

HOUSE No. 5004

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III

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 enforcement of the Williamstown town charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>8/7/2024</i>

HOUSE No. 5004

By Representative Barrett of North Adams, a petition (accompanied by bill, House, No. 5004) of John Barrett, III (by vote of the town) relative to the enforcement of the charter of the town of Williamstown. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to the enforcement of the Williamstown town charter.

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. The charter of the town of Williamstown, which is on file in the office of
2 the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General
3 Laws, is hereby amended by inserting the following section:-

4 Section 25. Compliance with the Charter

5 (a)The town manager, as the administrative officer of the Town, shall be responsible for
6 monitoring whether town departments, boards, officers and employees are complying with the
7 charter. Whenever the town manager determines that any town department, board, officer or
8 employee may be failing to comply with the charter, it is the responsibility of the town manager
9 to meet with them to discuss the matter.

10 (b)Whenever the town manager determines that any town department, board, officer or
11 employee may be continuing to not be in compliance with the charter after that potential failure
12 has been discussed with them, the town manager shall refer the matter to the select board. The

13 select board may take action that it deems appropriate and authorized by law for those
14 departments, boards, officers and employees for which they are appointing authority and, for all
15 other town boards, shall file any documentation of the matter with the town clerk subject to the
16 public records law.

17 (c) The select board shall be responsible to ensure that the town manager complies with
18 the charter.

19 (d) Any resident of the town may (i) petition the town manager to ensure faithful
20 compliance with the charter by any town department, board, officer or employee, except with
21 respect to matters related to employment, for which they are the appointing authority, or (ii)
22 petition the select board to ensure faithful compliance with the charter by the town manager or
23 those departments, boards, officers and employees for which they are the appointing authority or
24 (iii) petition any elected position or board, or position or board appointed by any other
25 appointing authority, to ensure faithful compliance with the charter by them. The petition shall
26 be filed with the town clerk and shall state the person or government body that may not be in
27 compliance, the section of the charter involved and the time of the potential failure to comply.
28 The town clerk shall deliver a copy of the petition to such person or government body, the town
29 manager, and the select board within three business days of receipt. Such person or government
30 body shall file with the town clerk a written response within thirty days of their receipt of the
31 petition, with copies to the town manager, select board and the petitioners.

32 (e) Following receipt of a petition by a resident, the written response from the subject of
33 the petition, and the passage of 30 days, the town manager, the select board and any other
34 appointing authority shall take such action with respect to the petition as is deemed appropriate

35 and authorized by law for those departments, board, officers and employees for which,
36 respectively, they are the appointing authority. Petitions for potential failures to comply with the
37 charter by elected positions or boards shall remain filed with the town clerk subject to the public
38 records law.

39 (f) The foregoing sections shall not limit the right to seek enforcement of this charter as
40 otherwise provided by law.

41 SECTION 2. This act shall take effect upon its passage.