

HOUSE No. 3725

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais and Joanne M. Comerford

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the city of Greenfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/17/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/17/2023</i>

HOUSE No. 3725

By Representative Blais of Deerfield and Senator Comerford, a joint petition (accompanied by bill, House, No. 3725) of Natalie M. Blais and Joanne M. Comerford (with the approval of the mayor and city council) relative to amending the charter of the city known as the town of Greenfield. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the charter of the city of Greenfield.

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. Article 2 of the charter of the city known as the town of Greenfield, which
2 is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter
3 43B of the General Laws, is hereby amended by striking out section 2-2 and inserting in place
4 thereof the following section:-

5 SECTION 2-2: COUNCIL PRESIDENT AND VICE PRESIDENT

6 (a) Election and Term –On the first business day of the new year, the members of the
7 City Council shall elect from among its members a Council President and Vice President who
8 shall serve during the ensuing year.

9 (b) Powers and Duties - The Council President shall preside at all meetings of the
10 City Council, regulate its proceedings and shall decide all questions of order. The Council
11 President shall appoint all members of all committees of the City Council, whether special or

12 standing. The Council President shall have the same powers to vote upon all measures coming
13 before the City Council as any other member of the City Council. The Council President shall
14 perform such other duties consistent with the office as may be provided by Charter, by ordinance
15 or by other vote of the City Council.

16 (c) Council Vice-President - The Vice-President shall serve as Acting President
17 during the temporary absence or disability of the Council President during the ensuing term of
18 office. The powers of an acting Council President shall be limited to only those powers of the
19 president as may be necessary to the conduct of the business of the City Council in an orderly
20 and efficient manner and which may not be delayed.

21 (d) Vacancies in the office of President or Vice President – In the event the Council
22 President or Vice President shall vacate their office for any reason prior to the end of their term
23 of office, at the next regularly scheduled meeting after such vacating and prior to conducting
24 business the Councilors shall elect from among its members a successor President or Vice
25 President to serve for the remainder of the term.

26 SECTION 2. Subsection (c) of section 2-6 of said article of said charter is hereby
27 amended by striking out paragraph 2 and inserting in place thereof the following paragraph:-

28 2. Special meetings of the City Council shall be held at the call of the Council President,
29 or, on the call of any five (5) or more members, by written notice delivered in hand or to the
30 place of residence of each member or by secure electronic communication that allows receipt
31 confirmation and which contains a listing of the items to be acted upon. Except in case of an
32 emergency, of which the Council President shall be judge, such notice shall be delivered at least

33 forty-eight (48) hours in advance of the time set for such meeting. A copy of the notice to
34 members shall, forthwith, be posted upon the City bulletin board.

35 SECTION 3. Section 3-1 of article 3 of said charter is hereby amended by striking out
36 subsections (c) and (d) and inserting in place thereof the following subsection:-

37 (c) Compensation - The City Council shall, by ordinance, establish an annual salary
38 for the Mayor, which shall become effective immediately.

39 SECTION 4. Section 3-3 of said article 3 of said charter is hereby amended by striking
40 out subsection (a) and inserting in place thereof the following subsection:-

41 (a) The Mayor shall appoint, subject to the review of such appointments by the City
42 Council as provided in section 2-10, all City officers, department heads and the members of
43 multiple-member bodies for whom no other method of appointment or selection is provided by
44 the Charter or by ordinance, excepting only persons serving under the School Committee, and
45 persons serving under the City Council. Except as may otherwise be required by the civil service
46 law or other applicable law, and in this Charter or by ordinance, appointments made by the
47 Mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to
48 the consent of the Mayor, appoint all assistants, subordinates and other employees of the agency
49 for which such person is responsible.

50 SECTION 5. Section 3-4 of said article 3 of said charter is hereby amended by striking
51 out subsection (a) and inserting in place thereof the following subsection:-

52 (a) City Officers and Department Heads - The Mayor may remove or suspend any City
53 officer, or the head of any City department appointed by the Mayor, by filing a written statement

54 with the City Clerk setting forth in precise detail the specific reasons for such removal or
55 suspension. A copy of the written statement shall be delivered in hand, or mailed by certified
56 mail, postage prepaid, to the last known address of the said City officer, or head of a department.
57 The said City officer, or head of a department, may make a written reply by filing such a reply
58 statement with the City Clerk within ten (10) days following the date the statement of the Mayor
59 has been filed; but, such reply shall have no effect upon the removal or suspension unless the
60 Mayor shall so determine. The decision of the Mayor in suspending or removing a City officer or
61 a department head shall be final, it being the intention of this provision to vest all authority and
62 to fix all responsibility for such suspension or removal solely in the Mayor. The removal shall
63 take effect on the 30th day following the date of filing by the Mayor of the notice of removal in
64 the office of the City Clerk.

