

170 (g) The corporation shall maintain detailed records of all expenditures, and may, if requested through
171 the division, continue to utilize the Massachusetts management, accounting, and reporting system.

172 Section 7. The corporation shall operate on the same fiscal year as the commonwealth and shall
173 annually submit a detailed fiscal report of the corporation's activities within ninety days after the end
174 of each fiscal year to the commission and to the clerks of the house of representatives and the senate
175 and the house and senate committee on ways and means.

176 Section 8. The books and records of the corporation shall be audited biennially by an independent
177 source chosen by the commission, at the expense of the corporation. The director may, at any time,
178 request an audit to be done in addition to the biennial audit.

179 Section 9. The corporation may request financial assistance from the commonwealth for any capital
180 projects undertaken at the beaches. Capital projects shall not include routine maintenance and minor
181 repairs. The corporation shall consult with the division of capital asset management and maintenance
182 when undertaking any capital construction projects or major renovations costing in excess of twenty-
183 five thousand dollars; provided, however, that the corporation shall not be subject to the provisions of
184 sections thirty-nine A to forty N inclusive, of chapter seven and sections twenty-seven and twenty-
185 seven A to twenty-seven G, inclusive, and sections forty-four A to forty-four J inclusive, of chapter
186 one hundred and forty-nine if funded from sources other than the commonwealth.

187 Section 10. The provisions of this chapter shall be construed to incorporate by reference any existing
188 agreements between the commission and any other entity, public or private, except as otherwise
189 provided in this chapter. The provisions of this chapter shall, to the extent permitted by law, be
190 deemed to supersede any terms or conditions of any existing agreements which are in conflict with the
191 provisions of this chapter.

192 Section 11. The beaches shall continue to be known as Malibu beach, Constitution beach, Carson
193 beach, City Point beach, M. Street beach, Pleasure Bay, Savin Hill beach, and Tenean beach in the city
194 of Boston; Nantasket beach in Hull; Nahant beach in the town of Nahant; Winthrop beach in the town
195 of Winthrop; Wollaston beach, Pleasure Bay, and Squantum Point park in the city of Quincy; Revere
196 beach and Short beach in the city of Revere; and Red Rock park and Lynn beach in the city of Lynn;
197 and referred to collectively as the metropolitan beaches. The commonwealth shall at all times retain
198 title to all real property and the appurtenances thereon. The beaches and all real property shall remain a

199 part of the metropolitan parks system. In the event that, for any reason, the corporation dissolves, the
200 commission shall assume responsibility for the beaches, and all funds and personal property shall
201 revert to the commission.

202 Section 12. On or before January first, two thousand and eight, the corporation shall submit to the
203 governor and the clerks of the house of representatives and the senate and the house and senate
204 committees on ways and means, a report detailing the state of the beaches, their operation and
205 management, and public use. The report shall be studied with the purpose of determining whether the
206 public use of the beaches has been improved by the corporation.

207 SECTION 7. The commissioner of conservation and recreation shall work with the United States
208 environmental protection agency, Massachusetts department of environmental protection,
209 Massachusetts department of public health, the Massachusetts water resources authority, the
210 Metropolitan Beaches Advisory Board, local officials, advocates and other stakeholders to develop and
211 implement an effective method for informing the public about water quality on each of the
212 metropolitan beaches, and that they issue a regular report on both water quality and the accuracy of the
213 flagging system for each beach where more than 10% of the samples exceed the federal single sample
214 water quality standard.

215 SECTION 8. The commissioner of conservation and recreation shall, within 6 months of the effective
216 date of this act, cause to establish a separate division within the department of conservation of
217 recreation, to be called the division of metropolitan beaches, for the purpose of maintaining the
218 beaches located within the geographic area defined in section 33 of chapter 92, or create the position
219 of metropolitan beaches coordinator, who shall be responsible for coordinating and maintaining the
220 beaches located within the geographic area defined in section 33 of chapter 92.