



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2024 SEP 20 A 11:12

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
SEPTEMBER 24, 2024
AGENDA

6:30 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING

1. Citizen Input
2. *Convene with representatives from various utility companies to provide information to the public regarding the process of installing, removing or relocating utility poles within the City and delays that may affect the timeline of this process (adopted 9-10-2024)

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF IT RUNS PAST 7:00 P.M.)

PRIORITY MATTERS

1. *Mayor and confirmation of the following appointments to the Cultural Council:
 - a. David Mello
 - b. Christine Nicole Pelletier Southgate

PRIORITY COMMUNICATIONS

2. *Traffic Commission recommending amendments to the traffic ordinances
3. *Special Charter Review Committee Report

COMMITTEE REPORTS - None

ORDINANCES

Second Reading and Enrollment

4. *Proposed Ordinance – Traffic, Miscellaneous
Section 1.

By inserting in Section 70-241, which section relates to Stop signs, the following:

- Detroit Street, Eastbound, Intersection of Detroit Street at Omaha Street
- Omaha Street, Southbound, Intersection of Omaha Street at Detroit Street
- Pond Street, Southbound, Intersection of Pond Street at Anawan Street

Section 2.

By inserting in Section 70-372, which section relates to Parking prohibited during certain hours, the following:

- Cambridge Street, South, 18 feet east of Oxford Street
7:00 A.M. to 4:00 P.M., Monday through Friday

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

Section 3.

By striking out in Section 70-387, which section relates to handicapped parking, the following:

- Baker Street, West, 152 feet south of Warren Street
- Bayview Street, East, 230 feet north of Last Street
- Birch Street, North, 443 feet west of King Street
- Bright Street, South, 67 feet west of Stafford Road
- Flint Street, West, 102 feet south of Canonicus Street
- Hope Street, West, 47 feet east of Broadway
- Osborn Street, North, 156 feet east of Arpin Street
- Plymouth Avenue, East, 134 feet north of Dover Street

5. *Proposed Ordinance – Membership of the Historical Commission

Second Reading and Enrollment, as amended

6. *Proposed Ordinance – Trolley Fees

RESOLUTIONS

7. *The Committee on Finance convene with the City Administrator and the Administrator of Community Utilities to discuss overdue water service payments owed to the City of Fall River from the Town of Westport

CITATIONS

8. Family of the late Jim Soule – Commitment to preserving the history of the City of Fall River

ORDERS – HEARINGS - None

ORDERS – MISCELLANEOUS

9. Police Chief's report on licenses:
Taxicab Drivers
Starling G. Mordan German Stephen Joseph Stets
Richard Ogebebor

COMMUNICATIONS – INVITATIONS – PETITIONS

10. *Claims
11. *Fall River Public Library Annual Report
12. Structure on or over a public way applications for the Greater Fall River Re-Creation's Annual Children's Holiday Parade to hang banners (24" x 30') on Bedford Street at the Central Fire Station and South Main Street at Center Place from November 15, 2024, to December 9, 2024
- City Council Minutes
13. *Committee on Finance – September 10, 2024
14. *City Council – September 10, 2024


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: SEPTEMBER 24, 2024

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All Readings with Emergency Preamble

- 3a. *Proposed Ordinance – Traffic, Handicapped parking
- Third Street, West, Starting at a point 74 feet north of Branch Street
 - Ninth Street, West, Starting at a point 105 feet south of Bedford Street
 - Alden Street, West, Starting at a point 21 feet south of Ross Street
 - Cherry Street, South, Starting at a point 128 feet east of Grove Street
 - Eastern Avenue, East, Starting at a point 46 feet north of County Street
 - Oak Grove Avenue, East, Starting at a point 115 feet south of Lemuel Street
 - Tuttle Street, East, Starting at a point 52 feet north of Dwelly Street

All Readings with Emergency Preamble, as amended

- 3b. *Proposed Ordinance – Unauthorized camping on public property

(Vice President Linda M. Pereira)

WHEREAS, the Massachusetts General Laws, Part I, Title XXII, Ch. 166, §22, which relates to Consent of municipal officers to construct or alter lines, requires City Council Public Hearings for all petitions to install, remove or relocate utility poles that are located on public property, and

WHEREAS, the City Council may, by order, grant permission to these companies to install, remove or relocate new or existing utility poles, and

WHEREAS, from time to time, permission has been granted by the City Council to the company, or companies, to install, remove or relocate a utility pole, but older poles that are being replaced are not removed in a timely fashion, and

WHEREAS, these older poles are often in disrepair and unsightly on public properties, such as sidewalks, which affects the quality of life for residents and businesses, now therefore

BE IT RESOLVED, that the Committee on Finance convene with representatives of various utility companies to provide information to the public, many of whom are customers of said companies, regarding the timeline of installation, removal or relocation of utility poles and matters that may cause valid delays in the removal of older poles throughout the City, such as safety procedures.

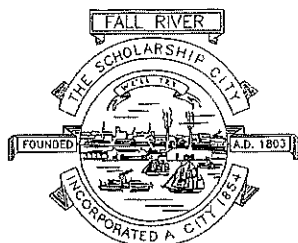
In City Council, September 10, 2024
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

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City of Fall River
Massachusetts
Office of the Mayor

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2024 SEP 19 A 10: 52

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN

Mayor

September 19, 2024

Council President and
Honorable Members of the City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following appointment:

Name: David Mello

Address 28 Gatehouse Drive
Fall River, MA 02720

Position: Cultural Council

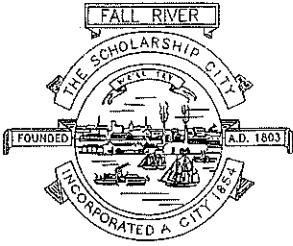
Expiration: September 19, 2027

Sincerely,

Paul E. Coogan
Mayor

PC/amos

16



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2024 SEP 19 A 10:52

September 19, 2024

CITY CLERK
FALL RIVER, MA

Council President and
Honorable Members of the City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following appointment:

Name: Christine Nicole Pelletier Southgate

Address 451 London Street
Fall River, MA 02723

Position: Cultural Council

Expiration: September 19, 2027

Sincerely,

Paul E. Coogan
Mayor

PC/amos

FALL RIVER CULTURAL COUNCIL

1 Government Center, Room 326
Fall River, MA 02722
fallriverculturalcouncil@comcast.net



August 29, 2024

2024 SEP 19 A 10:53

The Honorable Paul Coogan
Mayor of the City of Fall River
One Government Center
Fall River, MA 02722

CITY CLERK
FALL RIVER, MA

Dear Mr. Mayor:

Your approval is respectfully requested to appoint the following two people as voting members of the Fall River Cultural Council.

David Mello
28 Gatehouse Dr.
Fall River, MA, 02720

Christine Nicole Pelletier Southgate
451 London St.
Fall River, MA, 02723

David served as a valued member of the council many years ago. His knowledge of multiple arts genres is extensive. His own artwork can be found on the walls and within the Fall River Public Library.

Christine has expressed an interest in joining the Cultural. Christine has been involved in the performing arts since childhood. She wants to continue her father's legacy of advocating for the arts. (Her father was Richard Pelletier, former chair of the Council.)

By way of disclosure Christine's mother, Deborah Pelletier, currently serves as staff member (a non-voting position) for the Fall River Cultural Council.

I am happy to recommend David and Christine. Their combined knowledge of these art genres will be an excellent complement to the current Cultural Council. I am pleased that they have agreed, pending your approval, to serve as members.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Susan C. Cote'.

Susan C. Cote
Fall River Cultural Chair
DV/dap



**CITY OF FALL RIVER
MASSACHUSETTS**

Department of Community Maintenance
Municipal Buildings, Parks, Cemeteries, Traffic & Parking,
Sanitation, Streets & Highways

Traffic & Parking Division

Paul Coogan
Mayor

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2024 SEP 11 P 12:22

CITY CLERK
FALL RIVER, MA

Stephanie MacArthur
*Director of Traffic and
Parking*

September 11, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

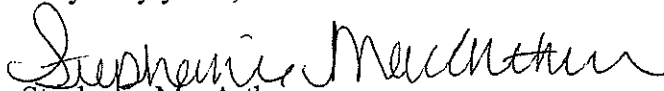
Article:	70	No Parking Anytime
		7:00am-4:00pm
Section:	372	Monday - Friday

By inserting in proper alphabetical order the following.

INSERT

NAME OF STREET	SIDE	LOCATION	HOURS/DAYS
Snell Street	South	Starting at a point 41 feet East of Dover Street for a distance of 155 feet east.	Monday - Friday 7:00am-4:00pm

Very truly yours,


Stephanie MacArthur
Director of Traffic and Parking

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Alden Street	West	Starting at a point 823 feet north of East Warren Steet For a distance of 20 feet north

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

SW

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



RECEIVED

2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Harrison Street	West	Starting at a point 484 feet north of Alden Street, For a distance of 20 feet North

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephanie MacArthur". The signature is fluid and cursive, with the first name being more prominent.

Stephanie MacArthur
Director of Traffic & Parking

JW

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Hunter Street	East	Starting at a point 127 feet south of Hope Street, For a distance of 20 feet South

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

SW

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

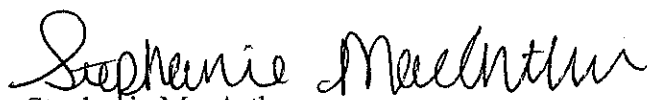
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
John Street	West	Starting at a point 76 feet north of Rodman Steet, For a distance of 20 feet north

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

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CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Morton Street	West	Starting at a point 20 feet south of Brightman Street, For a distance of 20 feet South

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

CITY OF FALL RIVER
MASSACHUSETTS

2

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70

Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Mott Street	West	Starting at a point 152 feet north of Cambridge Street, For a distance of 20 feet North

Very truly yours,

Stephanie MacArthur
Director of Traffic & Parking

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CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA



Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 21, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Orswell Street	North	Starting at a point 285 feet west of Stafford Rd, For a distance of 20 feet West

Very truly yours,

Stephanie MacArthur
Director of Traffic & Parking

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CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK _____
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

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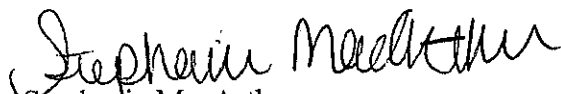
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Pine Street	North	Starting at a point 57 feet west of Winter Street, For a distance of 20 feet West

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

SW

2

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



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2024 SEP 12 P 2:09

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

September 12, 2024

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

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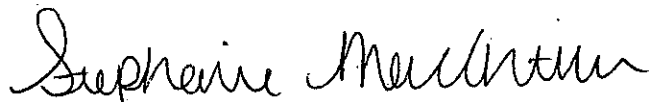
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Tremont Street	West	Starting at a point 488 feet north of Bedford Steet, For a distance of 20 feet north

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

efw

September 9, 2024

Mayor Paul Coogan
City Council President Joseph Camara
1 Government Center
Fall River MA 02720

Rene G Brown
Chairperson
Special Charter Review Committee

RECEIVED
SEP 19 P 3 47
CITY CLERK
FALL RIVER, MA

Dear Mayor Coogan, City Council President Joseph Camara and Members of the City Council,

After a year of public meetings and hearings, the dedicated members of the Special Charter Review Committee submit for your review and approval, "THE CITY OF FALL RIVER CHARTER."

We have also included a brief report containing a synopsis of our meetings highlighting some of the changes we recommended.

Kindly review and we await your comments and approval.

In dedicated service,



Rene G Brown

Chairperson

Cell: 401-835-0598

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2024 SEP 19 P 3:48

SPECIAL CHARTER REVIEW COMMITTEE

SPECIAL REPORT

CITY CLERK
FALL RIVER, MA

The members of the Special Charter Review Committee were appointed in the last months of 2022. The first meeting was held in January 2023.

This Committee has held twenty meetings and has two public hearings scheduled. Although three of those meetings were one hour the balance of the meetings were two hours long.

Because of the frequency of the meetings, some members have had difficulty attending all of the meetings. While there was a quorum at each meeting, some items were tabled so that a majority of the members could participate.

PROGRESS OF THE COMMITTEE:

January 30, 2023

During this first meeting the Committee elected officers, set a schedule and established future procedures.

February 27, 2023

Four members of the public participated in citizen's input and were granted extended time.

The Committee voted to include a Table of Contents

The Committee discussed the definition and powers sections of the Charter. The committee voted to combine the Powers of the City sections 1-4, 1-5 and 1-6.

The Committee voted that the phrase "unless the context requires otherwise" be eliminated.

The Committee voted to eliminate the term "City Officer".

The Committee voted to delete the phrase that the City Council shall determine residency as Corporation Council believed that issue was ripe for litigation.

March 20, 2023

Three members of the public participated in citizen's input at this meeting.

The Committee considered a number of matters including the officers of the City Council, holding multiple City offices, temporary absence of the Mayor and a number of other topics.

The Committee voted to extend the term of the City Council President from one year to term to term so that they officiate the first meeting of the year.

The Committee voted to extend the time for a candidate to fill a vacancy to seventy-two hours.

The Committee voted to remove the phrase "unwilling" as the City Council Officers accepted the position knowing it could result in such an appointment, the term unable remains.

March 27, 2023

One member of the public participated in citizen's input.

There was discussion of relevant law and judicial decisions. GL Ch 43 describes six forms of government. Fall River had adopted a Plan A form of government which provides for a two year term for Mayor and nine at-large councilors.

There was an extensive discussion concerning the provision involving the temporary absence of the Mayor, Powers of the Acting Mayor, the number of signatures required by a candidate. A discussion of the Recall provisions was begun but had to be referred to the next meeting.

The Committee voted to include in section 3-8(a) Temporary Absence of the Mayor to include a period of disability of twenty-one days.

In light of the decision in Fall River City Council versus Jasiel Correia which held that the Charter provision, 3-8, applied only to a Mayor's absence and inability to perform the duties of the office. The Committee voted to remove the provision in 3-8 that the City Council can conduct a hearing to determine the Mayor's inability citing this prior judicial determination.

The Committee also discussed the case of Joshua Hetzler vs City of Fall River, in which the Federal Judge issued an injunction prohibiting the City of Fall River from enforcing the Charter provision on Mr. Hetzler. The Judge concluded that "no public interest is served by holding an election that is sullied by the specter of a likely unconstitutional application of the City Charter."

3

The Committee voted to reduce the number of signatures needed by a candidate to 100 consistent with the number needed to run for State office.

April 24, 2023

One member of the public participated in citizen's input.

Mr. Ryan Lyons, the Chair of the Board of Elections was an invited speaker. Mr. Lyons spoke on a number of topics and answered a number of questions. The Committee also considered Section 8-5 the recall provisions.

The Committee voted to remove the reference in 7-2 to involve the City Clerk in the election process and leave it with the Board of Elections.

The Committee noted that a recall provision is included in Article 8 of the Massachusetts Declaration of Rights.

The Committee voted to amend 8-5 d to allow separate office holders, subject to recall, to be listed on the same ballot.

The Committee voted to amend the ballot question in 8-5 f to:

Do you want, name, removed from office?

Do you want, name, to remain in office?.

The Committee voted to strike the second paragraph which involves electing candidates for the office. The Committee considered the Judge's decision in Ten Taxpayers vs Jasiel Correia in which the Court did not disqualify the reelection even though he was recalled by a majority of voters and reelected by a minority of the voters. The Committee struck the reelection provisions

considering the Hetzler decision in which a Federal Judge ruled that precluding a person from running for office violates that persons First Amendment Rights. To avoid the situation where a recalled officer could be reelected by a minority vote, the sole issue is whether the elected official is recalled and then the absence provisions apply.

