

HOUSE No. 4552

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 Relative to the Town of Dartmouth Fire District No. 1.

PETITION OF:

NAME:

Christopher M. Markey

DISTRICT/ADDRESS:

9th Bristol

DATE ADDED:

HOUSE No. 4552

By Mr. Markey of Dartmouth, a petition (subject to Joint Rule 12) of Christopher M. Markey relative to the town of Dartmouth Fire District No. 1. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Relative to the Town of Dartmouth Fire District No. 1.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding the provisions of any general or special law to the contrary, including
2 any general law that has been duly adopted by the District Meeting of Dartmouth Fire District
3 No. 1, the Fire Department of the District shall be headed by an officer to be known as the Chief
4 of the Fire Department. The Chief shall be appointed by the Prudential Committee of the
5 District for a term of not more than five years; provided, that the Chief may be reappointed for
6 another such term as often as the Prudential Committee, in its discretion, desires; further
7 provided, that any such reappointment may only occur in the last year of the Chief's current
8 term. The Chief shall receive such salary as may be determined through the execution of a
9 contract with the Prudential Committee for the term of the appointment; provided, that such
10 salary, once established by contract, must be annually appropriated for such purpose by the
11 District Meeting for the length of the term of appointment. The Prudential Committee may
12 suspend or remove the Chief for just cause at any time after a hearing; provided, that the failure
13 to reappoint the Chief shall not constitute such a removal and shall not require such a hearing.

14 The Chief may suspend or remove any subordinate officers for just cause at any time
15 after a hearing. At the request of any such subordinate officer, the Prudential Committee may
16 appoint a hearing officer for any such hearing, who shall make factual findings that are binding
17 upon the Chief, but who shall not make any decision with respect to what, if any, discipline is
18 merited by those findings.

19 Should the Chief or any subordinate officer choose to appeal a suspension or removal,
20 any such appeal shall be made in writing, within ten business days, to the Chair of the
21 Prudential Committee, and shall be subject to mandatory, binding arbitration. Upon the timely
22 receipt of any such written appeal, the Chair of the Prudential Committee shall submit a request
23 to the American Arbitration Association, or any successor entity to the same, for the appointment
24 of an arbitrator to conduct the arbitration of the appeal; provided, that the Prudential Committee
25 and the appealing individual may agree upon a different arbitrator. There shall be no hearing for,
26 and no appeal of, any lesser discipline.

27 The promulgation, amendment and deletion of any and all rules and regulations for the
28 operation of the Fire Department shall be undertaken by the Chief, subject to the approval of the
29 Prudential Committee; provided, that if the Prudential Committee fails to approve or disapprove
30 any such promulgation, amendment or deletion within sixty days of its submission to the Chair
31 of the Prudential Committee by the Chief, said rule or regulation shall be considered to be
32 constructively approved.

33 Except as otherwise provided herein, the powers, duties, responsibilities and limitations
34 of fire chiefs as described in Massachusetts General Laws, Chapter 48, Sections 42 and 43,
35 exclusive of any future revisions or successor statutes to the same, shall apply to the Chief.