

SENATE No. 2423

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 Westfield.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

John C. Velis

Hampden and Hampshire

Kelly W. Pease

4th Hampden

SENATE No. 2423

By Mr. Velis, a petition (accompanied by bill, Senate, No. 2423) of John C. Velis and Kelly W. Pease (with approval of the mayor and city council) for legislation to amend the charter of the city of Westfield. 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 Westfield.

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. That section 28 of chapter 294 of the acts of 1920, as most recently
2 amended by Chapter 319 of the Acts of 2012, is hereby amended as follows:

3 1. Add : Charter Amendment Processes

4 (a) The city may amend the charter following any process allowed by Massachusetts
5 General Law.

6 (b) If the City Council chooses to amend the charter using a Special Act, the following
7 process must be followed:

8 i. The City Council President shall appoint an Ad-hoc Charter Amendment Committee to
9 manage the charter amendment process.

10 ii. The City Council shall create a working document entitled “Proposed Charter” which
11 will incorporate the approved amendments into the version of the Charter that existed prior to the

12 appointment of the Ad-hoc Charter Committee. The Proposed Charter shall be an internal
13 working document until it is approved for submission as a special act in accordance with
14 paragraph (f) below.

15 iii. Proposed amendment topics shall be submitted by motion to the city council and
16 referred to the Ad-hoc Charter Committee by majority vote.

17 iv. The Ad-hoc Charter Committee, or the City Council, shall hold at least one public
18 hearing for each topic. The public hearing(s) may include multiple topics, but each topic will be
19 presented separately. The public may ask questions of fact, and express opinions in-favor or
20 against each proposal.

21 v. The topics shall be investigated and deliberated by the Ad-hoc Charter Committee. The
22 Ad-hoc Charter Committee shall make recommendations to the city council. If there is a positive
23 recommendation for an amendment, the amendment shall be presented to the full City Council in
24 the form of a Resolution to amend the Proposed Charter. The City Council may approve the
25 resolution to amend the Proposed Charter by two-thirds majority vote.

26 vi. When the amendment process is complete (as determined by the Ad-hoc Charter
27 Committee), the Ad-hoc Charter Committee shall publicly post the Proposed Charter for no less
28 than 10 days, and prepare a resolution to request a Special Act of the Legislature. The City
29 Council may approve this resolution for a Special Act Charter by two-thirds majority vote. If the
30 City Council does not approve this Special Act Charter request, the Ad-hoc Charter Committee
31 may make further amendments and recommendations following the process defined above.

32 vii. The Mayor may approve or deny the Special Act request in accordance with
33 Massachusetts General Law.

34 2. Amend Sections 21, 33, 35, and 39 by replacing the word “his” with “their”; and,
35 Amend Sections 9, 37 and 39 by replacing the word “chairman” with Chairperson”.

36 3. (a) Delete the paragraph in Section 33 related to City Council Vacancies;

37 (b) Delete Section 44 related to School Committee Vacancies, and reserve the Section
38 number for future use; and,

39 (c) Delete the following text from Section 9, Paragraph 6: “A vacancy of a member
40 elected to the municipal light board by ward shall be filled by the municipal light board and the
41 city council in the same manner that a vacancy on the school committee is filled in accordance
42 with this Charter. A member of the municipal light board so elected shall serve until the
43 members of the board elected as a result of the next city election are sworn into office. A
44 vacancy of the member appointed by the mayor shall be filled as provided in section 10.”

45 (d) Add a new Section entitled “Vacancies on the City Council, School Committee, or
46 Municipal Light Board” as follows: “If at any time during a term, a vacancy occurs on the City
47 Council, School Committee, or Municipal Light Board from any cause, and there are more than 6
48 months until the next biennial preliminary election for the vacant seat, the City Council shall
49 order a special election to fill the vacancy for the unexpired term. If there are 6 months or less
50 until the next biennial preliminary election for the vacant seat, the vacancy shall not be filled.
51 Vacancies on the City Council, School Committee or Municipal Light Board shall not change the
52 number of affirmative votes required for majority or two-thirds majority.

53 4. Add the following to the end of the first paragraph of Section 15, Qualification for
54 elective office; statement of candidacy: “No person shall return nomination papers for more than

55 one (1) elected position for the City of Westfield and no person shall appear more than once on
56 any municipal election ballot.

57 5. Delete Section 26 in its entirety and replace with the following:

58 Section 26A. Appearance before city council.

59 The city council may at any time request specific information on any municipal matter
60 within the city council's jurisdiction from the mayor and may request the mayor's presence to
61 answer written questions relating to such matter at a meeting to be held not earlier than 1 week
62 after the mayor's receipt of such questions. The mayor shall personally, or through a head of a
63 department or a member of a board, attend such meeting and publicly answer all such questions.
64 The person so attending shall not be obligated to answer questions relating to any other matter.
65 The mayor may attend and address the city council at any time, in person or through the head of
66 a department or a member of a board, upon such subject as the mayor may desire.

67 Section 26B. Investigations by city council.

68 Upon a majority vote of the city council, the city council, or any committee thereof duly
69 authorized by the city council, may investigate a financial transaction of any office or department
70 of the city government, the official acts and conduct of any official and, by similar investigation,
71 secure information upon any matter.

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