May 1, 2023

Three members of the public participated in citizen's input.

Mr. Ryan Lyons returned to discuss preliminary elections and other issues. The Committee reviewed the provisions concerning filling vacancies, periodic review of the Charter and other issues.

Mr. Lyons noted that State Office candidates are listed alphabetically, pursuant to GL Ch 54 s 42.

The Committee voted to eliminate the lottery provisions of Section 7-4.

May 8, 2023

The Committee discussed the ballot position section, Citizen Initiative provisions both initiative and referendum.

The Committee voted to eliminate the need for Ward signatures for initiative petitions in Section 8-2.

May 15, 2023

The Committee voted on a number of issues including the enforcement of the Charter provisions. After hearing a number of public comments about the lack of enforcement of the Charter the

3

Committee voted unanimously to establish a Charter Grievance Committee. That committee would hear grievances and file a report on any alleged violations.

May 22, 2023

The Committee discussed a number of issues but did not take any votes during this meeting.

June 5, 2023

One citizen participated in public input.

The Committee voted to give the Clerks the authority to prepare a report on the Committee's progress.

June 12, 2023

One citizen participated in public input.

Among other topics there was an extensive discussion of forensic audits. That topic was tabled to the next meeting.

July 24, 2023

One citizen participated in public comment, discussing the forensic audit topic.

An extensive discussion of the forensic audit topic took place. The committee did not approve the motion to establish a forensic audit provision.

August 28, 2023

The Committee reviewed the Charter report and voted to use consistent language throughout the document.

The Committee reviewed the edited Charter and voted to make a number of corrections consistent with their prior votes.

The Committee voted to have an advertised public forum for a public review of the Charter changes after the Committee has agreed on the final edits.

September 25, 2023

One citizen participated in public comment discussing the recall provisions.

The Committee received an opinion from Corporation Counsel Rumsey concerning public hearings. The Committee voted to hold the first public hearing before the City Council and the second before the Committee before its final vote.

The Committee then voted to make a number of changes to the draft charter, including definitions and substantive provisions.

November 27, 2023

One citizen participated in public comment and discussed a number of Charter issues.

January 22, 2024

Citizen input involved a letter concerning the Charter Review Initiative.

The Committee voted to substitute gender neutral pronouns.

The Committee voted to extend the time period for a special election from 28 to 45 days.

January 29, 2024

One citizen discussed grievance committee procedures and sanctions.

The Committee voted to eliminate the term City Officer as both City Clerk and Corporation Counsel indicated that the term was not accurate.

The Committee voted to include a reference to MGL Ch. 268A in the prohibition sections and to combine all three of the current provisions into one section.

The Committee voted to eliminate Sections 4-7 and 2-3b the interference provisions.

The Committee agreed to revisit the enforcement provisions after the Committee has an opportunity to review GL Ch 231 A.

March 25, 2024

The Committee discussed scheduling the two public hearings.

April 8, 2024

The Committee voted to make a number of changes to the prohibition sections including to add a specific reference to GL Ch 268A, conduct of public officials and employees.

The Committee voted to eliminate current section 4-7, interference with administration.

The Committee had extensive discussion of Charter enforcement and voted to include a Charter Grievance Committee.

The Committee did not approve a motion to reduce the number of signatures for seeking office from 100 to 50.

May 13, 2024

Corporation Counsel, Alan Rumsey, advised the Committee that the Grievance Committee could not impose penalties. That Grievance Committee would then submit its reports to the City Clerk and Corporation Counsel.

June 10, 2024 Public Hearing

There was no citizen input at this first public hearing.

June 24, 2024

There was no citizen input at this second public hearing.

SUMMARY:

As the brief outline indicates this Special Charter Review Committee has held a number of meetings in a short period of time.

The meetings have generated substantial citizen input and no time limits were imposed on these presentations.

When helpful the Committee had requested further information from appropriate sources.

The attached Charter amendments were made after significant consideration.

By its Clerk,

Paul J. Machado

THE CITY OF FALL RIVER CHARTER



PREPARED BY THE SPECIAL CHARTER REVIEW COMMITTEE

ACKNOWLEDGMENTS

This current collection of pages has been meticulously reviewed and amended over a countless number of hours by the dedicated members of the Special Charter Review Committee of the City of Fall River. Chair Rene Brown, Esq., Vice Chair Daniel Robillard, Traci L. Almeida, Ph.D., Timothy S. Campos, Michelle "Mimi" Larrivee, Paul J. Machado, Esq., John R. Mitchell, Esq., Kathryn M. Nemkovich, and Laura-Jean Sampson, with their combined expertise, resolve and attention to detail, employed thoughtful and sound judgment to collectively produce this updated, intelligible, reader-friendly document for the benefit of the City of Fall River.

RECEIVED
SEP 19 P 3 48
CITY CLERK
FALL RIVER, MA

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The Charter of the City of Fall River

PREAMBLE

We, the people of Fall River, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government, ensure the accountability, transparency, and effectiveness of our government, and reflect the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following home rule charter for the City of Fall River.

Article 1 INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1 INCORPORATION.

The inhabitants of the City of Fall River, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Fall River".

SECTION 1-2 TITLE.

The formal name of this document is the City of Fall River Home Rule Charter. Hereinafter in this document it will be referred to as the Charter.

SECTION 1-3 DIVISION OF POWERS.

The administration of the fiscal and municipal affairs of the City of Fall River shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a City Council. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

SECTION 1-4 POWERS OF THE CITY.

Subject only to express limitations on the exercise of any power or function by a municipal government in the United States Constitution, Federal Statutes,

the Massachusetts Declaration of Rights, or the General Laws of the Commonwealth, it is the intention and the purpose of the voters of Fall River, through the adoption of this charter, to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each power were specifically and individually enumerated in this charter.

The powers of the City of Fall River under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city.

Subject only to express limitations in the United States Constitution, Federal Statutes, the Massachusetts Declaration of Rights or the General Laws of the Commonwealth, the City of Fall River may exercise any of its powers or perform any of its functions and may finance them, jointly or in cooperation, by contract or otherwise, with the Commonwealth of Massachusetts or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-5 DEFINITIONS.

As used in this charter, the following words shall have the following meanings:

- (1) "Charter", this charter, and any adopted amendments to it.
- (2) "City", the City of Fall River.
- (3) "City agency", any department, division, or office of the City of Fall River.
- (4) "Department Head", a person appointed to head a city office or department.
- (5) "City website", a site established and maintained by the city as its online repository of municipal information, including agendas and minutes of multi-member boards.
- (6) "Emergency", a sudden, generally unexpected occurrence or set of circumstances, to include but not limited to inclement weather, medical emergencies, civil unrest, natural disasters, death, demanding immediate action.
- (7) "Ex Officio Member" an ex-officio member of a multi-member committee shall have the opportunity to participate in all aspects of that committee but shall not have the right to vote.

- (8) "Full City Council", the entire membership of the City of Fall River City Council.
- (9) "Full multiple-member body", the entire membership of a multiple-member body.
- (10) "Full School Committee", the entire membership of the City of Fall River School Committee.
- (11) "General Laws", the General Laws of the Commonwealth of Massachusetts including all amendments subsequently adopted.
- (12) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.
- (13) "Local newspaper", a newspaper of general circulation within the City of Fall River, with either a weekly or daily circulation.
- (14) "Majority vote", when used in connection with a meeting of a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple-member body.
- (15) "Measure", any ordinance, order, or other vote or proceeding adopted, or which might be adopted, by the City Council or the School Committee.
- (16) "Multiple-member body", any council, commission, committee, subcommittee, or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the City Council, the School Committee or an advisory committee appointed by the mayor.
- (17) "Organization or reorganization plan", a plan submitted by the mayor to the City Council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.
- (18) "Quorum", a majority of all voting members of a multiple-member body unless some other number is required by law or by ordinance.
- (19) "Recall", an election to remove an elected official from office before the expiration of the term for which elected.
- (20) "Referendum measure", a measure adopted under the referendum procedures, Article 8-3, of this charter.

- (21) "Remove from the city" when a person ceases to be domiciled within the territorial limits of the city.
- (22) "Resolution" a formal expression of opinion or a ceremonial declaration voted by the City Council not requiring the signature of the mayor and having no force of law.
- (23) "Voters", registered voters of the City of Fall River.
- (24) "Year", a calendar year, which runs from January 1 to December 31, unless otherwise specified as a fiscal year which runs from July 1 to June 30.

Article 2 LEGISLATIVE BRANCH

SECTION 2-1 COMPOSITION; TERM OF OFFICE; ELIGIBILITY.

- (a) Composition - There shall be a city council consisting of 9 members elected at-large which shall exercise the legislative powers of the city.
- (b) Term of Office - The term of office for City Councilors shall be two (2) years each, beginning on the first Monday in January following the election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day.
- (c) Eligibility - Any City resident who is also a registered voter shall be eligible to hold the office of councilor-at-large. If a councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section **2-11, the Vacancy Provision.**

SECTION 2-2 PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS.

- (a) Election and Term - As soon as possible after the councilors-elect have been qualified following each regular city election, as provided in section **9-**

11 Certificate of Election or Appointment, the members of the City Council shall elect from among its members a president and vice-president who shall serve until the first meeting of the next calendar year. The method of election of the president and vice-president shall be prescribed within the rules of the City Council.

- (b) **Powers and Duties** - The president shall prepare the agenda for City Council meetings. The president shall preside at all meetings of the City Council, regulate its proceedings, preserve decorum, and decide all questions of order. The president shall appoint all members of committees of the City Council, whether special or standing, and such other appointments as are established by the charter and ordinances. In making appointments as established by the charter and ordinances, the president shall appoint city residents. The president shall have the same powers to vote upon measures coming before the City Council as any other member of the City Council. The president shall perform any other duties consistent with the office that are established by charter, ordinance, or other vote of the City Council. The vice-president shall preside in the absence of the president, unless multiple absences constitute a vacancy as defined by **Section 2-11**.

SECTION 2-3 PROHIBITIONS.

- (a) **Holding Other City Position** - No former member of the City Council shall hold any compensated appointed city position until one (1) year following the date on which the former member's service on the City Council has terminated.
- (b) **Interference with Administration** - Except for employees appointed in accordance with section **2-8**, the City Council, or any member of the City Council, shall not give orders or directions to any employee of the city, either publicly or privately. All actions shall comply with MA General Law 268A - Conduct of Public Officials and Employees.

SECTION 2-4 COMPENSATION.

- (a) **Salary** - The members of the City Council shall receive compensation for their services as set by ordinance. No ordinance increasing or reducing the compensation of the members of the City Council shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the council is elected, provides that the compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and is adopted by a minimum of six (6) votes of the City Council.

- (b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. Actual and necessary expenses shall be defined within the council's rules and regulations.

SECTION 2-5 GENERAL POWERS.

Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested in the City Council which shall provide for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6 EXERCISE OF POWERS; QUORUM; RULES.

- (a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative powers of the City Council may be exercised in a manner determined by the City Council.
- (b) Quorum - The presence of five (5) City Councilors shall constitute a quorum for the transaction of business. Except as otherwise provided by the General Laws or by this charter, the affirmative vote, taken by a roll call vote, of 5 councilors shall be required to adopt any ordinance.
- (c) Rules of Procedure - The City Council shall adopt rules regulating the procedures of the City Council, which shall include, but not be limited to, the following rules:
 - (i) Regular meetings of the City Council shall be held at a time and place fixed by ordinance. All regular meetings of the City Council shall provide for a period of public comment as required by section 9-18 of this charter; provided, however, the City Council may promulgate rules that regulate the period of public comment as deemed appropriate.
 - (ii) Special meetings of the City Council shall be held at the call of the president or at the call of any three (3) or more members, for any purpose. Notice of the meeting shall, except in an emergency, which shall be determined by the president, be delivered to each member at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose or purposes for which the meeting is to be held. A copy of each notice shall immediately be posted as the General Laws relative to such postings require.
 - (iii) All sessions of the City Council and of every committee or subcommittee of the City Council shall always be open to the public unless otherwise permitted by law.

(iv) A full, accurate, up-to-date account of the proceedings of the City Council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting. The minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

SECTION 2-7 ACCESS TO INFORMATION.

- (a) In General - The City Council may make investigations into the affairs of the city and into the conduct and performance of any city agency.
- (b) Information Requests - The City Council may require a member of a multiple-member body, department head, or a city employee to appear before the City Council to give any information that the City Council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person. The City Council may request budget related information concerning the school department.
- (c) Mayor - The City Council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting that the council may call within a reasonable time after the request is made to the mayor. The mayor shall personally, or through a designee, attend such meeting and respond to the questions. The mayor, or the person designated to attend, shall not be required to answer questions relating to any other matter. The council may further delineate procedures under this provision in the council's rules.
- (d) Notice - The City Council shall, by resolution, request the attendance of any department head or employee of the city to appear before it under this section. No member of the School Committee or employee of the school department can be required to appear before it under this section, except as to budgetary issues. The resolution shall include the subject on which the City Council seeks information and may contain specific questions prepared by the council. No officer or employee called to appear before the City Council under this section shall be required to respond to any question not relevant to the subject of the inquiry as identified in the resolution. The mayor shall receive a copy of all such resolutions.

SECTION 2-8 APPOINTMENTS OF THE CITY COUNCIL.

Subject to appropriation, the City Council may employ staff as it deems

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necessary.

SECTION 2-9 ORDINANCES AND OTHER MEASURES.

- (a) Measures - No measure shall be considered final on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of ten (10) days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures. This section shall not apply to resolutions.
- (b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of a minimum of six (6) members of the City Council. An emergency measure may be passed with an amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure. Except as provided by the General Laws, such grant, renewal, or extension shall be made by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.
- (c) Charter Objection - On the first occasion that the question of adoption of a measure is put to the City Council, if a single councilor present objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If more than one (1) councilor present objects, such postponement shall be until the next regular meeting. If it is an emergency measure, at least three (3) councilors must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.
- (d) Posting - All adopted ordinances shall be posted on the city website within seven (7) days of adoption, and copies of such documents shall be filed in the office of the City Clerk and the main public library.

SECTION 2-10 CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS.

The mayor shall refer to the City Council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the City Council within the forty-five (45) days. All individuals appointed to a multiple-member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant.

SECTION 2-11 FILLING OF VACANCIES.

If a vacancy shall occur on the City Council, the vacancy shall be filled in descending order of votes received by the candidate for the office of City Councilor at the preceding city election who received the highest number of votes without being elected, provided such candidate remains eligible and willing to serve. The candidate will have seventy-two hours to decide to take the position. The city clerk shall certify this candidate to the office of City Council and the candidate shall be sworn to office to serve for the balance of the unexpired term.

Article 3

EXECUTIVE BRANCH

SECTION 3-1 MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS.

- (a) Mayor Qualifications - The chief executive officer of the city shall be a mayor, elected by the voters of the city at large. Any City resident who is also a registered voter shall be eligible to hold the office of mayor. The mayor shall devote full-time to the office and shall not hold any other elective public office.
- (b) Term of Office - The term of office of the mayor shall be two (2) years, beginning on the first Monday in the January succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until a

successor has been qualified.

