



City Council

Special Meeting

~ Minutes ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Anthony I. Wilson
413-787-6096

Wednesday, July 11, 2018

5:00 PM

Springfield City Hall -- Council Chambers

Call to Order

5:00 PM Meeting called to order on July 11, 2018 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Marcus J Williams	Ward 5 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Absent	
Kenneth E. Shea	Ward 6 Councilor	Present	
Adam Gomez	Ward 1 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Michael A. Fenton	Ward 2 Councilor	Present	
Jesse Lederman		Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Justin Hurst	At Large Councilor	Absent	
Timothy Ryan		Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Orlando Ramos	President- Ward 8 Councilor	Present	

Orders

1. Order (ID # 4676)

Collective Bargaining Agreement Ratification - International Brotherhood of Police Officers Local 364 (IBPO 364)

COMMENTS - Current Meeting:

William Mahoney gave a report of the negotiations with the union. He stated the terms of the agreement and how long the agreement will last. The agreement includes pay increases, body cameras and residency. He gave a history of the camera use policy.

ATTACHMENTS:

- CAFO Cert- IBPO (DOCX)
- IBPO Letter to Council 7-5-18 (PDF)
- 2018-06-09 IBPO TA - EXECUTED(PDF)

RESULT: **ADOPTED [11 TO 0]**

AYES: Williams, Shea, Gomez, Walsh, Fenton, Lederman, Edwards, Ashe, Ryan, Allen, Ramos

ABSENT: E. Henry Twiggs, Justin Hurst

2. Order (ID # 4677)

Budget Transfer Across Departments \$1,000,000

FINANCIAL IMPACT:

Budget Transfer Across Departments \$1,000,000.00

COMMENTS - Current Meeting:

Lindsay Hackett spoke in favor of the order.

ATTACHMENTS:

- CAFO Cert - Transfer Across Departments (DOCX)

RESULT: ADOPTED [11 TO 0]

AYES: Williams, Shea, Gomez, Walsh, Fenton, Lederman, Edwards, Ashe, Ryan, Allen, Ramos

ABSENT: E. Henry Twiggs, Justin Hurst

3. Ordinance 2018-9

Chief Diversity Officer Ordinance - VETOED by Mayor

Chief Diversity Officer Ordinance

HISTORY:

03/05/18 City Council REFERRED TO COMMITTEE
Next: 03/12/18

Councilor Williams spoke in favor of the ordinance.

Councilor Shea expressed concerns about how this position will affect the budget.

Councilor Walsh expressed concerns about how this position will affect the budget and conflict with the mayor's powers.

Councilor Lederman spoke in support of the amendment and the motion to committee.

Motion to committee by Councilor Williams seconded by Hurst.

The matter was sent to the General Government subcommittee

03/12/18 City Council

Councilor Williams stated that he was working with Councilor Edwards to hold a meeting on this item.

03/21/18 City Council

04/09/18 City Council REFERRED TO COMMITTEE
Next: 05/07/18

Councilor Williams asked that this item remain in committee.

Councilor Allen stated that he agreed will Councilor Williams.

05/07/18 City Council REFERRED TO COMMITTEE
Next: 05/14/18

05/10/18 City Council

05/14/18 City Council

no action

06/04/18 City Council FIRST STEP

Councilor Williams took the item out of committee.

06/18/18 City Council SECOND & THIRD STEPS

Councilor Williams spoke in favor of the ordinance.

The council invoked rule 22C to pass the ordinance in one step

COMMENTS - Current Meeting:

Councilor Gomez made a motion to move the question.

The question was called and the vote proceeded as follows:

Williams	Y
Twiggs	A
Shea	N
Gomez	Y
Walsh	N
Fenton	Y
Lederman	Y
Edwards	Y
Ashe	N
Hurst	A
Ryan	Y
Allen	Y
Ramos	

Prior to President Ramos casting his vote, Councilor Lederman raised a point of order. Specifically, that this vote following Councilor Gomez's motion to move the question was out of order because there was no roll call vote on the motion as is required by the rules.