65 SECTION 6. Section 3-6 of said article 3 of said charter is hereby amended by striking
66 out subsection (b) and inserting in place thereof the following subsection:-

67 (b) Special Meetings of the City Council - The Mayor may at any time call a special
68 meeting of the City Council, for any purpose, by causing a notice of such meeting to be delivered
69 in hand or to the place of business or residence of each member of the City Council, or by secure
70 electronic communication that allows receipt confirmation. Such notice shall, except in an
71 emergency of which the Mayor shall be the sole judge, be delivered at least forty-eight (48)
72 weekday hours in advance of the time set and shall specify the purpose or purposes for which the
73 meeting is to be held. A copy of each such notice shall, forthwith, be posted on the City bulletin
74 board.

75 SECTION 7. Section 3-8 of said article 3 of said charter is hereby amended by striking
76 out subsection (a) and inserting in place thereof the following subsection:-

77 (a) Acting Mayor -The Mayor shall, by a letter filed with the City Council and a copy
78 filed with the City Clerk, designate a qualified City officer or City employee to exercise the
79 powers and perform the duties of the office during the temporary absence of the Mayor for
80 periods of less than fifteen (15) business days and to serve only when the needs of the City
81 require and only to the extent necessary under the then circumstances.

82 Whenever, by reason of sickness, absence from the City or other cause, the Mayor shall
83 be unable to perform the duties of the office for a period of fifteen (15) successive business days,
84 or more, the president of the City Council shall be the acting Mayor. In the event of the absence
85 or disability of the President of the City Council, the Vice-president of the City Council shall
86 serve as acting Mayor; and the Mayor's qualified City officer or City employee designee shall
87 assist the acting Mayor in their duties of the office during the absence or disability of the Mayor.

88 SECTION 8. Section 3-9 of said article 3 of said charter is hereby amended by striking
89 out subsection (b) and inserting in place thereof the following subsection:-

90 (b) Council Election - If a vacancy in the office of Mayor occurs in the last nine (9)
91 months of the term for which the Mayor is elected, whether by reason of death, resignation,
92 removal from office, or otherwise, the president of the City Council shall become the Mayor.
93 Upon the qualification of the president of the City Council as the Mayor, under this section, a
94 vacancy shall exist on the City Council, which shall be filled in the manner provided in Section
95 2-11. In the event the Council President or Vice President shall vacate their office for any reason
96 prior to the end of their term of office, at the next regularly scheduled meeting after such

97 vacating and prior to conducting business the Councilors shall elect from among its members a
98 successor President or Vice President to serve for the remainder of the term.

99 SECTION 9. Section 4-2 of article 4 of said charter is hereby amended by striking out
100 subsection (b) and inserting in place thereof the following subsection:-

101 (b) Power and Duties - The School Committee chair shall preside at all meetings of
102 the School Committee, regulate its proceedings and shall decide all questions of order. The
103 School Committee chair shall appoint, in accordance with School Committee Policy Manual, all
104 members of all committees of the School Committee, whether special or standing. The School
105 Committee chair shall have the same powers to vote upon all measures coming before the School
106 Committee as any other member of the School Committee. The School Committee chair shall
107 perform such other duties consistent with the office as may be provided by Charter, by ordinance
108 or by other vote of the School Committee.

109 SECTION 10. Said section 4-2 of said article 4 of said charter is hereby further amended
110 by adding the following subsection:-

111 (d) Secretary - The Secretary of the School Committee will keep or cause to be kept
112 an accurate journal and permanent record book of all Committee meetings in which all its votes,
113 orders and proceedings shall be recorded; will comply with state law and Committee policy
114 regarding notification of meetings; and will render such reports as may be required by the state.

115 SECTION 11. Section 4-5 of said article 4 of said charter is hereby amended by striking
116 out subsection (b) and inserting in place thereof the following subsection:-

117 (b) To make all reasonable rules and regulations for the management of the public
118 school system and for conducting the business of the School Committee as may be deemed
119 necessary or desirable., and as required by and allowed by law.

120 SECTION 12. Said article 4 of said charter is hereby further amended by striking out
121 section 4-6 and inserting in place thereof the following section:-

122 SECTION 4-6: FILLING OF VACANCIES

123 Filling of Vacancies by School Committee - Whenever a vacancy shall occur in the office
124 of School Committee member more than 90 days before the next regular biennial election, the
125 vacancy shall be filled according to the procedures outlined in the School Committee policy
126 manual at the time of such vacancy. Persons filling a vacancy by the School Committee shall
127 serve only until the next regular election at which time the vacancy shall be filled by the voters
128 and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the
129 remainder of the unexpired term of the vacated seat. Persons serving as School Committee
130 members under this section shall not be entitled to have the words "candidate for re-election"
131 printed against their names on the election ballot. In the event of an impasse, the president of the
132 City Council shall have a vote.