- (c) Compensation - The City Council shall, by ordinance, establish the compensation for the mayor. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the mayor is elected, provides that the compensation increases or reduction is to take effect upon the organization of the city government following the next regular city election, and has been adopted by a minimum of six (6) votes of the City Council.
- (d) Prohibitions - The mayor shall hold no other compensated city position. No former mayor shall hold a compensated appointed city office or city employment until one (1) year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one (1) year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor as defined in Section 1-5. The mayor shall cause the charter, ordinances, and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, upon request, any information, or materials the mayor may request and as the needs of the office of mayor and the interests of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference, and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The mayor shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The mayor may, as such ex officio member, attend a

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meeting of an appointed multiple-member body of the city, at any time, including executive sessions, to participate in the discussions of that body, but shall not have the right to vote.

SECTION 3-3 APPOINTMENTS BY THE MAYOR.

The mayor shall appoint, subject to review by the City Council under Article 2, section 2-10, all department heads, and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, that this shall not include persons serving under the School Committee and persons serving under the City Council. All appointments to multiple-member bodies shall be for terms established under Article 5. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under Article 5. The mayor shall annually post on the city's web site in February a list of all vacancies on multiple-member bodies. Such listing shall include guidance on applying to serve on a multiple-member body. The mayor may also notify any civic, business, neighborhood, or service organizations in the city of multiple-member body vacancies. Members of multiple-member bodies and appointments made by the mayor to other committees as established by the charter and ordinances must be city residents. If a member resigns from a multiple-member body, removes from the city, or is otherwise unable to complete the term to which appointed, the mayor shall fill such resulting vacancy for the remainder of the unexpired term.

The mayor shall file notice of removal of any member from a multiple-member body with the city clerk.

The method of appointment for all other city employees shall be prescribed by administrative order under Article 5.

SECTION 3-4 TEMPORARY APPOINTMENTS TO CITY OFFICES.

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. When the mayor designates a person under this section, the mayor shall file a certificate with the city clerk in substantially the following form:

"I, (name with first or middle name in full) designate (full name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular

procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Fall River."

Signature

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than ninety (90) days; provided, however, that not more than two (2) extensions of a temporary appointment, which together shall not exceed a total of sixty (60) days, may be made when a permanent vacancy exists in the office.

SECTION 3-5 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

Unless some other procedure is specified in a collective bargaining agreement or by civil service law, the mayor may, in writing, remove or suspend the head of any city agency or department appointed by the mayor by filing a written statement, with the city clerk, setting forth the reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or agency or department head. The decision of the mayor in suspending or removing a city employee shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely with the mayor.

SECTION 3-6 COMMUNICATIONS; SPECIAL MEETINGS.

- (a) Communications to the City Council - The mayor shall, by written communications, recommend to the City Council for its consideration measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, by written communication, keep the City Council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial, or administrative issues facing the city.
- (b) Special Meetings of the City Council - The mayor may call a special meeting of the City Council for any purpose. Notice of the meeting shall, except in an emergency declared by the mayor, be delivered at least forty-eight (48)

weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

- (c) State of the City - The mayor shall in each year on or before the third Wednesday in March make an address to a joint meeting of the City Council and School Committee, and shall include the city's multiple-member bodies, city officers and department heads, to report on the state of affairs of the city. Such address shall be open to the public.

SECTION 3-7 APPROVAL OF MAYOR, VETO.

Every order, ordinance, or vote adopted or passed by the City Council relative to the affairs of the city, except resolutions, the selection of city officers by the City Council and any matters relating to the internal affairs of the City Council, shall be presented to the mayor for approval within three (3) business days of such adoption or passage. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the City Council. The City Council shall enter the objections of the mayor on its records and not less than ten (10) business days nor more than thirty (30) days from the date of its return to the City Council, shall again consider the same measure. If the City Council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, or vote by a minimum of six (6) votes of the City Council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the City Council within ten (10) days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-8 TEMPORARY ABSENCE OF THE MAYOR.

- (a) Acting Mayor - Whenever, by reason of sickness or other cause, the mayor is unable to perform the duties of the office, for more than twenty-one consecutive days, the president of the City Council shall be the acting mayor unless the president of the City Council is unable to serve; in such instance, the provisions of section 3-8 (c) shall apply. In the event that the mayor announces his inability before the expiration of twenty-one (21) days, these provisions shall apply immediately upon that notice.
- (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent

appointment or removal from city service unless the disability or absence of the mayor shall extend beyond sixty (60) days, nor shall an acting mayor approve or disapprove of any measure adopted by the City Council unless the time within which the mayor must act would expire before the return of the mayor. The City Council president or any other city councilor who may be serving as acting mayor pursuant to section **3-8(c)** shall not act as a member of the City Council.

- (c) Succession - In the event that the City Council president is unable to serve as acting mayor under this section, the vice president of the City Council shall serve as acting mayor; if either the City Council president or vice president is unable to serve, the City Council shall then elect, from among its membership, a councilor to serve as acting mayor.
- (d) If the vacancy occurs within the first eighteen months of the term, a special election, including a primary and final election shall be held. If the vacancy occurs in the last six months of the term, the acting mayor will complete the term and there will be no special election.

SECTION 3-9 DELEGATION OF AUTHORITY BY MAYOR.

The mayor may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter to the mayor. The mayor may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the powers and duties of a School Committee member.

SECTION 3-10 VACANCY IN OFFICE OF MAYOR.

Whenever a vacancy occurs in the office of mayor by death, removal, resignation, or incapacity for a period greater than twenty-one days during the first eighteen (18) months of the term for which the mayor was elected, the City Council shall call a special election to be held within ninety (90) days following the date the vacancy is created to fill the vacancy for the remainder of the unexpired term. Between the date of the declaration of the vacancy and the certification of the results of the special election, the vacancy in the office of mayor shall be filled as provided in section **3-8 (a)**. If the council president is unable to serve, the provisions of section **3-8 (c)** shall apply. The candidate elected as mayor in such special election shall be sworn to office immediately upon certification of the results of the special election.

If a regular city election is to be held within one hundred fifty (150) days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular city election and the candidate elected as mayor shall be sworn to office immediately upon certification of the results of the regular city election, and shall serve for the remainder of the unexpired term in addition to the term to which elected.

If a vacancy occurs after the eighteenth month through the end of the term for which the mayor was elected, the vacancy in the office of mayor shall be filled as provided in section 3-8 (a). If the vacancy cannot be filled under section 3-8 (a), the provisions of section 3-8 (c) shall apply. The acting mayor shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. Any City Councilor serving as acting mayor under this section shall not be entitled to have the words "candidate for reelection" printed with that councilor's name on the election ballot. Any councilor serving as mayor under this section shall receive the compensation then in effect for the office of mayor.

SECTION 3-11 PLANNING.

At least once in every five (5) years, the mayor shall consult with all city officers, multiple-member bodies, agencies, departments and offices with responsibility for land use policy, development, or regulation concerning the priorities for city planning initiatives, including but not limited to land use, development, transportation, housing, and the environment; such consultations shall include an assessment of the need for new plans or revisions to plans currently in effect. The mayor shall advise the City Council on or before December 1 in the year the consultations are held of any proposals to prepare or revise one or more plans to address the city's planning needs and priorities.

SECTION 3-12 STRATEGIC PLAN.

The mayor, in conjunction with agency and department heads, multiple-member bodies, the City Council, School Committee, and residents, shall prepare a long-range strategic plan every ten (10) years in the year ending in a zero. The committee shall be composed of nine (9) members; the mayor shall appoint no more than three (3) members who shall be city department heads, city employees, or members of multiple-member bodies. The mayor shall also appoint two (2) members who shall be city residents. The City Council and the School Committee shall each appoint two (2) members, who shall be city residents. The strategic plan shall address fiscal, financial, service, and management needs of the city, including but not limited to, personnel practices

and use of technology. The committee shall complete its work within one (1) year of its appointment, including preparation of a plan addressing its findings and recommendations. The mayor shall oversee the update of the plan every three (3) years. The mayor shall submit the plan and any updates to the City Council, and such plan, and any updates thereto shall be posted on the city website when submitted to the City Council.

Article 4 SCHOOL COMMITTEE

SECTION 4-1 COMPOSITION; TERM OF OFFICE; ELIGIBILITY.

- (a) Composition - There shall be a School Committee which shall consist of seven (7) members. Six (6) of these members shall be nominated and elected by the voters of the city at large. The mayor shall be the seventh member and shall serve as chair.
- (b) Term of Office - The term of office for elected School Committee members shall be two (2) years each, beginning on the first Monday in the January after the elected School Committee's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day, and until successors have been qualified.
- (c) Eligibility - A School Committee member shall, at the time of election, be a resident of the City of Fall River and a registered voter. If a School Committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed vacant and filled in the manner provided in section 4-8.

SECTION 4-2 ELECTION OF SCHOOL COMMITTEE VICE CHAIR; POWERS AND DUTIES OF CHAIR AND VICE CHAIR.

- (a) Election and Term - As soon as practicable after School Committee members-elect have been qualified following each regular city election as

provided in section 9-11, the members of the School Committee shall elect from among its members a vice-chair who shall serve for a one (1) year term. The method of election of the vice-chair shall be prescribed within the rules of the School Committee.

- (b) Powers and Duties - The chair shall approve the agenda for School Committee meetings. The chair shall preside at all meetings of the School Committee, regulate its proceedings, and decide all questions of order. The chair shall appoint all members of committees of the School Committee, whether special or standing. The chair shall have the same powers to vote upon measures coming before the School Committee as any other member of the School Committee. The chair shall perform any other duties consistent with the office that are established by charter, ordinance, or other vote of the School Committee. The vice-chair shall preside in the absence of the chair.

SECTION 4-3 PROHIBITIONS.

No former member of the School Committee shall hold any compensated appointed city employment until one (1) year following the date on which that member's service on the School Committee had terminated.

- (a) Holding Other City Position - No former member of the School Committee shall hold any compensated appointed city position until one (1) year following the date on which the former member's service on the School Committee has terminated.
- (b) Interference with Administration - The School Committee, or any member thereof, shall not give orders or directions to any employee of the school department, appointed by the superintendent, either publicly or privately. All actions shall comply with MA General Law 268A - Conduct of Public Officials and Employees.

SECTION 4-4 COMPENSATION, EXPENSES.

- (a) Salary - The City Council shall, by ordinance, establish the compensation for the elected members of the School Committee. No ordinance increasing or reducing the compensation of elected members of the School Committee shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the School Committee is elected, provides

that the compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and has been adopted by a minimum of six (6) votes of the City Council.

- (b) Expenses - Subject to appropriation, the School Committee members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. The actual and necessary expenses shall be defined in the rules and regulations of the School Committee.

SECTION 4-5 SCHOOL COMMITTEE POWERS AND DUTIES.

The School Committee shall have all powers which are conferred on School Committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not inconsistent with the General Laws. The powers and duties of the School Committee shall include:

- (a) selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the School Committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws.
- (b) making all reasonable policies, rules, and regulations for the management of the public school system and for conducting the business of the School Committee as deemed necessary or desirable; and
- (c) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the City Council; provided, however, that the School Committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided further, that the School Committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the School Committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the School Committee, or a designee of the School Committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

SECTION 4-6 MEETINGS OF THE SCHOOL COMMITTEE.

- (a) Except in the case of an emergency, or in the event of a joint meeting with the City Council, the School Committee shall not meet on the same date as a regularly scheduled City Council meeting.
- (b) Regularly scheduled meetings of the School Committee shall be held at a time and place as determined by the School Committee's rules.

SECTION 4-7 FILLING OF VACANCIES.

If a vacancy shall occur on the School Committee, the vacancy shall be filled in the descending order of votes received by the candidate for the office of School Committee at the preceding city election who received the highest number of votes without being elected to the office, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of School Committee member and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. Persons serving as School Committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

Article 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1 ORGANIZATION OF CITY AGENCIES.

The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the City Council by the mayor. No such administrative order may originate with the City Council. The mayor may, subject only to express prohibitions of a general law or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency as is deemed necessary, establish terms of office, and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The mayor may prepare and submit to the City Council, administrative orders that establish agencies for the orderly, efficient, or convenient conduct of the business of the

city. These administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and advises the City Council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the City Council shall hold one (1) or more public hearings on the proposal giving notice by publication in a local newspaper and on the city website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following the publication. An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date the proposal is submitted to the City Council unless the City Council shall, by a majority vote, within that sixty (60) day period, vote to disapprove the plan. The City Council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2 MERIT PRINCIPLE.

All appointments and promotions of persons employed by the city shall be made based on merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person employed by the city shall be especially fitted by education, training, and previous work experience to perform the duties of the office or position.

Article 6 FINANCE AND FISCAL PROCEDURES

SECTION 6-1 FISCAL YEAR.

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

SECTION 6-2 ANNUAL BUDGET MEETING.

At least 75 days before the beginning of the fiscal year, the mayor shall call a joint meeting of the City Council and School Committee, including the superintendent of schools, to review the fiscal and financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor to develop a coordinated budget.

SECTION 6-3 SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE.

At least forty-five (45) days before the beginning of the fiscal year, the mayor shall submit to the City Council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues, and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the School Committee shall be submitted to the mayor at least thirty (30) days before the submission of the proposed operating budget to the City Council. The mayor shall notify the School Committee of the date by which the proposed budget of the School Committee shall be submitted to the mayor.

SECTION 6-4 ACTION ON THE OPERATING BUDGET.

- (a) Public Hearing - The City Council shall publish in at least one (1) local newspaper and post on the city website a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time, and place when a public hearing on the proposed operating budget will be held by the City Council, not less than fourteen (14) days after publication of the notice.
- (b) Adoption of the Budget - The City Council shall adopt the proposed operating budget, which may have amendments, within forty-five (45) days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the City Council may delete or decrease amounts except expenditures required by law; provided, however, that except on the recommendation of the mayor, the City Council shall not increase any item in the proposed operating budget unless otherwise authorized by the General Laws. If the City Council fails to act on an item in the proposed operating budget within forty-five (45) days after its receipt, that amount shall, without any action by the City Council, become a part of the appropriations for the year and be available for the purposes specified.

- (c) Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the City Council, the mayor shall cause the entire budget document to be posted on the city's website. The proposed budget document shall remain posted during the City Council's review process. The budget as enacted shall be posted on the city's website and shall remain there throughout the fiscal year for which it is in effect. The budget document shall reflect any amendments made by the City Council and approved by the mayor and shall indicate that it is the budget in effect for the city.

SECTION 6-5 CAPITAL IMPROVEMENT PROGRAM.

- (a) Submission - The mayor shall submit a capital improvement program to the City Council at least one hundred eighty (180) days before the start of each fiscal year. The capital improvement program shall include:
- (1) a clear and concise summary of its contents;
 - (2) a list of all capital improvements proposed to be undertaken during the next 5 years, with supporting information as to the need for each capital improvement;
 - (3) cost estimates, methods of financing and recommended time schedules for each improvement; and
 - (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the mayor regarding the capital improvements still pending or in the process of being acquired, improved or constructed.

- (b) Public Hearing - The City Council shall publish in at least one (1) local newspaper of general circulation in the city and shall post on the city's website a notice stating: (i) the times and places where copies of the entire capital improvement program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the City Council not less than fourteen (14) days after publication of the notice.
- (c) Adoption - At any time after the public hearing but before March 1 the City Council shall by resolution adopt the capital improvement program, which may be amended, provided that each amendment shall be voted on

separately and that an increase in the capital improvement program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

SECTION 6-6 INDEPENDENT AUDIT.