President Ramos rescinded the vote and stated that Councilor Gomez's motion needed a second. Councilor Walsh seconded the motion.

Councilor Gomez withdrew his motion to move the question.

Councilor Lederman made motion to table the item. Seconded by Gomez.

Councilor Walsh spoke in opposition to the motion to table.

The motion to table failed by the following roll call vote:

Williams	Y
Twiggs	A
Shea	N
Gomez	Y
Walsh	N
Fenton	N

Lederman	Y
Edwards	Y
Ashe	N
Hurst	A
Ryan	N
Allen	N
Ramos	Y

Councilor Shea expressed concerned about the president stopping the council in the middle of a vote. He asked for the Solicitor's opinion on this issue.

Councilor Williams objected to the solicitor giving his opinion to the council.

Councilor Gomez asked if this was an item that he could ask to be reconsidered. The Clerk stated that he would research the issue and have an answer before the next meeting.

ATTACHMENTS:

- veto message of Chief Diversity Officer Ordinance (PDF)
- letter to from the city solicitor (PDF)

RESULT:	DEFEATED/VETO [8 TO 3]
MOVER:	Marcus J Williams, Ward 5 Councilor
AYES:	Williams, Gomez, Fenton, Lederman, Edwards, Ryan, Allen, Ramos
NAYS:	Kenneth E. Shea, Kateri B. Walsh, Thomas M. Ashe
ABSENT:	E. Henry Twiggs, Justin Hurst



City Council

ADOPTED

Meeting: 07/11/18 05:00 PM
Initiator: Timothy Brown
Sponsors: Mayor Domenic J. Sarno
DOC ID: 4676

1

Collective Bargaining Agreement Ratification - International Brotherhood of Police Officers Local 364 (IBPO 364) (Mayor Sarno)

WHEREAS, the City's Labor Relations Director has received confirmation from the representative of The International Brotherhood of Police Officers Local 364 (IBPO 364) that this bargaining unit has ratified new collective bargaining agreements for the time periods of July 1, 2016 to June 30, 2017 and from July 1, 2017 to June 30, 2020 with the City of Springfield; and

WHEREAS, the Labor Relations Department is requesting that the City Council approve the terms of the Collective Bargaining Agreement, which are described in a letter from the Labor Relations Director and Memorandum from the Chief Administrative and Financial Officer, which are attached hereto; and

WHEREAS, the Agreement includes wage increases effective and retroactive July 1, 2016 of two percent (2%); and

WHEREAS, the Agreement includes wage increases effective and retroactive July 1, 2017 of two percent (2%), plus an additional one and a half percent (1.5%); and

WHEREAS, the Agreement includes wage increases effective and retroactive July 1, 2018 of two percent (2%), plus an additional two percent (2%); and

WHEREAS, the Agreement includes wage increases effective and retroactive July 1, 2019 of two percent (2%), plus an additional one and a half percent (1.5%); and

WHEREAS, the Chief Administrative and Financial Officer has certified that after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as amended by Section 1 of Chapter 468 of the Acts of 2008;

NOW THEREFORE, the City Council hereby approves the report of the Labor Relations Director regarding the ratification of the collective bargaining agreement between the City of Springfield and The International Brotherhood of Police Officers Local 364, and the terms thereof, as described in the attached documents, for the time period of July 1, 2016 through June 30, 2020.