133 SECTION 13. Section 5-2 of article 5 of said charter is hereby amended by striking out
134 subsection (a) and inserting in place thereof the following subsection:-

135 (a) Public Hearing - At least twenty-one (21) days before the meeting at which the
136 School Committee is scheduled to vote on its final budget request, the School Committee shall
137 cause to be published in a local newspaper, and on the city website, a general summary of its
138 proposed budget. The summary shall specifically indicate any major variations from the current

139 budget and the reasons for such changes. The notice shall further indicate the times and places at
140 which complete copies of the proposed budget are available for examination by the public, and it
141 shall indicate the date, time and place [not less than seven (7) nor more than fourteen (14) days
142 following such publication], when a public hearing will be held by the School Committee on the
143 proposed budget. The School Committee shall not take its final vote on its proposed budget until
144 all persons who desire to be heard concerning the budget proposal have had a reasonable
145 opportunity to be heard.

146 SECTION 14. Said article 5 of said charter is hereby further amended by striking out
147 section 5-3 and inserting in place thereof the following section:-

148 SECTION 5-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

149 Not later than ninety (90) days before the start of the City 's fiscal year, the Mayor shall
150 submit to the City Council a proposed operating budget for the ensuing fiscal year with an
151 accompanying budget message and supporting documents. The Mayor shall simultaneously
152 provide for the publication in a local newspaper, and on the city website, of a notice and a
153 general summary of the proposed budget. The summary shall specifically indicate any major
154 variations from the current operating budget and the reason for such changes. The notice shall
155 further indicate the times and places at which complete copies of the proposed operating budget
156 for the City are available for examination by the public.

157 SECTION 15. Subsection (b) of section 5-7 of said article 5 of said charter is hereby
158 amended by striking out the second paragraph and inserting in place thereof the following
159 paragraph:-

160 The City Council may, by majority vote, on recommendation of the Mayor, transfer
161 within the last 2 months of a fiscal year or during the first 15 days of a new fiscal year to apply to
162 the previous fiscal year, an amount appropriated for the use of any department; provided,
163 however, that no transfer shall be made at any other time of any amount appropriated for the use
164 of a City department to the appropriation for any other department except by a 2/3 vote of the
165 City Council; and provided further, that the City Council shall, by ordinance, provide a
166 procedure governing such requests, which shall include at least 2 readings and a public hearing
167 by the City Council and it shall specify the circumstances under which notice by publication in a
168 newspaper shall be required. A request for a transfer of funds from 1 municipal agency to
169 another shall be made by the Mayor, in writing, to the City Council and shall include a statement
170 setting forth the reason the additional funds are needed by the agency to which it is proposed
171 they be transferred. The request shall be accompanied by a certificate, signed by the finance
172 director, accountant and head of the agency from which the appropriation is proposed to be
173 taken, that such transfer will not prevent that agency from performing its vital functions.

174 SECTION 16. Article 6 of said charter is hereby amended by striking out section 6-2 and
175 inserting in place thereof the following section:-

176 SECTION 6-2: MERIT PRINCIPLE

177 All appointments and promotions of City officers and employees shall be made on the
178 basis of merit and fitness demonstrated by examination, education and certification, or by other
179 evidence of competence and suitability.

180 SECTION 17. Said article 6 of said charter is hereby further amended by striking out
181 section 6-3 and inserting in place thereof the following section:-

182 SECTION 6-3: DEPARTMENT OF MUNICIPAL FINANCE

183 (a) Establishment, Scope - There shall be a Department of Municipal Finance
184 responsible for the performance of all of the fiscal and financial activities of the City. The
185 Department of Municipal Finance shall include within it the City Accountant, the City Treasurer,
186 the City Collector and the Board of Assessors; and it may have such additional powers, duties
187 and responsibilities with respect to municipal finance related functions and activities as the City
188 from time to time provide, by ordinance. So much of the powers of a chief procurement officer
189 which the Mayor does not personally exercise, shall be assigned to the Department of Municipal
190 Finance. All activity by the Mayor acting as a Chief Procurement Officer shall be processed
191 through the Department of Municipal Finance.