The City Council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the City Council funds sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the City Council. The award of a contract to conduct the audit shall be made by the City Council on or before September 15 of each year. The report of the audit shall be filed in final form with the City Council not later than March 1 in the year following its award. Within thirty (30) days of the filing of the audit report, the City Council shall call a joint meeting with the administration and the independent auditor to discuss the findings of the independent audit. At least every five (5) years, the City Council shall conduct a competitive procurement process to retain these auditing services.

SECTION 6-7 EXPENDITURES IN EXCESS OF APPROPRIATIONS.

Except as otherwise provided by law, no official of the City of Fall River shall knowingly or intentionally expend in a fiscal year sum in excess of the appropriations, awards, grants, or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that **Section 31 of Chapter 44** of the General Laws shall be strictly enforced. Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

SECTION 6-8 QUARTERLY BUDGET UPDATES.

Quarterly budget updates shall be made by the mayor or a designee during the second regular monthly meeting of the City Council in the months of January, April, July, and October.

SECTION 6-9 LONG TERM FINANCIAL FORECAST.

The mayor shall annually prepare a five (5) year long-term financial forecast of city revenues and expenditures; the forecast shall address the general financial condition of the city, including, but not limited to, an identification of factors which will impact the financial condition of the city and revenue and expenditure trends, including long and short term debt service to be incurred, a debt management plan, potential for new or expanded revenues, and any long or short term actions which may be taken to enhance the financial condition of the city. The forecast shall be submitted to the City Council at least one hundred eighty (180) days before the start of the fiscal year.

SECTION 6-10 PUBLIC ACCESS TO FINANCIAL DOCUMENTS.

Copies of the annual budget, capital improvement program, long term financial forecast, debt management plan and the annual independent audit shall be made available on the city website and for public inspection, at the same time they are made available to the council, and when the council receives the independent audit report. Copies of such documents shall also be filed in the office of the city clerk and the main public library.

Article 7 ELECTIONS

SECTION 7-1 PRELIMINARY ELECTIONS.

A preliminary election to nominate candidates for mayor, City Council, and School Committee shall be held on the third Tuesday in September in each odd-numbered year in which the candidates are to be elected, but the city clerk may, with the approval of the City Council, reschedule the preliminary election to the second or fourth Tuesday in September to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

SECTION 7-2 PRELIMINARY ELECTION PROCEDURES.

- (a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor, not less

than one hundred (100) certified signatures; for councilor at large or School Committee member not less than one hundred (100) certified signatures. Signatures of voters shall be made on a form prescribed by the board of election commissioners and shall be made available not earlier than April 2 in each preliminary election year and those forms shall be submitted to the board of election commissioners for certification of the names on or before the fourteenth day preceding the date fixed for submission to the city clerk. The forms shall be submitted to the Board of Elections on or before five (5) o'clock in the afternoon (Eastern Standard Time) on the forty-fifth day prior to the declared date of the preliminary election. An individual may appear on the ballot for only one (1) office at any preliminary, regular, or special city election.

- (b) Ballot Position - The order in which names of candidates for each office appear shall be alphabetical.
- (c) Determination of Candidates:
 - (i) Office of Mayor - The two candidates receiving the highest number of votes for nomination at the preliminary election, except as provided in subsection (d), shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election.
 - (ii) City Council and School Committee - If two (2) or more candidates are to be elected to the same office at the regular or special city election, the several candidates equal in number to twice the number to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot.
 - (iii) Tie Votes - If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a candidate receiving the same to have that candidate's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for

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such office at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held.

SECTION 7-3 REGULAR CITY ELECTION.

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

SECTION 7-4 BALLOT POSITION, REGULAR CITY ELECTION.

The order in which names of candidates for each office appear on the ballot shall be alphabetical.

SECTION 7-5 NON-PARTISAN ELECTIONS.

All elections for city offices shall be non-partisan and election ballots shall be printed without any party affiliation, emblem, or other political designation.

SECTION 7-6 WARDS.

The territory of the city shall be divided by the city clerk into nine (9) wards to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits. Each ward shall be composed of voting precincts established under the General Laws. The City Council shall review these wards to ensure uniformity in the number of inhabitants at least once every ten (10) years.

SECTION 7-7 APPLICATION OF STATE GENERAL LAWS.

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the General Laws relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

Article 8

CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1 FREE PETITION.

The City Council or the School Committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by fifty (50) or more registered voters, and which seeks the passage of a measure. The hearing shall be held by the City Council or the School Committee and the action by the City Council or the School Committee shall be taken not later than six (6) weeks after the petition is filed with the city clerk or the vice chair of the School Committee. Hearings on two (2) or more petitions filed under this section may be held at the same time and place. The city clerk or the vice-chair of the School Committee shall mail notice of the hearing to the ten (10) persons whose names appear first on the petition at least seven (7) days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2 CITIZEN INITIATIVE MEASURES.

- (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the vice-chair of the School Committee. The petition shall be addressed to the City Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least one hundred (100) voters. The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential addresses stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- (b) Referral to City Attorney - The city clerk or the vice-chair of the School Committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city attorney. The city attorney shall, within fifteen (15) days following receipt of a copy of the petition, in writing, advise the City Council or the School Committee, and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be

adopted by the City Council or the School Committee. If the opinion of the city attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the petitioners committee.

- (c) Submission to City Clerk - If the city attorney determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city attorney, together with the names and addresses of the petitioners committee. The city clerk shall notify the petitioners committee that the blank forms are issued. Within one hundred twenty (120) days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least five (5) per cent of the total number of voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on a single paper, but all papers pertaining to any single measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within ten (10) days following the filing of the petition, the board of election commissioners shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the vice-chair of the School Committee, depending on how the petition is addressed. A copy of the board of election commissioners' certificate shall also be mailed to the members of the petitioners committee.
- (d) Action on Petitions - Within thirty (30) days following the date a petition has been returned to the city clerk or the vice-chair of the School Committee, the City Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the City Council or the School Committee fails to act within thirty (30) days following the date the measure is returned to it, or the petition receives less than five (5) per cent of voters' signatures, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the vice-chair of the School Committee shall promptly give notice of that fact to the petitioners committee by certified mail.
- (e) Submission of Initiative Petition at Regular Municipal Election - If an initiative petition is certified as containing a minimum of five (5) per cent of

voters' signatures, but less than fifteen (15) per cent, such initiative shall be placed on the next regular municipal election ballot. All provisions of section 8-2 as may be applicable remain in effect, including but not limited to sections 8-2 (a), (b), (c), (d), (g), (h) and (i).

- (f) Intentionally Omitted.
- (g) Publication - The full text of an initiative measure which is to be submitted to the voters shall be published in at least one (1) local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, and the text shall appear on the city website.
- (h) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

I support the proposed initiative petition.

I reject the proposed initiative petition.

- (i) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 8-3 CITIZEN REFERENDUM PROCEDURES.

- (a) Petition, Effect on Final Vote - If, within sixty (60) days following the date on which the City Council or the School Committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least five (5) per cent of the total number of voters as of the date of the most recent regular city election and addressed to the City Council or to the School Committee, protesting against the measure or any part of it is filed with the vice chair of the School Committee or city clerk, the effective date of that measure shall be temporarily suspended. The School Committee or the City Council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the City Council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the School Committee, or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.
- (b) Certain Initiative Provisions to Apply - The petition described in this section

shall be termed a referendum petition and insofar as applicable Section 8-2 (a) describing the manner in which a petition is prepared and filed, 8-2 (b) providing for referral to the city attorney for a legal opinion, 8-2 (g) providing for publication of the text of the measure and 8-2 (h) providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

SECTION 8-4 INELIGIBLE MEASURES.

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the City Council or of the School Committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget or the School Committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;
- (7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (8) any proceedings providing for the submission or referral to the voters at an election; and
- (9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 8-5 RECALL.

- (a) Application - Any holder of an elective office may be recalled by the voters of the city as herein provided. No recall petition shall be filed against an officer within three (3) months after the officer takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at

least two hundred seventy (270) days after that election.

- (b) Recall Petition - Any ten (10) voters of the city may file with the city clerk an affidavit containing the name of the officer or officers sought to be recalled and a statement of the grounds for recall. The city clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which the city clerk shall keep available. Said blanks shall be issued by the city clerk with the clerk's signature and official seal attached thereto. Said blanks shall be dated and addressed to the City Council and shall contain the names of the ten (10) persons to whom they are issued, the name of the officer (or officers) whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. The recall petition shall be returned and filed with the city clerk within twenty (20) days after the filing of the affidavit and shall have been signed by at least five (5) per cent of the voters of the city who shall add to their signatures the street and number of their residences. The city clerk shall submit the petition to the board of election commissioners in the city and the board shall forthwith certify thereon the number of signatures which are names of voters of the city.
- (c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with the clerk's certificate to the City Council. The City Council shall give written notice of the receipt of the certificate to the officer or officers sought to be recalled, and shall, if the officer (or officers) does not resign within five (5) days thereafter, thereupon order a recall election to be held on a Tuesday fixed by said City Council at least sixty-five (65) days after the date of the city clerk's certificate that a sufficient petition is filed. If any other city election is to occur within seventy-five (75) days after the date of the certificate, the city clerk shall postpone the holding of the recall election to the date of the other election.
- (d) Recall of One or More Office Holders - The question of recalling any number of officers may be submitted at the same election. For each officer whose recall is sought there shall be a separate question on the ballot.
- (e) Office Holder - The office holder shall continue to perform the duties of the office to which elected until the recall election. If not recalled, the office holder shall continue in office for the remainder of the unexpired term. If recalled, the office holder shall be deemed removed upon the qualification of the successor to the office, who shall hold office during the unexpired term.
- (f) Recall Election Ballots - Ballots used in a recall election shall submit the

following propositions in the order indicated:

Do you want (name of officer) removed from office?

Do you want (name of officer) to remain in office?

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either proposition.

- (g) Office Holder Recalled - Any person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against said office holder shall not be appointed to any office within 1 year after such recall or such resignation.

SECTION 8-6 REQUIRED VOTER PARTICIPATION.

A majority of voters must approve an initiative or referendum petition.

SECTION 8-7 SUBMISSION OF OTHER MATTERS TO VOTERS.

The City Council may on its own motion and shall, at the request of the School Committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular city election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 8-8 CONFLICTING PROVISIONS.

If two (2) or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

Article 9 GENERAL PROVISIONS

SECTION 9-1 CHARTER CHANGES.

This charter may be replaced, revised, or amended in accordance with any procedure made available under the United States Constitution, the Massachusetts Declaration of Rights or by the General Laws.

SECTION 9-2 SEVERABILITY.

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected by that holding. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3 SPECIFIC PROVISION TO PREVAIL.

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

SECTION 9-4 RULES AND REGULATIONS.

Unless an emergency exists, as determined by the mayor, a copy of all rules and regulations adopted by a city agency shall be placed on file in the office of the city clerk at least five (5) days before such rules or regulations are to become effective and shall be available for review by any person who requests such information at any reasonable time.

SECTION 9-5 PERIODIC REVIEW OF ORDINANCES.

Not later than August 1, at five (5) year intervals, in each year ending in a three (3) and eight (8), the mayor and City Council shall provide for a review to be made of some, or all, of the ordinances of the city to prepare a proposed revision or recodification of them. The review of city ordinances shall be under the supervision of the city attorney.

This review shall be made by a special committee to consist of seven (7) members, all of whom shall be residents and registered voters in the city. The committee's members shall be appointed as follows: five (5) shall be appointed by the City Council president and two (2) shall be appointed by the mayor. At least three (3) of the persons appointed by the City Council president shall be members of the City Council and two (2) shall be residents but shall not be elected or appointed officers or employees of the city. The appointing authority

shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk not later than October 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the City Council's agenda for action before November 15 in such year, and if not so scheduled by the city clerk, the matter shall come before the City Council for action at its meeting next held following November 15, and no other business shall be in order until such report has been acted upon by roll call vote.

In each year between these reenactments, an annual supplement shall be prepared which shall contain all ordinances and amendments to ordinances adopted in the preceding year. Copies of the supplement shall be made available to the public on the city website and shall be provided upon request at a cost not to exceed the actual cost of the reproduction.

SECTION 9-6 PERIODIC REVIEW OF CHARTER.

Not later than May 1, in the fifth year following the adoption of this charter, the mayor and City Council shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of nine (9) members, all of whom shall be voters in the city. The City Council president shall appoint four (4) members, one (1) of whom shall be a City Councilor and three (3) residents who are not be elected or appointed officers of the city. The mayor shall make three (3) appointments, and the School Committee vice-chair shall make two (2) appointments. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk, not later than August 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the City Council's agenda for action before August 15 in such year and, if not so scheduled by the city clerk, the matter shall come before the City Council for action at its meeting next held following August 15, and no other business shall be in order until such report has been acted upon, by roll call vote. Copies of any recommendations shall be made available to the public on the city website and shall be available upon request at a cost not to exceed the actual cost of the reproduction.

SECTION 9-7 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES.

- (a) Officers - All appointed multiple-member bodies shall annually elect a chair, a vice-chair, a secretary, and any other officer the body deems necessary from among the body's membership, but not including alternate members.
- (b) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, shall prescribe. Special meetings of any multiple-member body shall be held at the call of the chair or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall always be open to the public.
- (c) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business. Each multiple-member body shall provide for the keeping of agendas, minutes, and related submissions of its proceedings. All such documents shall be a public record, and certified copies shall be placed on file in the office of the city clerk within a reasonable period from the date of approval.
- (d) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.
- (e) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the powers of the multiple-member body unless otherwise required by the General Laws. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.
- (f) Residency - All members of multiple-member bodies must, at all times, be residents of the city during their entire term. If a member of a multiple-member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled by the appointing authority.
- (g) Notice to Mayor - A multiple-member body may, by majority vote, send a notice to the mayor if the extended absence of one or more members is impeding the ability of such body to maintain a quorum, fulfill its responsibilities, or otherwise preventing the body from acting in a timely manner.

SECTION 9-8 REFERENCES TO GENERAL LAWS.

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-9 COMPUTATION OF TIME.

In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven (7) days or more, Saturdays, Sundays and legal holidays shall be included.

SECTION 9-10 OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE.

A mayor-elect, the City Council members-elect, and the School Committee members-elect shall, on the first Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first Monday in January of any even-numbered year falls on a legal holiday, the oaths or affirmations shall be taken on the following day.

Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of the mayor-elect or any member-elect of the City Council or School Committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace.

SECTION 9-11 CERTIFICATE OF ELECTION OR APPOINTMENT.

Every person who is elected or appointed to an office or as a member of a

multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

SECTION 9-12 LIMITATION ON OFFICE HOLDING.

A city employee may seek an elected office. A city employee may not hold a second city position unless the mayor has submitted a waiver and justification for the second job with the city clerk. Any hours worked in a part-time position shall not be the same or conflict with the hours worked in the full-time position.

SECTION 9-13 FELONY CONVICTION.

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office as of the date of the conviction.

SECTION 9-14 ENFORCEMENT OF CHARTER PROVISIONS.

- (a) It shall be the duty of the mayor, and all elected officials, to see that the charter is faithfully followed and that all city agencies and city employees comply with its provisions. Whenever it appears that a city agency or city employee is failing to follow this charter, the mayor shall be notified in writing. The mayor shall in writing, cause notice to be given to such city agency or city employee directing compliance with the charter, with a copy of such notice provided to the complainant. If it shall appear to the City Council that the mayor is not adhering to the charter, the City Council shall, by resolution, direct the attention of the mayor to those areas in which it believes there is a failure to comply with the charter.
- (b) In order to promote enforcement of the charter provisions, a three (3) member grievance committee shall be established. One (1) member of this committee shall be appointed by the mayor, one (1) by the City Council, and one (1) by the School Committee. All appointed members shall serve for a two (2) year term and must be registered voters and residents of the City of Fall River. Within a reasonable time period upon receiving a written complaint of an alleged charter violation, the committee shall schedule a meeting date to discuss such violation. At

each meeting there shall be opportunity for public comment, and the committee shall produce a written report concerning each alleged charter violation, with a copy of such report provided to the complainant.