RESULT:	ADOPTED [11 TO 0]
AYES:	Williams, Shea, Gomez, Walsh, Fenton, Lederman, Edwards, Ashe, Ryan, Allen, Ramos
ABSENT:	E. Henry Twiggs, Justin Hurst

City of Springfield
36 Court Street
Springfield, MA 01103

Division of Administration
and Finance



To: Springfield City Council
From: Timothy J. Plante, Chief Administrative & Financial Officer
Date: July 5, 2018
Re: Order for Council Meeting – 7/11/18
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the July 11, 2018 City Council meeting that requests the ratification of the current agreement between the City of Springfield and The International Brotherhood of Police Officers Local 364 (IBPO 364)

Background: The new agreement includes an extension of the bargaining agreement that expired on June 30, 2016. It contains the following wage increases:

FY17	2%
FY18	2% , plus 1.5%
FY19	2%, plus 2%
FY20	2% , plus 1.5%

The contract also includes a new incentive structure for the use of sick time, a reduction in the annual clothing allowance from \$500 to \$400, a ten year residency requirement for all members hired after July 1, 2018, a new social media policy, a Narcan administration policy, and a policy requiring the use of body worn cameras in certain instances. This contract will expire on June 30, 2020.

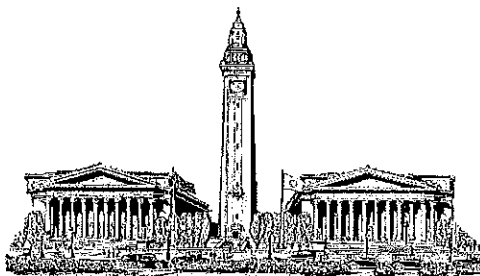
The City will need to fund the retroactive pay agreed upon under this new agreement. An analysis of the Personal Services budget of the Police Department has determined that the settlement of this agreement will require additional funding in excess of the Department's FY19 appropriation. An order authorizing this transfer, in the amount of \$1 million, has been submitted with this order.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

Attachment: CAFO Cert- IBPO (4676 : Collective Bargaining Agreement Ratification - IBPO)

**Human Resources
&
Labor Relations**
36 Court Street, Room 005
Springfield, MA 01103
413-787-6068 (phone)
413-787-6572 (fax)



**THE CITY OF
SPRINGFIELD, MASSACHUSETTS**

July 5, 2018

To the Springfield City Council

Please be advised that this department has received confirmation from the representative of **The International Brotherhood of Police Officers Local 364 (IBPO 364)**, that this bargaining unit has ratified new collective bargaining agreements for the time periods of July 1, 2016 to June 30, 2017 and July 1, 2017 to June 30, 2020 with the City of Springfield.

We hereby submit to you this report for approval by the City Council which reflects the following wage increases in **IBPO 364**.

Wage Increases*:	Effective and retroactive to July 1, 2016	Two percent (2%)
	Effective and retroactive to July 1, 2017	Two percent plus one and one-half percent (2% plus 1.5%)
	Effective and retroactive to July 1, 2018	Two percent plus two percent (2% plus 2%)
	Effective July 1, 2019	Two percent plus one and one-half percent (2% plus 1.5%)

Below are modifications to the sick leave policy effective July, 1, 2018:

- Employees with 12 years of service who have used 25 days of sick leave in total or less for the lowest three (3) years of the previous four (4) years (i.e. 1-1-15 to 12-31-18) will receive an additional 1% added to base as long as they maintain the 25 sick leave days or less threshold. The measurement (years of service and sick leave total calculation) will be done on December 31 of each year and the increase will be effective for the start of the following fiscal year. If an officer exceeds the 25 sick leave days or less threshold on the following December 31, he/she will lose the 1% additional pay effective on the following July 1. (E.g. Officer X has 12 years of service and a three year total of 25 sick leave days (based on the lowest three years of sick leave over the past four years) on December 31, 2018. On July 1, 2019 he/she would be paid on the 12 year rate of pay (step 6) which is

*Weekly rate will be rounded up to the next whole dollar.

1% higher than the step 5 rate of pay. If on December 31, 2019 Officer X exceeded the 25 day sick leave days or less threshold for the previous three years (based on the lowest three years of sick leave over the past four years) he/she would be paid on the step 5 rate of pay effective July 1, 2020.)