192 (b) Director of Municipal Finance - The Department of Municipal Finance shall be
193 under the direct control and supervision of a Director of Municipal Finance who shall be
194 appointed by and who shall be responsible to the Mayor. The Mayor shall also appoint the
195 person, or persons, performing the duties of City Collector and City Treasurer. The Director of
196 Municipal Finance shall be a person especially fitted by education, experience and training to
197 perform the duties of the office. The Director of Municipal Finance shall be responsible for the
198 supervision and coordination of all activities of the Department of Municipal Finance in
199 accordance with General Laws, City ordinance, administrative code and rules and regulations.
200 The Director of Municipal Finance shall serve, as the Mayor may from time to time specify, as
201 the City Treasurer, City Collector, Treasurer-Collector or City Accountant.

202 SECTION 18. Said article 6 of said charter is hereby further amended by striking out
203 section 6-6 and inserting in place thereof the following words:- SECTION 6-6:RESERVE
204 SECTION FOR FUTURE USE.

205 SECTION 19. Section 6-7 of said article 6 of said charter is hereby amended by striking
206 out subsection (b) and inserting in place thereof the following subsection:-

207 (b) Powers and Duties - The Planning and Construction Committee shall be
208 responsible for monitoring the physical condition of all municipal buildings and other facilities.
209 The committee shall meet quarterly and file a written report at least annually with the Mayor in
210 which it shall make recommendations as to the need for any project or projects. The Committee
211 will meet with representatives of municipal agencies to evaluate the need for additions,
212 renovations, or remodeling of any existing building or facility or for the construction of new
213 buildings or other facilities, as necessary.

214 Whenever any construction work on any municipal building or other facility is
215 authorized, the Planning and Construction Committee shall monitor the work through contact
216 with the Department of Planning and Development and Building Inspections Department.

217 SECTION 20. The first sentence of the second paragraph of section 6-8 of said article 6
218 of said charter is hereby amended by inserting after the word “include” the following words:- ,
219 but not limited to.

220 SECTION 21. Said article 6 of said charter is hereby further amended by striking out
221 section 6-11 and inserting in place thereof the following section:-

222 SECTION 6-11: PUBLIC SAFETY COMMISSION

223 (a) There shall be a Public Safety Commission consisting of seven (7) members, all
224 of whom shall be residents and registered voters of the City, appointed by the Mayor subject to
225 provisions of section 2-10.

226 (b) At the first meeting in each calendar year, the commission shall elect a
227 chairperson, vice chairperson and secretary and the secretary shall keep a record of its meetings.

228 (c) The members shall serve 4-year staggered terms. Commission members shall
229 serve without compensation.

230 (d) Powers and Duties: The commission shall assist the Mayor in the supervision and
231 oversight of all departments (police, fire, emergency management, dispatch) including the
232 coordination of the administration of all departments with one another, and with other City
233 departments and agencies by making recommendations to the Mayor concerning.

234 1. Setting priorities within said departments;

235 2. The annual operating budgets of all departments, after the Mayor and commission
236 have met with the public safety department heads to discuss the proposed budgets;

237 3. The capital budget requests of all public safety departments, shall be submitted to
238 the Mayor after the commission has met with the public safety department heads to discuss the
239 requests, provided, however, that commission members may only inspect the departments on an
240 annual basis in connection with budget review. Inspections can include facility and equipment
241 maintenance, department records, status of policies and procedures, and reviews of any other
242 aspect of the departments deemed necessary to the smooth operation of said departments.

243 Inspections shall be made only after approval from the public safety department heads has been
244 obtained to insure it will not disrupt department operations.

245 4. Final interviews for appointments and promotions of all personnel in the police or
246 fire department, shall be conducted by the commission and the respective public safety
247 department heads. The respective public safety department heads shall submit recommendations
248 to the commission and the commission, if it does not agree with said recommendations, shall
249 submit written reasons for not concurring with said recommendations to the Mayor.
250 Appointments and promotions of public safety personnel shall be made in accordance with
251 collective bargaining agreements and applicable General Laws, and local hiring policy
252 requirements as defined by the Mayor, respectively.

253 (e) The commission shall review written complaints made by the public concerning
254 the operation of the public safety departments, and the conduct of employees of both those
255 departments.

256 The operation of the police and fire departments, and the conduct of employees of both
257 departments.

258 All written complaints received shall be forwarded to the chief of the department to
259 which they relate and the chief shall investigate or cause to be investigated said complaints and
260 submit his findings and recommendations, in connection therewith, that he deems appropriate.