- (c) The procedures made available in chapter 231A of the Massachusetts General Laws may be used to determine the rights, duties, status, or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.
- (d) All charter grievances, notices, and reports will become public record maintained by the city clerk.

SECTION 9-15 PERIODIC REVIEW OF THE NEED FOR MULTIPLE MEMBER BODIES.

Not later than February 1, at ten (10) year intervals, in each year that ends in a four (4), the mayor and City Council shall appoint a special committee to review the purpose and need for each appointed multiple-member body of the city established by ordinance.

The review shall be made by a special committee to consist of five (5) voters of the city, three (3) of whom shall be appointed by the City Council president and two (2) of whom shall be appointed by the mayor. The City Council president shall appoint one (1) City Councilor and two (2) residents of the city, who shall not be elected or appointed officers or employees of the city. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file a report outlining any findings and recommendations for changes with the city clerk, not later than April 1 in the year following the year the special committee is appointed. The recommendations of the special committee shall appear on the City Council's agenda for action before April 15 in that year, and if not so scheduled by the city clerk, the matter shall come before the City Council for action at its next meeting held following April 15, and no other business shall be in order until such report has been acted upon by roll call vote.

SECTION 9-16 INSPECTION OF DOCUMENTS.

All documents cited in this article as available for public inspection shall be maintained in the office of the city clerk and in the public library. The city clerk shall provide copies of documents to the public library in a timely manner.

SECTION 9-17 CONFLICT OF INTEREST.

- (a) All city employees shall be considered municipal employees under Chapter 268A of the General Laws and shall comply with the state conflict of interest laws.
- (b) The mayor, City Councilors, School Committee members and members of multiple-member bodies shall not seek to individually influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office, or to interfere in any way with the performance of such officers of their duties. This provision shall not prohibit:
 - (1) assistance to constituents in their dealings with city officials if constituent requests to the appropriate administrative officials have been unsuccessful;
 - (2) advocacy of outcomes on matters pending before the city if the matter is of a general nature; or
 - (3) submission of recommendations or references on behalf of a candidate for city employment which are consistent with this charter.

SECTION 9-18 PUBLIC COMMENT RULES OR POLICY.

The City Council, the School Committee, and all multiple-member bodies shall develop and adopt rules or a policy addressing public comment. The rules or policy shall require that public comment periods appear on meeting agendas for all regular and special meetings. Public comment shall not be limited to items on the agenda for any regular meeting, provided the issues or concerns raised are within the jurisdiction of the City Council, School Committee, or any multiple-member body, respectively; public comment at any special meeting shall be limited to items on the meeting agenda.

The rules or policy shall consider the convenience of the public when scheduling such public comments periods. The City Council, School Committee, and every multiple-member body shall post its public comment rules or policy on the city website and shall, at least annually, review the rules or policy and make revisions as needed.

SECTION 9-19 ELIGIBILITY FOR HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS.

No elected official other than the mayor shall be eligible to participate in the

city's health insurance and related benefit programs; provided, however, that any other elected officials in office at the time of this charter's adoption and who are receiving such benefits shall continue to be eligible for the city's health insurance and related benefit programs for as long as they are in continuous elective service to the city.

Article 10

TRANSITION PROVISIONS

SECTION 10-1 CONTINUATION OF EXISTING LAWS.

All general laws, special laws, city ordinances, and rules and regulations of or pertaining to the City of Fall River, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 10-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

All city agencies shall continue to perform their duties until re-elected, reappointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

SECTION 10-3 EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid

by reason of the adoption of this charter.

SECTION 10-4 REVIEW OF ORDINANCES

In the event of any amendments to the Charter, the City Council committee on ordinances shall review them to certify that they are in compliance with the Charter.

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

Section 1.

By inserting in Section 70-241, which section relates to Stop signs, the following:

Name of Street	Direction of Travel	At Intersection of
Detroit Street	Eastbound	Detroit Street at Omaha Street
Omaha Street	Southbound	Omaha Street at Detroit Street
Pond Street	Southbound	Pond Street at Anawan Street

Section 2.

By inserting in Section 70-372, which section relates to Parking prohibited during certain hours, the following:

Name of Street	Side	Location	Hours/Days
Cambridge Street	South	Starting at a point 18 feet east of Oxford Street, for a distance of 197 feet easterly	7:00 a.m. to 4:00 p.m. Monday through Friday

Section 3.

By striking out in Section 70-387, which section relates to Handicapped parking, the following:

Name of Street	Side	Location
Baker Street	West	Starting at a point 152 feet south of Warren Street, for a distance of 20 feet southerly
Bayview Street	East	Starting at a point 230 feet north of Last Street, for a distance of 20 feet northerly
Birch Street	North	Starting at a point 443 feet west of King Street, for a distance of 25 feet westerly
Bright Street	South	Starting at a point 67 feet west of Stafford Road, for a distance of 20 feet westerly
Flint Street	West	Starting at a point 102 feet south of Canonicus Street, for a distance of 20 feet southerly
Hope Street	West	Starting at a point 47 feet east of Broadway, for a distance of 25 feet easterly
Osborn Street	North	Starting at a point 156 feet east of Arpin Street, for a distance of 20 feet easterly
Plymouth Avenue	East	Starting at a point 134 feet north of Dover Street, for a distance of 20 feet northerly

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 10 2024

*Passed Through
first reading*

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 38 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Historical Preservation, be amended as follows:

By striking out Section 38-34, which section relates to Membership of the Historical Commission, in its entirety, and inserting in place thereof, the following:

§ 38-34 Membership of the Historical Commission

The Historical Commission shall consist of seven members appointed by the Mayor, subject to confirmation by the City Council. Appointments shall be arranged so that the term of at least two members will expire each year. Successors shall be appointed for three-year terms.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 13 2024

*Referred to the
Committee on Ordinances
and Legislation*

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 10 2024

*Passed through first
reading*

City of Fall River, In City Council

6

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

Section 1.

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which Chapter relates to Administration, be amended as follows:

By inserting a new section to read, as follows:

2-752. Fees charged by the Division of Facilities Maintenance.

The fees charged by the Division of Facilities Maintenance are as set out in Chapter A110, Fee Schedule, of the City Code.

Section 2.

That Chapter A110-1 of the Code of the City of Fall River, Massachusetts, 2018, which section relates to Chapter 2, Administration, be amended as follows:

By inserting, in proper order, the following:

2-752. Fees charged by the Division of Facilities Maintenance.

Trolley Operation.

Standard trolley route tickets.

(1) Adult ticket (age 13 or older)	\$5.00
(2) Child ticket (age 12 or under)	\$2.00
(3) Senior Citizen ticket (age 65 or older)	\$2.00
(4) Active Military or Veteran ticket	\$2.00

Special trolley tour or event tickets.

(1) Adult ticket (age 13 or older)	\$30.00
(2) Child ticket (age 12 or under)	\$20.00
(3) Senior Citizens (age 65 or older)	\$20.00
(4) Active Military or Veteran ticket	\$20.00

Trolley rentals.

(1) Full-day (8 hours) rental	\$1,100.00
(2) Half-day (4 hours) rental	\$600.00
(3) Each hour of rental time exceeding the base rental (up to 4 hours)	\$130.00
(4) Black tie dress requirement for trolley driver during rental (optional)	\$200.00

Trolley rentals for schools located in Fall River.

(1) Full-day (8 hours) rental	\$400.00
(2) Half-day (4 hours) rental	\$250.00
(3) Each hour of rental time exceeding the base rental (up to 4 hours)	\$100.00

CITY OF FALL RIVER

IN CITY COUNCIL
SEP 10 2024

*Passed through first
reading, as amended
(Cs. Raposo abstained)*

City of Fall River, *In City Council*

(Councilor Michelle M. Dionne and Vice President Linda M. Pereira)

WHEREAS, beginning in 2016, the Town of Westport began accruing overdue balances owed to the City of Fall River, related to South Watuppa Pond water use, due to submitting only partial payments, and

WHEREAS, beginning in 2020, the Town of Westport resumed paying current bills in full, but had accrued debt for the partial payments from the previous four years, and

WHEREAS, the City of Fall River has developed a payment plan with the Town of Westport to remedy these overdue balances, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the City Administrator and the Administrator of Public Utilities to discuss the current status of the overdue balance and provide information regarding the plan to collect the remaining debt.

(Filed 9-13-2024)

RECEIVED

2024 SEP 10 A 11:31

RELEASE

CITY CLERK 24-8A
FALL RIVER, MAWITNESSETH

WHEREAS, **Arbella Insurance Group a/s/o Joao Jacob**, and the City of Fall River ("Fall River") desire to resolve any and all claims against Fall River.

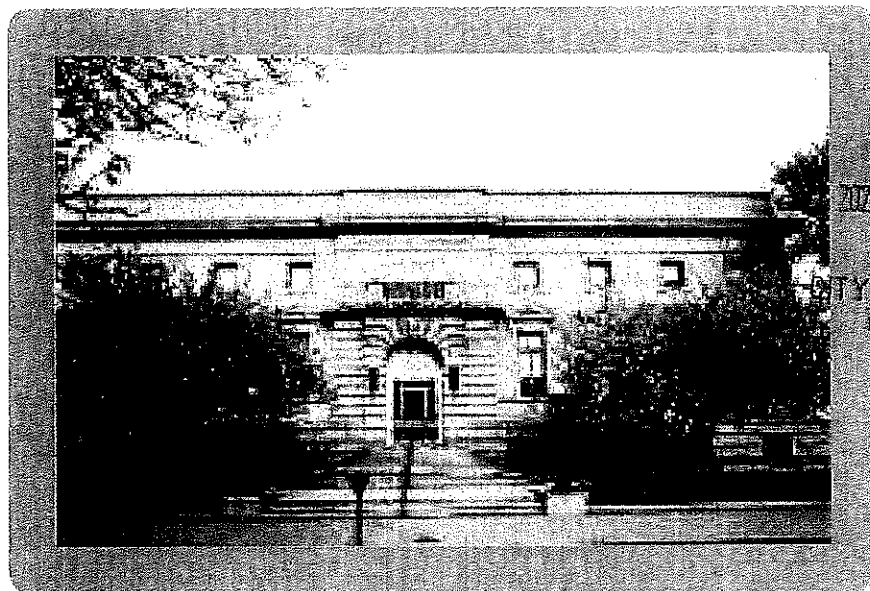
WHEREAS, the Claim asserted by **Arbella Insurance Group a/s/o Joao Jacob**, against Fall River concerns damage to **Joao Jacob's**, vehicle allegedly due to the incident referenced in "The Claim," allegedly occurring on or about July 9, 2023, 84 Quequechan Street, Fall River, MA (The "Incident").

NOW, THEREFORE, in consideration of the recitals set forth above, and the promises, agreements, covenants, and provisions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed that the Claim shall be settled and compromised in full upon the following terms and conditions:

1. Replace the following damaged property, **Arbella Insurance Group a/s/o Joao Jacob**, Fall River shall pay **Arbella Insurance Group**, \$2,837.90 (the "Payment") within forty-five (45) days of the date of the last signatory by providing a check in said amount to **Arbella Insurance Group**, c/o Walter Purcell, Claim Service Specialist, 1100 Crown Colony Drive, P.O. Box 699195, Quincy, MA 02269-9952.

2. Release. **Arbella Insurance Group a/s/o Joao Jacob**, for itself and its legal representatives, beneficiaries, assigns and successors in interest, hereby knowingly and voluntarily release, remise and forever discharge Fall River and its, officers, employees, agents, insurers, sureties, attorneys and representatives, whether in their individual or official capacities from any and all actions or causes of action, suits, debts, dues, sums of money, claims, complaints, contracts, controversies, agreements, promises, payments, damages, claims for attorneys' fees, costs, interest, punitive damages, judgments and demands whatsoever, in law or equity, that they now have, may have, ever had, or ever will have, whether known or unknown,

Rec'd 7-19-24 *HL*



FALL RIVER PUBLIC LIBRARY
FALL RIVER, MASSACHUSETTS

ANNUAL REPORT
July 1, 2023 - June 30, 2024

prepared by
Liane Verville
Library Administrator

Approved by the Library Board of Trustees
September 11, 2024



**ANNUAL REPORT OF THE
FALL RIVER PUBLIC LIBRARY
FALL RIVER, MA**

**REPORT FOR THE YEAR
BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024**

LIBRARY BOARD OF TRUSTEES

**Mr. Ronald Caplain, Chairperson
Mr. James Gibney, Vice-Chairperson
Ms. Kathryn Clarkin
Ms. Joyce Coelho
Ms. Aja Andrea Grice
Ms. Melissa Panchley
Ms. Sharon L. Quinn
Ms. Fran Rachlin
Ms. Ann Rockett-Sperling**

THE YEAR IN REVIEW

JULY 2023

The Library received Rosemary Capanna's donation of her family's Ludovico Cremonini painting and two smaller Cremonini paintings. The two smaller paintings were framed and cleaned by Riverside Art. We offered our 9/11 painting by Tiago Finato to the Fall River Fire Museum, but they did not end up taking it. The Abraham Lincoln image, which also contains a note signed by Lincoln and authenticated by Brattle Book Shop, was sent to be framed by Riverside Art, with gold leaf backing a sculpture by David Mello, and we hope to display this in the library.

As discussed previously, the Library's FY24 budget has funds to hire two part-time library aide/security positions. The positions were posted and we began interviewing candidates in July. Emily Parker, formerly a library assistant in the Children's Department, was promoted to the position of Section Head on the Bookmobile effective July 24. She continued to cover in the Children's department until her replacement was hired. She spent much of this month working on ordering and cataloging material for the bookmobile. She also made plans to coordinate with the schools/senior centers/boys and girls club, etc. to establish a bookmobile schedule of stops.

Our previous cleaning company's last day was July 31st, and the new company is M & M Cleaners. We advertised for a library aide/security position to replace the contracted security company, which had not provided very reliable workers. We hired one person, but another candidate withdrew and we were still searching as of the end of July.

The library's outdoor concert featuring *Changes in Latitudes*, the country's premier **Jimmy Buffet tribute band**, was very successful with approximately 550 people in attendance. This concert was made possible through the generosity of Debby and Richard Danner. During the intermission, City Councillor Linda Pereira presented Mr. & Mrs. Danner with a City Citation for all that they do for our community.

AUGUST 2023

Rosemary Capanna donated another one of her family's Ludovico Cremonini paintings. We planned for all the donated paintings to be cleaned and restored by Riverside Art, and re-framed if needed, and then to be hung in the main circulation room along with a framed biography of the artist.

No Loitering signs were placed in front of the library and on the Elm Street side, and we noticed a decline in people hanging out there for the day with the help of the police department. Police officers have been diligent in asking patrons to move along and not loiter out there.

The Annual Report Information Survey (ARIS) was submitted to the Massachusetts Board of Library Commissioners and I began work on the Municipal Appropriation Requirement (MAR) form, which is due October 6th. The End of Summer Reading party was held at the Police Athletic League (PAL) due to rain and it was very successful and enjoyed by all. The library recently purchased software to create LibGuides. LibGuides are research guides that provide helpful curated information on a variety of topics and research in specific subject areas. Guides will be posted on our website and periodically shared on Facebook.

