

BYLAWS OF
FRANKLIN REGIONAL RETIREMENT BOARD ADVISORY COUNCIL

ARTICLE I - NAME

The name of the organization shall be the Franklin Regional Retirement Board Advisory Council, also referred to as the Council.

ARTICLE II - AUTHORITY

The Franklin Regional Retirement Board Advisory Council is established pursuant to Massachusetts General Laws Chapter 34B, Section 19(g).

ARTICLE III - MEMBERSHIP

The membership of the Franklin Regional Retirement Board Advisory Council shall generally conform to Massachusetts General Laws Chapter 34B, Section 19(g), and consist of all treasurers, elected or appointed, of each town, unit or district belonging to the Franklin Regional Retirement System. However, in response to the May 26, 2010 opinion letter from PERAC:

"It would be our opinion that the Retirement Board should be guided by the governmental units themselves. The board should contact each unit and advise them of the statutory requirement, asking each to make a formal designation of the unit's treasurer. That would be the individual who would serve on the Advisory Council."

The council has voted to request that the secretary of the council send a letter to the nine units listed herein, advising them of the statutory requirement, and asking them to make a formal designation of the unit's treasurer.

Bernardston Fire & Water District
Franklin County Regional Housing Authority
Franklin County Solid Waste Management District
Franklin Regional Transit Authority
New Salem/Wendell Union School District

Orange Housing Authority
Shelburne Falls Fire District
South Deerfield Water Supply District
South Deerfield Fire District

ARTICLE IV - OFFICERS AND THEIR ELECTION

The officers of the Franklin Regional Retirement Board Advisory Council shall consist of a Chairman, Vice Chairman and Secretary each elected for a term of three (3) years and until their successors are elected. Officers shall be elected at the Annual Meeting of the Council and shall assume their official duties following their election at the Annual Meeting.

Any member of the Council shall be eligible for election to an office, except that the Secretary need not be a member of the Council. The Secretary, if a non-member, will not have voting rights.

A vacancy occurring in any office shall be filled for the unexpired term by a person elected by a majority vote at a meeting called specifically for that purpose, notice of such election having been given.

Procedures for conducting elections of officers

- Chair will call for nominations from the floor. No second is required, but will be allowed.
- A member should know beforehand if the person he or she wishes to nominate is both eligible and willing to serve. A person can nominate himself or herself.
- Unless they provide an indication that they are interested, a nominee must be present. A nominee can decline when first named. A nominee who remains silent when nominated is in effect accepting the nomination.
- The Chair will repeat each nomination and second. The Chair will ask if there are any further nominations, if not, the Chair will declare the nominations closed.
- After nominations are closed - voting can take place or nominations for the next office can be called by the Chair.
- Candidates will be voted on in the order in which they were nominated
- For more than one nominee - the Chair calls first for those

voting in the affirmative by one of the following three methods.

- vote by voice (viva-voce)
- vote by rising
- vote by raising hand

Note: Open session votes cannot be by secret ballot - per AG's office 11/7/2013

- The Chair will begin the voting by saying "Those in favor of the first nominee, say aye (or rise, or raise hand). Those opposed say nay. The ayes have it and _____ is elected to _____". If the nays are in the majority, the Chair will say the nays have it and the first nominee is not elected, and then the voting for the second, etc. nominees will occur.
- As soon as one of the nominees receives a majority of the vote the Chair will declare the person elected. The process starts over with new nominations if the current nominees do not receive a majority.
- If there is only one nominee the chair can take a vote by specified manner or can declare the nominee elected.

ARTICLE V - DUTIES OF OFFICERS

Section 1. The Chairman shall preside at all meetings of the Council at which he or she may be present. The Chairman shall also serve as the parliamentarian at each meeting.

Section 2. In case of the absence or inability of the Chairman to discharge the duties of the office, such duties shall be performed by the Vice Chairman.

Section 3. The Secretary shall record the minutes of all meetings of the Council and shall perform such other duties as may be delegated to him or her by the Chairman.

ARTICLE VI - MEETINGS

SECTION 1. Regular Meetings of the Council shall be held at the call of the Chairman, but in no event shall less than two meetings be held in each year and these meetings may be held the same day. Notice of the meetings shall be made pursuant to Massachusetts General Laws Chapter 34B, Section 19(g) and all future amendments thereto.

SECTION 2. Special meetings may be called by the chairman upon seven days notice having been given.

SECTION 3. Five members, individuals not units, shall constitute a quorum for the election of officers and the transaction of any other business in any meeting of the council.

SECTION 3a. For the purpose of a quorum, members shall equal individuals. For the purpose of votes, each unit equals one vote. One individual can represent more than one unit.

SECTION 4. A notice of meeting date, time and agenda must be forwarded to each member via certified mail at least seven days in advance of all meetings, except members that have received such notice via email, facsimile machine, hand delivery, regular mail, or other means and have acknowledged receipt prior to seven days before the meeting.

SECTION 5. The annual meeting shall be held in the fourth quarter of each calendar year.

ARTICLE VII - PARLIAMENTARY AUTHORITY

Robert's Rules of Order Revised shall govern the council in all cases in which they are applicable and in which they are not in conflict with these bylaws or the general laws of the Commonwealth of Massachusetts on any rules or regulations promulgated thereunder.

ARTICLE VIII - AMENDMENTS TO BYLAWS

These bylaws may be amended by a two-thirds majority of those present and voting at any meeting provided that the proposed amendment has been forwarded to all members via certified mail

at least twenty days in advance of said meeting, except members that have received such notice via email, facsimile machine, hand delivery, regular mail, or other means and have acknowledged receipt prior to twenty days before the meeting. Any member of the council may propose amendments to these bylaws by submitting the same in writing to the Chairman.

History of Revisions

Annual Meeting of the Advisory Council, on Thursday, November 22, 2005 at 9:00 a.m:

Article VI, Section 4

Prior to amendment:

A notice of meeting date, time and agenda must be forwarded to each member via certified mail at least seven days in advance of all meetings.

The amended section:

A notice of meeting date, time and agenda must be forwarded to each member via certified mail at least seven days in advance of all meetings, except members that have received such notice via email, facsimile machine, hand delivery, regular mail, or other means and have acknowledged receipt prior to seven days before the meeting.

Article VIII

Prior to amendment:

These bylaws may be amended by a two-thirds majority of those present and voting at any meeting provided that the proposed amendment has been forwarded to all members via certified mail at least twenty days in advance of said meeting. Any member of the council may propose amendments to these bylaws by submitting the same in writing to the Chairman.

The amended section:

These bylaws may be amended by a two-thirds majority of those present and voting at any meeting provided that the proposed amendment has been forwarded to all members via certified mail at least twenty days in advance of said meeting, except members that have received such notice via email, facsimile machine, hand delivery, regular mail, or other means and have acknowledged receipt prior to twenty days before the meeting. Any member of the council may propose amendments to these bylaws by submitting the same in writing to the Chairman.

Annual Meeting of the Advisory Council, on Thursday, November 14, 2007 at 7:00 PM:

Changes were made to these by-laws to reflect the January 1, 2007 acknowledgement that we have been a “Regional” system since July 1, 1997 when the county was abolished by Chapter 151 of the Acts and Resolves of 1996, coupled with the enactment of M.G.L. 34B §19. Any where in the by-laws the word “County” was used to refer to the retirement system, “County” was replaced with “Regional”, and any legal reference to “Massachusetts General Laws Chapter 20, Section 3(g)” – was replaced with “Massachusetts General Laws Chapter 34B, Section 19(g)”.
