

**2017 PROPOSED AMENDMENTS  
TO THE MTA BYLAWS  
AND TO THE MTA STANDING RULES  
FOR THE MTA  
ANNUAL MEETING OF DELEGATES**

**Recommendations of the  
MTA Bylaws and Rules Committee  
And the  
MTA Board of Directors**

**For Final Adoption by the  
MTA Annual Meeting of Delegates**

## **MTA BYLAWS AND RULES COMMITTEE**

2016 – 2017

Gerry Ruane, Retired, *Committee Chair*

Nancy Aykanian, Westwood

Karin Baker, Amherst-Pelham

C.J. O'Donnell, MSCA Mass. Maritime

Lois Powers, Retired

Saul Ramos, EAW

Tom Reid, Swampscott

Christopher Saulnier, Acushnet

Peter Schoonmaker, Sharon

### **STAFF**

Ira Fader, General Counsel

Mary Gilgallon, Staff Consultant

John Connelly, Staff Assistant

### ***EFFECTIVE DATES***

- Unless otherwise specified, all amendments to the **MTA Standing Rules** affirmatively adopted by the delegates shall take effect immediately upon adoption.
- **Standing Rule 8, Section 6.** Unless otherwise specified, amendments to the MTA Bylaws affirmatively adopted by the delegates shall take effect on the first day of the fiscal year next following.

## PROPOSED AMENDMENT TO THE MTA BYLAWS

**#1**

Article IX DELEGATE MEETINGS, Section 2. Delegates, B. Allocation

PRESENT TEXT	PROPOSED AMENDMENT
	<p><b>B. Allocation</b> Add after existing text: <b><u>7. SUPER DELEGATES - All past Presidents and Vice Presidents shall automatically be delegates to the Annual Meeting, with full rights and privileges.</u></b></p>

Submitted by:

Bill Forster, MTA Retired

MTA Bylaws and Rules Committee:

Recommends Rejection (9 – 0)

MTA Board of Directors:

Recommends Rejection (57 – 0)

Impact Statement:

MTA's former Presidents and Vice Presidents would automatically be included as Annual Meeting delegates, with full voting rights and floor privileges, without having been elected as delegates.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#2**

**ARTICLE VII NOMINATIONS, ELECTIONS & TERMS OF OFFICE**

**Section 3. Regional, Statewide Retired and At-Large Executive Committee Members, D. Election, (4); and G. At-Large ESP Executive Committee Member, (3) Election, (b)**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
<p>D. Election (4) One At-Large ESP Executive Committee member shall be elected at the Annual Meeting of Delegates by all delegates. The candidate receiving the highest number of votes shall be declared elected. In the event that a majority is lacking on the first ballot, a second ballot shall be held between the two highest vote-getters.</p> <p>G. At-Large ESP Executive Committee Member (3) Election b. The At-Large ESP Executive Committee member shall be elected at the Annual Meeting of Delegates by all delegates.</p>	<p>D. Election (4) One At-Large ESP Executive Committee member shall be elected at the Annual Meeting of Delegates by all <b><u>Education Support Professional</u></b> delegates. The candidate receiving the highest number of votes shall be declared elected. In the event that a majority is lacking on the first ballot, a second ballot shall be held between the two highest vote-getters.</p> <p>G. At-Large ESP Executive Committee Member (3) Election b. The At-Large ESP Executive Committee member shall be elected at the Annual Meeting of Delegates by all <b><u>Education Support Professional</u></b> delegates.</p>

Submitted by:

MTA ESP Committee

Elaine Valk, Sutton ESPs; Leslie Marsland, USA; Wende O'Brien, Nauset;  
Shaleah Rather, CSU; Saul Ramos, Worcester; Nancy Burke, Haverhill;  
Donna Johnson, USA; Ashley Alafberg, Worcester; Robert Travers, Jr., Cambridge

MTA Bylaws and Rules Committee:

Recommends Adoption (8 – 1)

MTA Board of Directors:

No Position (48 – 5)

Impact Statement:

This change would limit voting for At-Large ESP Executive Committee Member to only ESP delegates.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#3**

**ARTICLE VII NOMINATIONS, ELECTIONS & TERMS OF OFFICE**

**Section 8. At-Large Director for Education Support Professionals, C. Election, (2)**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
C. Election (2) The At-Large Director for Education Support Professionals shall be elected by majority vote of the delegates at the Annual Meeting of Delegates. In the event that a majority is lacking on the first ballot, a second ballot shall be held between the two highest vote-getters.	C. Election (2) The At-Large Director for Education Support Professionals shall be elected by majority vote of <del>the</del> <b><u>Education Support Professional</u></b> delegates at the Annual Meeting of Delegates. In the event that a majority is lacking on the first ballot, a second ballot shall be held between the two highest vote-getters.