Appointments were made to fill a few of our vacancies: Kyla Cabral to the Library Assistant I position in Children's Services; Toa Fuga and Pamela da Costa to the position of Library Aide/Security. The library participated in the city's Job Fair that took place August 30 to seek applicants for the part-time Bookmobile Driver positions.

SEPTEMBER 2023

The Municipal Appropriation Requirement (MAR) report was submitted, and I am happy to report that the library met the Appropriation Requirement. We sent invitations out to donors of the Library Foundation Fundraising Campaign for the annual Thank You Reception that will be held October 15th. The library resumed Saturday hours on September 9th. David Mello and Taylor Silva (who dressed as Spiderman) attended the Police Palooza in Britland Park promoting the library. The library partnered with Top Rope Promotions (local wrestling agency) for a Reading Rumble Storytime scheduled for Saturday, October 7, 2023.

The bookmobile was scheduled to arrive in mid-November. Emily Parker, Bookmobile Section Head, spent most of September ordering and cataloging the material for it. The Library Foundation purchased shelving for the Nagle Room to accommodate the bookmobile material, and we removed the Nagle Room from public use as a meeting room. Ms. Parker reached out to schools/senior centers to arrange visits once the bookmobile is up and running.

Our staff created LibGuides on different subjects, and these were added to our website. Topics range from library resources (vinyl record collection, local history, new books) to genre guides (poetry, ghost stories, Hallmark movies) to general interest (travel guides, financial literacy, decorating). They are listed under Research: Topic Guides.

OCTOBER 2024

The library held a Reading Rumble storytime. Local wrestlers read and entertained the kids and the event was enjoyed by all, including adults. I informed the Board that the donated Cremonini paintings were hung by Riverside Art and they also moved the 9/11 painting to the Fell Room this month.

The Library Foundation Thank You Reception was held on October 15 and was enjoyed by all who attended. Local vendor Primo Hospitality catered the event and the entertainment was by Monica Ambroziak. Our October programs were well received, and the *Murder in a Mill Town* book talk was filmed by local cable and is available to watch on our website.

My contract was renewed by the city for another year, starting January 1, 2024 and ending December 31, 2024. The Senior Community Service Employment Program (SCEP) appointed Kenneth Medeiros as our bathroom monitor on October 16. This new position worked out really well for us; having a person present in the bathroom area stops multiple patrons from entering the same bathroom, deters extended periods of time spent in the restroom, and provides added safety.

The Haunted Halloween Magic Show by Tommy James returned to the Fall River Public Library with his **SPOOKTACULAR** Halloween-themed show. This program was a huge success with over 100 people in attendance. Some even had to watch from the hallway. Another very successful program was the Mentalist Lon Cerel who did a captivating show of mind-boggling mental feats, which appealed to all ages.

Two of our staff members had accidents at the library, and one was out for an extended period of time. We had been having a problem with someone urinating on the elevator rug, and when the staff member stepped out of the elevator their sneakers were wet and they slipped on the marble floor and broke their shoulder. The rug has since been removed from the elevator. The other staff member was walking up the stairs and their cell phone fell out of their pocket and when they turned around to get it they lost their footing and fell down some stairs. Fortunately, nothing was broken.

The bookmobile's delivery date was delayed again; the new estimated delivery date was given as December 8th. We did not start interviewing drivers for the bookmobile, since there had been multiple delays and we wanted to wait until we got a definite delivery date.

NOVEMBER 2023

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The Trustees unanimously approved a motion made by Mrs. Panchley and seconded by Ms. Rachlin to approve the revised policy *Photography and Filming in the Library* to include the wording "Individuals or organizations seeking to do photography or filming for commercial purposes will not be allowed on a regular basis. An occasional request will be considered by the Library Administrator."

The city held a Leadership Workshop for all administrators and supervisors at the Government Center. The speaker was very informative and a number of library staff Section Heads were able to attend. There were three holidays this month and a number of staff on vacation so there were times sections were staffed with the bare minimum. The library was without water for a few hours on November 21st and we lost power (including internet and heat) on November 27th for a few hours. The phones were inoperable during the power outage and patrons were evacuated since we didn't know how long we would be without power and heat.

The Friends of the Library purchased a black Christmas Tree so that the library could have a Krampus-themed tree this year to go along with our meet and greet with Krampus event in December. Starting after Thanksgiving, adult services sponsored a Gingerbread Man contest. Gingerbread men cutouts were hidden in books in the new books section, and if a patron found one and returned it to Circulation they were given a golden ticket for one free book from the Friends Bookstore. Friends of the Library also purchased knitted Christmas Stockings with staff member's names on them to be hung throughout the library on the various fireplace mantels.

DECEMBER 2023

Taylor Silva and Emily Parker attended the city's Tree Lighting event and handed out crafts and library flyers. During December, the library had a number of staff members out due to illnesses and vacation time, and even needed to close at 7:30 pm on December 12th due to staff shortage. December was a busy month in reference with issuing passport applications and notary services. The reference department was down one staff member for several months, but all the reference staff pulled together to keep the workflow moving along.

Mr. & Mrs. Richard Danner sponsored a Santa's Cookie Workshop. They hired a chef to make cookies and help kids decorate them, plus they bought hot chocolate for everyone. They also sponsored Christmas Gnome craft program. The library is very grateful for all that they do for us.

The Library Foundation purchased gift cards for all of the library staff for Christmas as well as sponsoring a holiday staff appreciation party, which was scheduled for January 2024. The latest update on the bookmobile was that it should be arriving sometime in January.

The Trustees unanimously approved the revised policy *Reference Services Older Material Use* as printed; educational assistance for Kayla King for her two courses (Digital Archives and Community Relations); and the appointment of Charlene Striggles to the part-time Library Aide/Security position effective December 5, 2023.

On behalf of the Library Board of Trustees, I sent the Mayor a request to reappoint all of the board members.

JANUARY 2024

The Library Foundation sponsored the library staff appreciation party on January 12th, which was enjoyed by all. After a four-month absence, Reference Librarian Elizabeth Washburn returned to work January 29th. She was injured on October 12th at the library. We were delighted to have her back. Another staff member was injured on their day off and was out since January 13th, with an expected return date of February 5th.

A few staff members appeared before city administration for an opportunity to be reclassified at a higher payscale. I fully supported their efforts in getting this, but no decision was made.

There were ongoing issues with the heat in the building. While it was fixed temporarily, we were informed a new updated system would need to be installed. The Department of Community Maintenance was in charge of this. We did receive some good news in February: the bookmobile was finally on track to arrive! Staff were given a virtual tour of it on February 9th, and the scheduled arrival date was February 15th. The shelving purchased by the Library Foundation was installed in the Bookmobile Room (formerly the Nagle Room), and all the shelves there were full with new books, ready for the Bookmobile. We were very pleased to have such a huge collection of new material to put on the Bookmobile. Both of the bookmobile drivers started training in the beginning of February.

We were notified that the Friends of the Library was awarded \$2,000 from the Massachusetts Cultural Council for a series of craft programs led by Stephanie Enloe of Craftyish Shop and the Library Foundation was awarded \$500 for a concert on April 6th with Marc Berger performing music from his album *RIDE*. In addition, the Friends of the Library planned to sponsor a Nancy Drew book collector to talk about the history of Nancy Drew and the different editions of the series. This event was scheduled for March 23 at 1:30, following the Friends Annual Meeting.

FEBRUARY 2024

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The bookmobile arrived here February 15th and its ribbon cutting ceremony was February 28th. Library Board of Trustees Chairman Ron Caplain, Mayor Paul Coogan and myself said a few words at the ceremony. In attendance were Community Development Agency Director Mike Dion, State Representative Paul Schmid, City Councilor Linda Pereira, Friends of the Library President Mary Agnes Murphy, Library Foundation President Ann Rockett-Sperling and other library supporters. The following day, the Bookmobile made its first school visit, to Tansey School, where students were very excited.

Reporter Ted Reinstein of WCVB/Boston Channel 5 interviewed me on February 28th. I was told that he wanted to discuss the challenges that libraries face. I was going to discuss the following challenges: Homelessness, Drug Usage, Mental Illness, 1st Amendment Audits, Banned Books, Vaping, Support Animals, etc., but he only wanted to discuss our drag queen event that protestors attended.

The library closed on February 13th due to snow. I met with the City's Financial team February 27th to discuss my proposed FY25 budget. I prepared my budget materials for a meeting with the Mayor and City Administration to be held on March 6th.

At the monthly Board of Trustees meeting, we discussed funding for ALA (American Library Association) membership. Currently, this is paid from the library's budget, but the library has only paid for the director's membership in the past. One of our Section Heads asked if the Board would approve their American Library Association membership at \$162/year. Currently, we have 5 Section Heads and 1 Assistant Administrator. The Board discussed this and thought if they authorized paying for one staff membership, they would have to approve payment for all the Section Heads and the Assistant Administrator as well. They unanimously agreed not to pay for such membership.

The Library Board of Trustees also updated their by-laws, approved an Amnesty Week (forgiving library fines), and approved a change in our internet guest pass policy, which removed the \$1 charge for computer guest passes. This removed a barrier to internet use and made our public computers free to all.

MARCH 2024

The Friends of the Library annual meeting was held on March 23 at 1:30 p.m., followed by a program called "The History and Mystery of Nancy Drew," presented by book collector and Nancy Drew fan Alicia Mello. The talk was enjoyed by both the Friends and non-member library patrons who attended.

The bookmobile started visits to a few schools and began issuing cards to students via the school department's parent portal. The library policy is that a child's guardian must be present and sign for the child to get a card. The parent portal ensures that only the child's guardian will be getting access to the

library application and their electronic signature will allow us to issue a library card to their child. Once more students at the various schools have library cards we will be able to make the material on the bookmobile available to more students.

I met with the Mayor and City Administration on March 6th to discuss the Library's proposed FY25 budget. The meeting went well and the proposed budget was recommended to the City Council. I attended the Legislative Breakfast on March 1st at the Westport Public Library; the Library Foundation meeting March 6th, and the Mayor's State of the City Address on March 12th. The Library Foundation's fundraising campaign letter was mailed this month.

I began an extended period of medical leave starting March 18, 2024 due to a planned surgery. During recovery, I kept in touch with staff, worked remotely on vital projects, and stopped in periodically to pay bills and keep up with library issues.

At the monthly Board of Trustees meeting, the trustees approved educational assistance to Kayla King for two courses this semester and approved the renewal of Assistant Library Administrator Kathryn Kulpa's contract for one year.

APRIL 2024

The Friends of the Library met on April 17 and discussed their recently started program of selling donated books on eBay. They also agreed to fund more library lanyards for the Bookmobile to pass out to school children to hold their library cards. The bookmobile continued to add schools and parks to its rotation and has been very popular.

The Board of Trustees unanimously voted for Chairperson Ronald Caplain and Vice-Chairperson James Gibney to serve another year.

The library presented a full slate of programs for school vacation week, including a virtual reality gaming program, a visit from SpongeBob and Patrick, and an ocean sensory bottle craft.

The elevator was out of operation briefly due to an expired inspection sticker.

MAY 2024

The library's long-time library Assistant Debra Baptista retired May 22nd. Ms. Baptista had been out on extended sick leave and was not able to return to her regular duties. This position was advertised, we conducted interviews, and hired the best qualified candidate, Joseph Sullivan, with a start date of June 3.

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Young Adult Section Head Taylor Silva presented at this year's Massachusetts Library Association Conference on our partnership with Fall River Pride. The conference was held in Framingham, MA on May 6th. Taylor discussed how we hold a Safe Spaces Dungeons and Dragons monthly program here and how we present and distribute information about the library at Pride events throughout the community.

The library's Comic-Con program had approximately 400 people of all ages in attendance. Many came in costume and the event was enjoyed by all. Our adult punch needle workshop, funded by the Friends of the Library, was a success as well, and we also hosted the first of two silent movie programs.

JUNE 2024

I returned to work June 10th from medical leave. I received a call from a library patron who was very pleased with the service she received from Reference Services Supervisor Betsy Washburn and David Raymondo. She is so pleased that they went above and beyond to assist her that she will be sending the library a donation. It is always good to hear that patrons are recognizing and expressing their gratitude for the good work that staff do.

I was called before the City Council's Budget hearing on June 5th, and they had only positive things to say about the library and approved our budget as presented. The Council did ask about the library's roof, and unfortunately I had to report that we are still experiencing water damage in the reference room walls.

My interview with WCVB/Boston Channel 5 reporter Ted Reinstein on "Public Libraries Today" for a show called *Chronicle* aired live on June 18. It can be viewed on their [YouTube channel](#) and will be archived there.

The Tuesday, June 25th preschool story hour featured the unveiling of the painting "Lincoln Park Carousel" by local artist Sheila Oliveira. This donation is now hanging in the children's hallway for all to see.

The library's Summer Reading kickoff event on June 27 was a huge success. The Mayor said a few words of encouragement to the kids about the importance of reading and the entertainment was by kids' music band Rolie Polie Guacamole. We also featured our new 9' teddy bear mascot that patrons were able to take photos with. There is a contest for the kids to name our new teddy bear and the winner will be announced at the Teddy Bear Picnic, July 30th.

We had several successful adult programs this month: the second Silent Movies presentation with piano player Richard Hughes, a visit from Queen Elizabeth II, as performed by Sheryl Faye, and a bottle cap art workshop with Stephanie Enloe.