- Employees with 17 years of service who have used 25 days of sick leave in total or less for the lowest three (3) years of the previous four (4) years (i.e. 1-1-15 to 12-31-18) will receive an additional 2% added to base as long as they maintain the 25 sick leave days or less threshold. The measurement (years of service and sick leave total calculation) will be done on December 31 of each year and the increase will be effective for the start of the following fiscal year. If an officer exceeds the 25 sick leave days or less threshold for the previous three years (based on the lowest three years of sick leave over the past four years) on the following December 31, he/she will lose the 2% additional pay effective on the following July 1. (E.g. Officer Y has 17 years of service and a three year total of 25 sick leave days or less on December 31, 2018. On July 1, 2019 he/she would be paid on the 17 year rate of pay (step 7) which is 2% higher than the step 5 rate of pay. If on December 31, 2019 Officer Y exceeded the 25 days or less sick leave threshold for the previous three years (based on the lowest three years of sick leave over the past four years) he/she would be paid on the step 5 rate of pay effective July 1, 2020.)

Beginning on July 1, 2019, officers will be eligible to be paid at step 6 and 7.

Additionally, employees will be allowed to use vacation leave in lieu of the use of sick leave, subject to the same controls as would apply to sick leave. Employees will initially use sick leave and at the end of the calendar year, they may request to convert sick leave to vacation leave. Employees may first substitute vacation leave for sick leave on December 31, 2018.

Effective July 1, 2019, the clothing allowance will be reduced to four hundred dollars (\$400.00).

Effective July 1, 2019 eliminate work incentive program.

Additionally, the City will implement a body worn camera policy, a narcan policy, a social media policy and new residency language.

A financial order reflecting the cost of the wage increase is attached.

In accordance with the Acts of 656 of 1989, the Chief Financial Officer must give in writing his opinion relative to the financial impact of the agreement on the existing level of municipal services.

If any other questions exist please feel free to contact this office.

Sincerely,



William E. Mahoney
Director of Human Resources & Labor Relations

cc: Mayor Domenic J. Sarno
cc: T.J. Plante, CAFO
cc: File

Attachment: IBPO Letter to Council 7-5-18 (4676 : Collective Bargaining Agreement Ratification - IBPO)

TENTATIVE AGREEMENT

6-8-18

Cover Page and Art. 33 Duration

Contract 1

July 1, 2016 to June 30, 2017

Contract 2

July 1, 2017 to June 30, 2020

Wages

7-1-16 2%

7-1-17 2% plus 1.5%

7-1-18 2% plus 2%

7-1-19 2% plus 1.5%

Round up each calculation of weekly rate to next whole dollar.

Art. 13.02 (add) Effective 7-1-18 employees with 12 years of service who have used 25 days of sick leave in total or less for the lowest three (3) years of the previous four (4) years (i.e. 1-1-15 to 12-31-18) will receive an additional 1% added to base as long as they maintain the 25 sick leave days or less threshold. The measurement (years of service and sick leave total calculation) will be done on December 31 of each year and the increase will be effective for the start of the following fiscal year. If an officer exceeds the 25 sick leave days or less threshold on the following December 31, he/she will lose the 1% additional pay effective on the following July 1. (E.g. Officer X has 12 years of service and a three year total of 25 sick leave days (based on the lowest three years of sick leave over the past four years) on December 31, 2018. On July 1, 2019 he/she would be paid on the 12 year rate of pay (step 6) which is 1% higher than the step 5 rate of pay. If on December 31, 2019 Officer X exceeded the 25 day sick leave days or less threshold for the previous three years (based on the lowest three years of sick leave over the past four years) he/she would be paid on the step 5 rate of pay effective July 1, 2020.)