Submitted by:

MTA ESP Committee

Elaine Valk, Sutton ESPs; Leslie Marsland, USA; Wende O'Brien, Nauset;  
Shaleah Rather, CSU; Saul Ramos, Worcester; Nancy Burke, Haverhill;  
Donna Johnson, USA; Ashley Alafberg, Worcester; Robert Travers, Jr., Cambridge

MTA Bylaws and Rules Committee:

Recommends Adoption (8 – 1)

MTA Board of Directors:

No Position (45 – 13)

Impact Statement:

This change would limit voting for At-Large Director for ESPs to only ESP delegates.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#4**

**Article VI Governance: Executive Committee and Board of Directors,  
Section 1. Executive Committee, C. Meetings, (3) Rules of Order**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
	Add after existing text:  <b><u>Any motion for the Executive Committee to hold an executive session must be decided by a roll call vote; the names of those voting for and against entering Executive Session shall be available to any member of the MTA.</u></b>

Submitted by:  
Dan Clawson, MSP, UMass Amherst

MTA Bylaws and Rules Committee:  
Recommends Rejection (7 – 0)

MTA Board of Directors:  
Recommends Rejection (44 – 18)

Impact Statement  
This change would require the Executive Committee to hold a roll call vote on any motion to go into executive session.

2017

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#5**

**Article VI Governance: Executive Committee and Board of Directors,  
Section 1. Executive Committee, C. Meetings, (3) Rules of Order**

PRESENT TEXT	PROPOSED AMENDMENT
	Add after existing text:  <u>Executive session can only be held to discuss the appointment of staff, personnel matters, employee contract relations, finance, and internal (organizational) security.</u>

Submitted by:  
Dan Clawson, MSP, UMass Amherst

MTA Bylaws and Rules Committee:  
Recommends Rejection (7 – 0)

MTA Board of Directors:  
Recommends Rejection (48 – 14)

Impact Statement  
This bylaw would limit the use of executive session in Executive Committee meetings to the listed purposes.

2017

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#6**

**Article VI Governance: Executive Committee and Board of Directors,  
Section 2, Board of Directors, C. Meetings, (3) Rules of Order**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
	Originally proposed text is shown in bold text and underlined. Note: Before voting to recommend rejection of this amendment, the Board voted to amend the proposed text. The amendment proposed by the Board is in bold italic type in the text of the proposed amendment.
	Add after existing text:  <b><u>Any motion for the Board of Directors to hold an executive session, other than to those agenda items listed as requiring executive session, must be decided by a roll call vote; the names of those voting for and against entering executive session shall be available to any member of the MTA.</u></b>

Submitted by:

Full Name: Dan Clawson, MSP, UMass Amherst

MTA Bylaws and Rules Committee:

Recommends Rejection of the original amendment (7 – 1)

MTA Board of Directors:

Recommends Rejection of the amended amendment (35 – 29)

Impact Statement:

This change would require the Board of Directors to hold a roll call vote on any motion to go into executive session.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#7**

**Article VI Governance: Executive Committee and Board of Directors,  
Section 2, Board of Directors, C. Meetings, (3) Rules of Order**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
	Add after existing text:  <u><b>Executive session can only be held to discuss the appointment of staff, personnel matters, employee contract relations, finance, and internal (organizational) security.</b></u>

Submitted by:  
Dan Clawson, MSP, UMass Amherst

MTA Bylaws and Rules Committee:  
Recommends Rejection (7 – 1)

MTA Board of Directors:  
Recommends Rejection (46 – 15)

Impact Statement:  
This bylaw would limit the use of executive session in Board meetings to the listed purposes.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#8**

**Article XI Discipline, Disaffiliation and Recall**

**Section 1. Discipline/Disaffiliation by Executive Committee, A. Cause (1)**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
A. Cause (1) Members and/or affiliates that fail to comply with standards and procedures as set forth in these Bylaws shall be subject to admonishment, censure, suspension, expulsion or disaffiliation as prescribed in these Bylaws.	A. Cause (1) Members and/or affiliates that fail to comply with standards and procedures as set forth in these Bylaws <b>or MTA Policies</b> shall be subject to admonishment, censure, suspension, expulsion or disaffiliation as prescribed in these Bylaws.

Submitted by:  
Kerry Costello, Andover

MTA Bylaws and Rules Committee:  
Recommends Adoption (8 –1)

MTA Board of Directors:  
Recommends Adoption (41 –17)

Impact Statement:  
This change would provide due process to members when a question related to compliance with MTA Policies is raised.