Library Friends Purchases

Books (via Amazon)
Book Cart for YA
Bookmobile cart
Book Cases - Circulation area
Bookmobile craft caddy holders
Christmas Tree Krampus
Craft Supplies and Programs
Cremonini Painting shipping cost
Her Majesty program
Silent Movies program
Punch Needle workshop
ILL Book replacements
Co-sponsored the Summer Reading Program
Lanyards for Bookmobile
Legislative Breakfast donation
Microwave
Nintendo Switch
4 controllers for the Switch

Friends Sponsor refreshments for the following programs:

Monthly Books & Tea
Monthly Sci-Fi Fantasy Book Club
Trivia Night
Fantasy Football

Mr. & Mrs. Richard Danner Purchases/Sponsorship

Weekly Take Home Crafts 8 Dozen weekly; 11 dozen weekly in Summer
Book giveaways: (Thanksgiving; Snowball Follies; Children's Book Week; plus 450 books are distributed to the Head Start program for each of these events)
Ceramic Pumpkin Votive Candle workshop
Christmas Cookie workshop with Santa & Mrs. Claus
Christmas Gnome workshop
Jimmy Buffet tribute concert at Heritage State Park
Bubbles and Snow Fluid for our machines

Library Foundation Purchases

Shelving in the Nagle Room for Bookmobile material

Programs

A Day in the Life of a Whaling Voyage
Anime Club
BEAM
Books and Tea
Board Game Afternoon
Book Talk Murder in a Mill Town
Catch a Fairy

Chess Club
Craft Club
Cactus Head Puppets
Ceramic Pumpkin Craft
Children's Poetry Day
Christmas Gnome Craft
Cinderella Puppet Show
Collectible Appraisal
Comic Con
Doodles & Comics workshop
Dreamtale Puppets
Drums Alive!
Dungeons & Dragons
Dyeing to Wear It Workshop
Elijah Grasshopper
End of Summer Reading Party
Fairytale with Flair
Fall Holiday Wreath
Family Night
Family Spray Paint Night
Fantasy Football
Fantasy Map Making
Fantasy & SciFi book club
Flying Dragon Craft Program
Haunted Halloween Magic Show
Haunted Halloween Storytime
Jewelry Making Workshop
LED Mini Golf
Lion Storytime under the tent
Mad Science workshop
Magic the Gathering
Make a Balloon Dragon
Make a Seed Bomb
Make a Sock Gnome
Mardi Gras
Mark Berger concert
Meet the author Carla Marrero
Meet and Greet with Vampirina
Meet Spongebob and Patrick
Mentalist Lon Cerel
Mo Willems Film Festival
NaNoWriMo
National Cotton Candy Day
One Up Games VR Gameplay
Origami Kids
Patriots' Day at Lafayette-Durfee House
Pirate Magic Show
Play & Learn Group

Pokemon Community Day
 Popcorn Outdoor Circus
 Pumppernickel Puppets
 Preschool Storyhours
 Princess Ice Cream Social
 Punch Needle Workshop
 Reading Rumble
 Reiki Infused meditation
 Safe Spaces Dungeons and Dragons
 Santa's Cookie Workshop
 Seashell Ornament Craft
 Seashell Nightlight Craft
 Sensory Ocean Bottle Craft
 Shaving Cream Art
 Silent Movies Part 1 & 2
 Spotted Fish Craft
 Star Wars Day
 Summer Reading Kick-Off
 Sun Catcher Craft
 Talking Heads Theatre
 Teddy Bear Picnic
 Teen Game Night
 Tommy James Magic Show
 Trivia Night
 Ukulele Workshop
 Writing Group
 Yarn Crafting for a Cause
 Year of the Dragon

Off-Site Programs

Fall River Pride Event
 Father Diaferio
 Fonseca School
 Head Start Outreach
 Police Aquapalooza
 Spencer Borden School
 Summer Concert at Heritage Park: Changes in Latitude
 Samuel Watson Elementary School

Bookmobile Stops:

Atlantis Charter
 Bennie Costa
 Cardinal Medeiros Towers
 Carlton Viveiros Elementary School
 Doran Community Day School
 Espirito Santo School

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Fall River Pride Event
Flint Senior Center
Frank M. Silvia Elementary School
Henry Lord Community School
Holy Name School
James Tansey Elementary School
John J. Doran School
Kennedy Park
Kite Night Norton City Pier
Lafayette Park
Letourneau Elementary School
Maple Gardens
Maplewood Park
Mary L. Fonseca Elementary School
Mitchell Heights
Niagara Senior Center
North End Senior Center
North Park
Outdoor Market Health First
Outdoor Market Saint Anne's
Prosper Life Care
Ruggles Park
Samuel Watson Elementary School
South Main Senior Center
Spencer Borden Elementary School
St. Stanislaus School
We HeArt Fall River
William S. Greene Elementary School

COMMITTEE ON FINANCE

MEETING: September 10, 2024, at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte, Andrew J. Raposo
and Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Al Oliveira, Director of City Operations

The chair called the meeting to order at 6:10 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

1. Citizen Input Time

Tim Nadeau, No address provided – Homelessness
Brittany Sylvia, 299 Field Street, Apt. 2 – Encampment ordinance
Joseph Carvalho, 301 Milliken Boulevard – Homelessness
David Villari, 239 Broadway, Apt. 3 – Homeless
Stephanie Boule, 1185 Pleasant Street – Shelter
Vladimir Claudio, 1188 Pleasant Street – Shelter
Wendy Malenfant, 499 Dwelly Street – Fluoride and local tax
Alan Oliver, 904 Middle Street – Housing

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak during Citizens Input.

Hannah Girard, 36 Washington Street, Bristol, RI – People experiencing homelessness, housing, public health

Wayca Silva, 36 North Court – Yondr pouch policy
 Alexis LaFleur, 230 Brownell Street – Yondr pouch policy

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak during Citizens Input.

Sarah Meyers, 388 Somerville Avenue, Somerville, MA – Homelessness
 Talos Farris, Veterans' Agent, 602 Dwelly Street – Homelessness and veterans
 Sara Carvalho, 38 June Street – Water bills
 Christina Souza, 177 North Main Street – Housing crisis
 Dawn Kuchricki, 90 Norfolk Street – Housing crisis
 Jon Majuri, No address provided – Housing crisis

2. Resolution – Convene with Director of City Operations to discuss efficiencies
Al Oliveira, Director of City Operations, provided a PowerPoint presentation regarding ongoing and completed updates within municipal buildings, parks, and cemeteries, as well as prioritized Capital Improvement Plan projects and vehicular purchases and maintenance, including the new trolley. Councilor Raposo requested additional details regarding the overall efficiencies that have been achieved by the City in relation to previous and future re-organizations of departments, including any reductions on costs for the projects, and if the new structure of staffing had been successful.

Mr. Oliveira explained that the City has managed to decrease the overall spending for improvement projects and that he would work to obtain the total of funds that have been saved. Seth Thomas Aitken, City Administrator, stated that the Administration has not yet pursued the new organization of the divisions within the Department of Community Maintenance due to the amount of summer projects that have been ongoing. Mr. Aitken also emphasized that there are different types of efficiencies that have improved since Mr. Oliveira was hired, such as organizing projects that can be performed by in-house employees instead of outside contractors, including repairing lighting fixtures in the basement of Government Center.

The Director of City Operations provided examples of overall cost reduction for floor repairs within municipal buildings, which was estimated to cost \$40,000 with an outside company but only required the expenditure of \$10,000 when it was performed by City employees. The City Administrator provided a summary of positive outcomes from the re-organization of the City's departments, including increases in productivity overall, upgrades to the City's financial protocols, and the updated online permitting program being utilized for the Department of Inspectional Services. Mr. Aitken also acknowledged challenges that were presented following the re-organization of departments, such as the downsizing of the Purchasing Division and the lack of digital data sharing between the Division of Traffic and Parking and the Fall River Police Department. The City Administrator emphasized that the Administration was working to remedy these obstacles, including their plan to redevelop the Purchasing Division.

Councilor Raposo, Mr. Aitken and Mr. Oliveira discussed issues related to the Department of Community Maintenance that had been reported by constituents, including delays of broken trash barrel replacement and confusion regarding the cardboard recycling pilot program. Mr. Aitken explained that the pilot program is ongoing but the City has not decided whether or not it will be a permanent fixture or expanded to other portions of Fall River. Mr. Oliveira emphasized that, while the long-term plans for this project are not yet final, residents should still be encouraged to participate as it benefits all involved. Councilor Raposo requested that the City work to reach out to update the residents who are participating in the cardboard recycling pilot program.

Councilor Raposo and the Director of City Operations discussed graffiti complaints and removals within Fall River. Mr. Oliveira explained that, due to the material used for the construction of certain structures, such as bridges, the graffiti removal machine cannot be used on all properties as it may cause damage. Mr. Oliveira also stated that the City cannot remove graffiti that is on state or federal property without permission. Councilor Raposo emphasized the need to report graffiti online, the importance of prompt removal of vandalism from privately owned property, and the enforcement of fines for those who do not address the defacement of a structure. Councilor Raposo requested additional information regarding graffiti reports be provided to the Committee members. Mr. Oliveira stated that he would work with the Law Department to obtain those documents.

A brief discussion was held between Councilor Raposo, Mr. Aitken and Mr. Oliveira regarding plans to provide "before" and "after" photographs of improvement projects, vacancies within certain divisions of the department, such as parks and cemeteries, and the delay of hiring new employees until the discussions for the new American Federation of State, County and Municipal Employees (AFSCME), Council 93, Local 3177, Memorandum of Agreement was completed.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to table the resolution.

3. Order to transfer unexpended bond proceeds, totaling \$313,646.01, from the following projects to assist with structural repairs of the Pearl Street and Third Street Garages:
 - Government Center Roof Replacement – \$139,129.93
 - Sucker Brook Driveway Crossing – \$97,678.98
 - Globe and Flint Street Fire Station Roof and Doors – \$76,837.10

Councilor Ponte expressed concern regarding the relocation of bond proceeds from the Globe Street and Flint Street Fire Stations. Seth Thomas Aitken, City Administrator, stated that he had discussed this matter with the Fire Chief, who confirmed that the funds to complete the repairs for the roofs and doors of the stations were available through other financial sources, including a Community Preservation Act grant. Mr. Aitken explained that the Fire Chief and the Director of City Operations agreed to move the unexpended bond proceeds to another repair project for the City after obtaining alternative funding for the fire stations.

Councilor Raposo and Al Oliveira, Director of City Operations, held a brief discussion regarding the planned project to repair the two garage structures, including roof repairs and the anticipated financial expenditure for these renovations. Councilor Cadime and Mr. Oliveira agreed that final amount for the overall cost of these renovations could not be provided yet, due to ongoing inspections that are required to obtain accurate estimates. Mr. Oliveira stated that currently the City is performing bi-weekly safety checks of the garages, including the stairwells,

and removing any accumulation of garbage within the structure. President Camara asked if the project for the garages was cosmetic in nature, or if there were structural concerns. Mr. Oliveira explained that, while the majority of the project is to renovate the buildings for cosmetic appeal, there are also structural projects included, such as stairway modifications.

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to refer the order to full Council for action.

4. Transfers and Appropriations

Councilor Cadime requested clarification regarding the different accounts being used for Opioid Settlement Funds. Bridget Almon, Director of Financial Services, explained that the Stabilization Fund allows capital to be invested, which allows for additional revenue growth, while the Reserve Fund finances cannot be invested in the financial market. Ms. Almon also stated that she would provide the Committee with additional information regarding spending limitations related to the Revolving Fund following the meeting. Councilor Raposo asked if the transfers related to salaries of various departments were related to the two Memorandums of Agreement that had been presented to the City Council and Ms. Almon confirmed that the transfers were required to properly fund those Memorandums of Agreement.

On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to adjourn at 8:09 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

PowerPoint presentation regarding municipal updates and renovations, presented by the Director of City Operations


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: September 10, 2024, at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte, Andrew J. Raposo
and Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator

President Camara called the meeting to order at 8:10 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 21 through 23 out of order.

CITATIONS

21. Amber Burns – Organizing and hosting of the Fourth Annual Back-to-School Block Party
On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the citation. Councilor Raposo made brief remarks regarding the Back-to-School Block Party, the positive impact that the program has had on the community, and commended Ms. Burns for her service to the students and parents within Fall River.

22. Mary Beaudry – Outstanding support of the We Love Children Fund Organization
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the citation.

23. Jo C. Goode – Dedicated service to the Greater Fall River Area as a journalist for
The Herald News
On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the citation. Vice President Pereira made brief remarks regarding the excellence in journalism that Jo C. Goode had provided to the community while working for The Herald News. Ms. Goode thanked the Council for their recognition and stated that she would still be an active member of the Fall River community.

PRIORITY MATTERS

1. Mayor and request to initiate City Council action on a proposed second amendment to expand the Housing Development Zone (HD) entitled Fall River Waterfront/Downtown Market Rate Incentive Zone and Plan

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the matter to the Planning Board.

2. Mayor and request to increase the Bristol County American Rescue Plan Act (ARPA) Water Main Replacement Proposal by \$58,886.20, to a total of \$1,692,768.21, to eliminate the balance of unused Bristol County ARPA

Vice President Pereira expressed concern regarding overdue payments from the town of Westport, MA, that are owed to the City of Fall River, regarding water reservoir services, and that she would not support additional Bristol County American Rescue Plan Act (ARPA) funding for the Water Division. Councilor Cadime emphasized that he will support this measure as providing Bristol County ARPA funding to the Water Division will help to control costs that are reflected in future water rate increases. Councilor Dionne agreed with Councilor Cadime and also stated that any overdue fees that have not been paid to the City by other towns that use the reservoir are not relevant to the matter on the agenda. Councilor Raposo requested that the ARPA Director provide a final list of all Bristol County ARPA-funded projects within the City following the Council's vote on this matter. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted to approve the request, with Vice President Pereira opposed.

3. Mayor and Memorandums of Agreement for the following Collective Bargaining Units:
 - a. AFSCME Council 93, Local 3177

On a motion made by Councilor Ponte and seconded by Vice President Pereira, it was unanimously voted to adopt the order.

Approved, September 11, 2024

Paul E. Coogan, Mayor

- b. Labor Advantage for Workers, Local 124

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the order.

Approved, September 11, 2024

Paul E. Coogan, Mayor

4. Mayor and transfer of \$66,200.00 from the Opioid Stabilization Fund to the Opioid Settlement Revolving Fund

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.

5. Mayor and the following appropriations:

- a. \$200,000 from the Operating Reserve Fund to Various Departments, Salaries

- b. \$7,784.40 from the Stabilization Fund to Various Departments, Salaries

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the order.

6. Mayor and proposed ordinance related to Personnel, designating the positions of Board of Elections Commissioners/Director – Office of Elections, Chairperson and Veterans' Benefit Agent and Director of Veterans' Services/Director of Veteran' Benefit as contract positions

On a motion made by Councilor Dionne and seconded by Councilor Raposo it was unanimously voted to waive the rules to allow the City Administrator to answer questions regarding this matter. Councilor Dionne and Seth Thomas Aitken, City Administrator, discussed the Massachusetts General Law (M.G.L.), Part I, Title VIII, Chapter 51, §16A, which relates to Board of election commissioners; powers and duties; members; appointment; term of office. Councilor Dionne emphasized that the M.G.L. requires City Council approval of compensation for Elections Officers. Mr. Aitken stated that a contract agreement for this position would be presented to the City Council for approval and that this proposed ordinance would allow the City to be more competitive with other cities and towns in regard to compensation. A motion was made by Councilor Dionne to leave the current City ordinance, related to the Board of Elections Commissioner/Director – Office of Elections, Chairperson, as-is and not refer it to the Committee on Ordinances and Legislation for amendments, but received no second and the motion failed to carry.

Councilor Raposo suggested that the compensation for that position could be amended by increasing the current salary limit instead of the title being changed to a contract position. On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to divide the proposed ordinance into two separate proposed ordinances, with one addressing the proposed amendment for the position of Board of Elections Commissioners/Director – Office of Elections, Chairperson, and one addressing the proposed amendment for the position of Veterans' Benefit Agent and Director of Veterans' Services/Director of Veteran' Benefit. On a further motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to refer the two proposed ordinances to the Committee on Ordinances and Legislation.

PRIORITY COMMUNICATIONS

7. Traffic Commission recommending amendments to the traffic ordinances
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Regulations recommending:

Adoption

8. Order to amend existing restrictions for Auto Repair Shop License No. 329 – Timothy Pinto, S M Automotive, LLC, d/b/a S M Auto Repair – 193 Oak Grove Avenue
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.
Approved, September 11, 2024
Paul E. Coogan, Mayor
9. Order - New Auto Repair Shop License – James Andrews d/b/a 508 Auto Sales and Repair – 59 Quarry Street
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.
Approved, September 11, 2024
Paul E. Coogan, Mayor

Committee on Ordinances and Legislation recommending:

All Readings with Emergency Preamble

10. Proposed Ordinance – Traffic, Handicapped parking
- 18th Street, West, 238 feet south of Merchant Street
 - Albion Street, West, 85 feet north of Donnelly Street
 - Baker Street, East, 24 feet south of Warren Street
 - Grant Street, East, 72 feet north of William Street
 - John Street, East, 129 feet north of Morgan Street

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

11. Proposed Ordinance – Unauthorized camping on public property

President Camara stated that there was an additional person who had signed up for Citizens Input Time during the Committee on Finance meeting who had, mistakenly, not been called to speak. President Camara requested that the City Council waive the rules to allow the individual to speak during the City Council meeting. On a motion made by Councilor Ponte and seconded by Councilor Dionne, it was unanimously voted to waive the rules to allow the individual to speak to the City Council. On a further motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak.