261 The commission shall adopt such rules and regulations, consistent with this ordinance,
262 the civil service statute and police and fire collective bargaining agreements, as it deems
263 necessary to establish procedures to be followed in filing of written complaints by the public,
264 investigating complaints and holding hearings concerning complaints made to it regarding the

265 operation of the police or fire department and the conduct and officers and employees of each
266 department. Citizen complaints shall be considered part of the employee's personnel file.

267 The commission shall apply the principle of progressive discipline, except those instances
268 where more severe punishment is warranted.

269 (f) Meetings.

270 1. The Commission shall meet on a regular basis.

271 2. Special meetings may be called by the Mayor, Chairman of the Commission or
272 majority vote of the Commission,

273 3. Minutes shall be kept of all public meetings, including executive session in
274 accordance with open meeting laws.

275 4. The Commission may establish its own rules of procedure including those
276 governing the conduct of its meetings.

277 (g) In the event of a vacancy, the Mayor shall make an appointment for the balance of
278 said term subject to City Council approval pursuant to section 2-10.

279 (h) No member of the Commission shall be an employee of the police department or
280 fire department, nor shall any member of his or her family be an employee or retired member of
281 the police or fire department within thirty six (36) months of his or her retirement date.

282 "Family member" shall mean father, mother, spouse, child, stepchild, grandchild, brother,
283 sister, brother-in-law, sister-in-law, nephew, niece and grandparent.

284 (i) Commission members shall be special municipal employees.

285 SECTION 22. Section 6-12 of said article 6 of said charter is hereby amended by striking
286 out subsection (e) and inserting in place thereof the following subsection:-

287 (e) The Board of Trustees of the Public Library shall, in all matters of general
288 municipal policy and procedures, be subject to policy directives designed to achieve uniformity
289 and better administrative control as may from time to time be issued by the Mayor, with
290 consultation of the Library Trustees. Responsibility for the ordinary maintenance of library
291 buildings and grounds may be transferred to a City Central Maintenance Department by
292 ordinance adopted by the City Council. The Board of Trustees of the Public Library shall have
293 all the other powers and duties as may be provided by General Law, by Charter, by ordinance or
294 otherwise.

295 SECTION 23. Section 6-14 of said article 6 of said charter is hereby amended by striking
296 out subsection (a) and inserting in place thereof the following subsection:-

297 (a) There shall be a Board of Assessors consisting of three (3) members, to be elected
298 at large by the voters, for staggered terms of 4 years.

299 SECTION 24. Said section 6-14 of said article 6 of said charter is hereby further
300 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

301 (c) A Principal Assessor shall be appointed pursuant to the Provisions of the Department
302 of Municipal Finances sec. 6-3 Charter.

303 SECTION 25. Section 6-18 of said article 6 of said charter is hereby further amended by
304 striking out subsection (a) and inserting in place thereof the following subsection:-

305 (a) There shall be a Council on Aging consisting of not less than three (3) nor more
306 than eleven (11) members, appointed by the Mayor for staggered three-year terms.

307 SECTION 26. Section 6-24 of said article 6 of said charter is hereby further amended by
308 striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

309 (a) There shall be a Mayor's task force against domestic and sexual violence to advise the
310 Mayor with regard to the formation of public policy, public education and outreach on domestic
311 and sexual violence. The task force shall consist of 7 (seven) members, 3 (three) of whom shall
312 be appointed by the Mayor with review by the City Council as provided in section 2-10, and 4 of
313 whom shall be appointed as provided in subsection (c) and two alternate members appointed by
314 the Mayor as above.

315 Alternate members shall sit on the committee in case of the absence, inability to act or
316 apparent conflict of interest on the part of any committee member, or as part of a regularly
317 scheduled rotation among the regular members.

318 (b) In making the Mayoral appointments, the Mayor shall seek persons who are: (i)
319 experienced in the field of youth services; (ii) members of women's and men's advocacy groups;
320 (iii) mental health providers; (iv) probation officers in the district or superior court system; and
321 (v) medical professionals on the staff at the *Baystate Franklin Medical Center. The 3 members
322 and two alternate members to be appointed by the Mayor shall serve for terms of 3 years.

323 SECTION 27. Section 7-12 of article 7 of said charter is hereby amended by striking out
324 subsection (b) and inserting in place thereof the following subsection:-

325 (b) Recall Petition - Five hundred (500) or more voters may file with the Board of
326 Registrars of Voters an affidavit containing the name of the elected at-large officer sought to be
327 recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain
328 the names of at least twenty-five (25) voters in each of the precincts into which the City is
329 divided for the purpose of elections. One hundred (100) or more voters of an individual precinct,
330 may file with the Board of Registrars of Voters an affidavit containing the name of their
331 individual precinct elected officer sought to be recalled and a statement for the grounds for
332 recall.