**2017**

**PROPOSED AMENDMENT TO THE MTA BYLAWS**

**#9**

**Article VII Nominations, Elections & Terms of Office**

**Section 1. General Stipulations, E.**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
<p>E. Elected candidates shall not be seated until they have filed a report with the Credentials and Ballot Committee giving a complete account of campaign expenditures. The Credentials and Ballot Committee shall certify the receipt of these reports.</p>	<p>E. Elected candidates shall not be seated until they have filed a report with the Credentials and Ballots Committee giving a complete account of campaign expenditures. <b><u>Said expenditures shall include the pro-rated portion of funds received from a group solicitation as a separate line item.</u></b> The Credentials and Ballot Committee shall certify the receipt of these reports.</p>

Submitted by:  
Kerry Costello, Andover

MTA Bylaws and Rules Committee:  
Recommends Rejection (6 –1)

MTA Board of Directors:  
Recommends Rejection (51 –1)

Impact Statement:  
This change would add a line to the Candidates' Expenditure Report Form to report expenditures by a group on behalf of the campaign.

**2017**

**PROPOSED AMENDMENT TO MTA'S STANDING RULES**

**#1**

**Rule 10: Distribution of Campaign Materials,  
Section 1**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
Rule 10 Section 1. All campaign materials shall be properly identified by source and sponsorship.	Rule 10 Section 1. All campaign materials <b><u>including clothing</u></b> shall be properly identified by source and sponsorship. <b><u>Materials sponsored by a group must adhere to MTA policy. A list of the MTA members in the group and a contact person will be filed with the Credentials and Ballot Committee.</u></b>

Submitted by:  
Kerry Costello, Andover

MTA Bylaws and Rules Committee:  
Recommends Rejection (7 –1)

MTA Board of Directors:  
Recommends Rejection (56 –1)

Impact Statement:

This change would require any self-identified group sponsoring MTA campaign materials to identify itself and provide a contact person and a list of all MTA members in the group to the Credentials and Ballot Committee.

2017

PROPOSED AMENDMENT TO MTA'S STANDING RULES

#2

Rule 6: Order of Business and Debate, Section 15

PRESENT TEXT	PROPOSED AMENDMENT
<p>Rule 6 Section 15. Multicolored sets of cards shall be available at each microphone. Each card shall have the microphone number on it. These cards shall be used by the delegates to gain recognition from the Presiding Officer to speak from the floor. Speakers for and against shall be alternated.</p> <p>Instructions for the use of the cards shall be printed on the reverse side of the colored cards.</p>	<p>Rule 6 Section 15. Multicolored sets of cards shall be available at each microphone. Each card shall have the microphone number on it. These cards shall be used by the delegates to gain recognition from the Presiding Officer to speak from the floor. Speakers for and against shall be alternated <b><u>using green and red cards only.</u></b> <b><u>Yellow cards may not be used to make motions.</u></b></p> <p>Instructions for the use of the cards shall be printed on the reverse side of the colored cards.</p>

Submitted by:  
Kerry Costello, Andover

MTA Bylaws and Rules Committee:  
Recommends Adoption (9-0)

MTA Board of Directors:  
Recommends Adoption (44-9)

Impact Statement:  
This rule would reinforce the longstanding practice at Annual Meeting of confining motions to green and red cards only.

**2017**

**PROPOSED AMENDMENT TO MTA'S STANDING RULES**

**#3**

**Rule 6: Order of Business and Debate, Section 6**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
Rule 6 Section 6. No member shall speak in debate more than twice to the same question during the same meeting, nor longer than three (3) minutes at one time, unless permission is granted by majority vote of the meeting(s).	Rule 6 Section 6. No member shall speak in debate more than twice to the same question during the same meeting, nor longer than three (3) minutes at one time, unless permission is granted by majority vote of the meeting(s). <b><u>No delegate shall speak using a yellow card for more than one (1) minute at one time unless permission is granted by majority vote of the meeting(s).</u></b>

Submitted by:  
Peter Schoonmaker, Sharon

MTA Bylaws and Rules Committee:  
Recommends Adoption (8 – 0)

MTA Board of Directors:  
Recommends Adoption (58 – 0)

Impact Statement:  
This change would limit to one minute the time one speaker can have when speaking on a yellow card.

**2017**

**PROPOSED AMENDMENT TO MTA'S STANDING RULES**

**#4**

**RULE 6: Order of Business and Debate, Section 7**

<b>PRESENT TEXT</b>	<b>PROPOSED AMENDMENT</b>
Rule 6 Section 7. A member may yield the microphone or speaking time to another delegate only for the unused portion of his allotted time.	Rule 6 Section 7. A member may yield the microphone or speaking time to another delegate only for the unused portion of his allotted time <b><u>except when using a yellow card. A member speaking on a yellow card may not yield the microphone or speaking time to another delegate.</u></b>

Submitted by:  
Peter Schoonmaker, Sharon

MTA Bylaws and Rules Committee:  
Recommends Adoption (8 – 0)

MTA Board of Directors:  
Recommends Adoption (57 – 0)

Impact Statement:  
This change would prohibit a delegate speaking on a yellow card from yielding the microphone or speaking time to another delegate.