Reverend Marlene Gill, 50 Silver Street, Taunton, MA, made remarks regarding the proposed ordinance relating to Unauthorized camping on public property and the potential criminal proceedings that could result from the proposed ordinance. Reverend Gill stated that she works closely with those experiencing homelessness and that a lack of housing is not a criminal offense.

Councilor Cadime expressed concern that many members of the community were under the impression that the proposed ordinance was criminalizing unauthorized encampments and clarified that the proposed ordinance was created to allow the City to issue permission for camping in certain places to help regulate camping in areas that would pose risks to public health and safety. Councilor Sampson stated that during the Committee on Ordinances and Legislation meeting held on August 27, 2024, there was a discussion regarding criminal offenses and that some offenses could result in people being arrested and charged. Councilor Raposo clarified that the discussion regarding criminal offenses was not in relation to the activity of camping, but criminal offenses within the campgrounds, such as illegal drug use and public defecation. President Camara emphasized that this proposed ordinance allows the Mayor to issue permission for camping within certain areas of public property. Councilor Cadime stated that the City Council had been listening to concerned residents over the past few years regarding this matter. Councilor Cadime also explained that the proposed ordinance could result in fines, but many violations in the City, such as traffic tickets and unpaid disposal of items, result in monetary fines that are often waived once they are addressed in court. Councilor Kilby agreed that the City Council has been working to address this issue and encouraged Reverend Gill to also discuss the matter with residents and property owners who live near encampments.

Councilor Cadime stated that the creation of this proposed ordinance had been ongoing for over a year and that the Council was required to wait until the United State Supreme Court had issued an opinion regarding *City of Grants Pass v. Johnson*, which stated that cities can restrict people from sleeping and camping in public places. Councilor Cadime explained that compromises need to be made to reflect the needs of property owners, renters, and those experiencing homelessness within the City, and that the existence of this proposed ordinance will allow the City to regulate the matter appropriately.

Councilor Sampson emphasized the important discussions that had occurred earlier in the evening during the Committee on Human Services, Housing, Youth, Elder and Veterans' Affairs meeting with representatives from many organizations that are working to help those who are living in tents throughout Fall River. Councilor Sampson also explained that she had received many phone calls regarding the proposed ordinance with concerns regarding criminal proceedings if someone violates the restrictions and stated that the proposed ordinance should be referred back to the Committee on Ordinances and Legislation for further discussion and community input. Councilor Cadime explained that the final section of the proposed ordinance describes the penalties as "non-criminal."

Vice President Pereira agreed that the City has been working to address this matter for years, the Councilors receive frequent complaints from constituents regarding these encampments and referring it back to the Committee on Ordinances and Legislation will result in repeating discussions that have already occurred. Councilor Raposo emphasized that the City Council works to create the City Ordinances but that the Mayor is responsible for enforcement of City ordinances, along with the Fall River Police Department. Councilor Cadime asked that the Administration provide information regarding all of the City-sponsored homeless outreach services that have been operating over the past five years, including the overall financial expenditures for the programs.

On a motion made by Councilor Sampson and seconded by Councilor Cadime, it was voted 5 yeas, 4 nays, to refer the proposed ordinance to the Committee on Ordinances and Legislation, with Vice President Pereira and Councilors Hart, Kilby and Ponte voting in the negative.

First Reading

12. Proposed Ordinance – Traffic, Miscellaneous

Section 1.

By inserting in Section 70-241, which section relates to Stop signs, the following:

- Detroit Street, Eastbound, Intersection of Detroit Street at Omaha Street
- Omaha Street, Southbound, Intersection of Omaha Street at Detroit Street
- Pond Street, Southbound, Intersection of Pond Street at Anawan Street

Section 2.

By inserting in Section 70-372, which section relates to Parking prohibited during certain hours, the following:

- Cambridge Street, South, 18 feet east of Oxford Street
7:00 A.M. to 4:00 P.M., Monday through Friday

Section 3.

By striking out in Section 70-387, which section relates to Handicapped parking, the following:

- Baker Street, West, 152 feet south of Warren Street
- Bayview Street, East, 230 feet north of Last Street
- Birch Street, North, 443 feet west of King Street
- Bright Street, South, 67 feet west of Stafford Road
- Flint Street, West, 102 feet south of Canonicus Street
- Hope Street, West, 47 feet east of Broadway
- Osborn Street, North, 156 feet east of Arpin Street
- Plymouth Avenue, East, 134 feet north of Dover Street

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted that the proposed ordinance be passed through first reading.

13. Proposed Ordinance – Membership of the Historical Commission

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through first reading.

First Reading, as amended

14. Proposed Ordinance – Trolley Fees

A motion was made by Councilor Ponte, and seconded by Councilor Dionne, to pass the proposed ordinance through first reading, as amended. Councilor Raposo stated that he had abstained from this matter within the Committee on Ordinances and Legislation meeting on August 27, 2024, and asked that the Committee Report within the City Council record be amended to reflect that matter. The City Clerk stated that it would be revised to reflect his absence when the Committee recommendation for the proposed ordinance was voted upon and that the Committee minutes would document his absence during the discussion and vote on the proposed ordinance recommendation. Councilor Sampson stated that the proposed ordinance should be amended to include a discount for active military members as well as veterans. On a motion made by Councilor Sampson and seconded by Vice President Pereira, it was unanimously voted to amend the proposed ordinance by inserting "Active Military or" immediately before "Veteran ticket" under "Standard trolley route tickets," and by inserting "Active Military or" immediately before "Veteran ticket" under "Special trolley tour or event tickets." On a further motion made by Councilor Ponte and seconded by Vice President Pereira, it was unanimously voted that the proposed ordinance be passed through first reading, as amended, with Councilor Raposo abstaining and not voting.

ORDINANCES

Second Reading

15. Proposed Ordinance – Traffic, Miscellaneous

Fifteen-minute parking

- Dover Street, North, 84 feet west of Blackstone Street

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through ordination, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

16. Proposed Ordinance – One year demolition delay for City-owned property
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through ordination, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

Second Reading, as amended

17. Proposed Ordinance – Property Maintenance

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, as amended. On a further motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through ordination, as amended, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

Councilors Kilby and Sampson exited the Chamber at 9:10 p.m.

Councilor Kilby returned to the Chamber at 9:12 p.m.

RESOLUTIONS

18. The Committee on Finance convene with the Administration, the Director of Financial Services, and the City Treasurer/Collector to discuss the online real estate tax payment program, resources for taxpayers who use this program and future plans to streamline online payments.

Councilor Raposo made brief remarks regarding a resident who experienced technological challenges with the online payment system and stated that this resolution would allow the Administration to clarify the matter for the public. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the resolution, with Councilor Sampson absent and not voting.

19. The Committee on Finance convene with representatives from various utility companies to provide information to the public regarding the process of installing, removing or relocating utility poles within the City and delays that may affect the timeline of this process.

Vice President Pereira made brief remarks regarding ongoing issues with old utility poles being left behind near newly installed poles, which block areas of the sidewalks, and that this resolution would allow the private companies involved in this process to address the matter. On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the resolution, with Councilor Sampson absent and not voting.

20. Red Ribbon Week to be held in the City of Fall River from October 23, 2024, through October 31, 2024, to encourage a safer and healthier drug-free community

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the resolution, with Councilor Sampson absent and not voting.

ORDERS – HEARINGS - None

ORDERS – MISCELLANEOUS**24. Police Chief's report on licenses:****Taxicab Driver**

Michael H. Souza Teres A. Menezes

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.

25. Auto Repair Shop License Renewals:

Fernando P. da Silva d/b/a Brodeur's Service Station – 109 Barrett Street

Marco Tavares d/b/a Auto Stop – 325 Oman Street

Jody Oliveira d/b/a Ground Earth Inc. – 1741 Stafford Road

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

26. Order – City Council appointment of Christopher M. Benevides to the Community Preservation Committee

Councilor Ponte made brief remarks regarding Mr. Benevides' experience and interest in serving on the Community Preservation Committee, and that he would be a valuable addition.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS**27. Claims**

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Sampson absent and not voting.

28. Structure on or over a public way applications for Fallen Officers Memorial Trust (Giunta Road Race) to hang banners (12 feet x 3 feet) from September 6 to October 6, 2024, in the following locations:

a. Bedford Street at High St. (approximately)

b. Pleasant Street at Stafford Square (approximately)

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to approve the applications, with Councilor Sampson absent and not voting.

29. Drainlayer Licenses:

Mass Earthworks & Demolition LLC

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the Drainlayer License, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

30. Planning Board Minutes – June 12, 2024

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the minutes be accepted and placed on file, with Councilor Sampson absent and not voting.

31. Planning Board Minutes – July 10, 2024

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the minutes be accepted and placed on file, with Councilor Sampson absent and not voting.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 32 through 37 together, with Councilor Sampson absent and not voting.

City Council Minutes

32. Public Hearings – July 16, 2024

33. Public Hearings – August 13, 2024

34. Committee on Finance – July 16, 2024

35. Committee on Finance – August 13, 2024

36. City Council – July 16, 2024

37. City Council – August 13, 2024

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the minutes, with Councilor Sampson absent and not voting.

38. Special Meeting of the City Council – August 22, 2024

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to amend the minutes by removing Councilor Ponte from the list of "Present" Councilors, and to approve the minutes, as amended, with Councilor Sampson absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

39. Massachusetts Department of Public Utilities notice re Petition of Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty for Approval of a Mid-Term Modification to its 2022-2024 Three-Year Energy Efficient Plan, which will occur on Monday, September 9, 2024, at 2:00 p.m. with a deadline for comments of Tuesday, September 10, 2024, no later than close of business at 5:00 p.m.

On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted that the notice be accepted and placed on file, with Councilor Sampson absent and not voting.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: SEPTEMBER 10, 2024

COMMITTEE REPORTS

Committee on Finance recommending action:

- 14a. Order to transfer unexpended bond proceeds, totaling \$313,646.01, from the following projects to assist with structural repairs of the Pearl Street and Third Street Garages:

- Government Center Roof Replacement – \$139,129.93
- Sucker Brook Driveway Crossing – \$97,678.98
- Globe and Flint Street Fire Station Roof and Doors – \$76,837.10

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to amend the order by striking out the approval date for Government Center Roof Replacement, listed as "October 1, 2028", and inserting in its place "October 1, 2018," with Councilor Sampson absent and not voting. On a further motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the order, as amended, with Councilor Sampson absent and not voting.

Approved, September 11, 2024

Paul E. Coogan, Mayor

A brief recess was held from 9:18 p.m. to 9:20 p.m. for the purpose of signing the proposed ordinances.

The City Clerk clarified that the supplemental packets that the City Councilors had received from the Director of Human Resources included a detailed Financial Impact Statement related to the new Memorandum of Agreement from the AFSCME Council 93, Local 3177.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adjourn at 9:21 p.m., with Councilor Sampson absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

AFSCME Clerical Proposal table, provided by the Director of Human Resources

A true copy. Attest:

Alison M. Bouchard

City Clerk

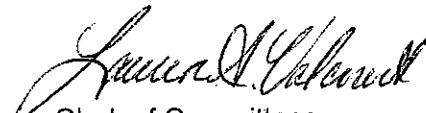
CITY OF FALL RIVER

3a

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 19, 2024, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Hart absent and not voting.


Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By inserting in Section 70-387, which section relates to handicapped parking generally, the following:

Name of Street	Side	Location
Third Street	West	Starting at a point 74 feet north of Branch Street, for a distance of 20 feet northerly
Ninth Street	West	Starting at a point 105 feet south of Bedford Street, for a distance of 20 feet southerly
Alden Street	West	Starting at a point 21 feet south of Ross Street, for a distance of 20 feet southerly
Cherry Street	South	Starting at a point 128 feet east of Grove Street, for a distance of 20 feet easterly
Eastern Avenue	East	Starting at a point 46 feet north of County Street, for a distance of 20 feet northerly
Oak Grove Avenue	East	Starting at a point 115 feet south of Lemuel Street, for a distance of 20 feet southerly
Tuttle Street	East	Starting at a point 52 feet north of Dwelly Street, for a distance of 20 feet northerly

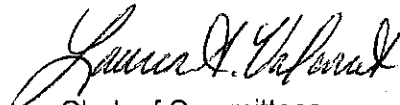
CITY OF FALL RIVER

36

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 19, 2024, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, as amended, with Councilor Hart absent and not voting.


Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 46 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Offenses, be amended as follows:

By inserting a new section as follows:

§ 46-16. Unauthorized Camping on Public Property

A. Findings and Purpose

Camping without adequate sanitation services, such as access to water, sewer, and regular garbage collection, presents a public health and safety concern. Additionally, unauthorized camping on public property often interferes with the intended use of the public space. As a result, this camping ordinance is necessary to preserve the health, safety, and welfare of the public and to prevent the unnecessary interference with the rights of others to use public spaces for the purposes for which they were intended.

B. Definitions

CAMP or TO CAMP

To sleep in a tent, under a tarp or canopy, in a motor vehicle, or in any other outdoor shelter.

CAMPING MATERIALS

Any items used to camp or to provide outdoor shelter, such as a tent, tarp, canopy, mattress, furniture, stove, fuel tank, and cooking utensils.

CAMPSITE

Any place where a tent, tarp, or other temporary structure is located for the purpose of providing outdoor shelter.

PUBLIC PROPERTY

Any city, state, or federally owned property, including, but not limited to, a park, bench, street, sidewalk, parking lot, alley, school property, right-of-way, or under a bridge or other public structure.

SHELTER IS UNAVAILABLE

A shelter is any building serving as a temporary refuge or residence for the homeless. A shelter is only unavailable if all beds are full. A homeless individual's refusal to go to a specific shelter due to its rules and regulations (e.g., no pets, alcohol, or cohabitation, etc.) is irrelevant to the definition of "shelter is unavailable".

C. Unauthorized Camping on Public Property

It is unlawful to camp, to occupy a campsite, or to leave camping materials on public property unless specifically authorized to do so by (1) the Park Board if located in a park; (2) the Mayor if located on any other city-owned property; or (3) by the appropriate State or Federal official if located on State or Federal property.

D. Sleeping on Sidewalks, Streets, or Public Ways

It is unlawful for any person, with or without camping materials, to lie down or sleep on a public street, sidewalk, bike path, or public way.

E. Public Urination and Defecation

It is unlawful to urinate or defecate in any place open to the public and while exposed to public view.

F. Fuel Tanks and Open Fires

It is unlawful to use a fuel tank (propane, kerosene, etc.) or have an open fire at an unauthorized campsite on public property. Notwithstanding the above, portable propane tanks may be used within designated picnic areas during regular park hours.

G. Removal of Personal Property at Unauthorized Campsites

Camping materials and other personal property located at an unauthorized campsite on public property may be removed and destroyed. The City, its agents, and/or employees will not be liable for any loss or damage of any kind associated with the removal and/or destruction of personal property at an unauthorized campsite.

H. Penalties

Any person found to be in violation of any provision of § 46-19 shall be subject to the noncriminal procedure set forth in §§ 2-1021 through 2-1025 of the Code of the City of Fall River, however, the imposition of a fine shall not be imposed if 1) the person is homeless; 2) shelter is unavailable; and 3) the homeless person is willing to immediately go to a shelter if/when space becomes available.