Effective 7-1-18 employees with 17 years of service who have used 25 days of sick leave in total or less for the lowest three (3) years of the previous four (4) years (i.e. 1-1-15 to 12-31-18) will receive an additional 2% added to base as long as they maintain the 25 sick leave days or less threshold. The

measurement (years of service and sick leave total calculation) will be done on December 31 of each year and the increase will be effective for the start of the following fiscal year. If an officer exceeds the 25 sick leave days or less threshold for the previous three years (based on the lowest three years of sick leave over the past four years) on the following December 31, he/she will lose the 2% additional pay effective on the following July 1. (E.g. Officer Y has 17 years of service and a three year total of 25 sick leave days or less on December 31, 2018. On July 1, 2019 he/she would be paid on the 17 year rate of pay (step 7) which is 2% higher than the step 5 rate of pay. If on December 31, 2019 Officer Y exceeded the 25 days or less sick leave threshold for the previous three years (based on the lowest three years of sick leave over the past four years) he/she would be paid on the step 5 rate of pay effective July 1, 2020.)

Officers will be eligible to be paid at step 6 and 7 beginning on July 1, 2019.

In calculating the three (3) year total of sick leave usage the Employer will review the last four (4) years of employment and use the three (3) years with the lowest sick leave utilization to calculate the total.

Employees will be allowed to use vacation leave in lieu of the use of sick leave, subject to the same controls as would apply to sick leave. Employees will initially use sick leave and at the end of the calendar year, they may request to convert sick leave to vacation leave. Employees may first substitute vacation leave for sick leave on 12-31-18.

Art. 16.06 Effective 7-1-19 reduce clothing allowance to \$400.00.

Art. 28 Effective 7-1-19 Work Incentive Program-delete

Body worn cameras - per attached

Art. 25.13 add "Residency-Employees hired on or after July 1, 2018 shall be required to maintain their residence in the City of Springfield for ten (10) years from the date of hire as a City police officer, otherwise, in a municipality within 15 miles of the City."

Art. 25.14 add "The City will implement a peer support/stress management program in consultation with Local 364 IBPO."

Social Media Policy- per attached

Narcan policy per attached

APPENDIX DBODY-WORN CAMERA POLICY

Sec. 1. GENERAL CONSIDERATION:

Body-Worn Cameras (BWC's) are an effective tool to preserve factual representations of officer-civilian interactions. BWC's are effective in capturing video and audio evidence for use in criminal and internal investigations and officer training.

The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by BWC's.

It is the policy of the Department to respect the legitimate privacy interests of all persons in Springfield, while ensuring professionalism in its workforce. The recording of civilians based solely upon the civilian's political or religious beliefs or upon the exercise of the civilian's constitutional rights to freedom of speech and religious expression, constitutional petition and assembly is prohibited. BWC footage shall not be reviewed to identify the presence of individual participants at such events who are not engaged in unlawful conduct. BWC's will not include technological enhancements including, but not limited to, facial recognition or night-vision capabilities.

All Parties acknowledge that sworn personnel do not always see and/or hear what the camera records. As such each incident should be based on the totality of the circumstances when reviewing the video/audio for retraining or disciplinary action. Sworn Officers/Supervisors will not compromise their safety or the safety of others to obtain BWC recordings.

Sec. 2. PROCEDURES

Sec. 2.1. Training: All BWC officers and all supervisors who may supervise BWC officers shall attend Department approved training on the operation of the system and this policy.

Sec. 2.2 BWC Activation and Incidents of Use: Officers will activate the BWC only in conjunction with official law enforcement duties, where such use is appropriate to the proper performance of duties, and where the recordings are consistent with this policy and the law. If there is an immediate threat to the officer's life or safety, making BWC activation impossible or dangerous, the officer shall activate the BWC at the first reasonable opportunity to do so. The BWC shall not be deactivated until the encounter has fully concluded and/or the officer leaves the scene (See Section 2.8, BWC Deactivation). Officers shall record all contact with civilians in the following occurrences:

1. Vehicle Stops;
2. Investigative person stops: consensual, or articulable reasonable suspicion stops, or stops supported by probable cause;
3. All dispatched calls for service involving contact with civilians;
4. Initial responses by patrol officers, including on-site detentions, investigations pursuant to an arrest, arrests, and initial suspect interviews on-scene;
5. Pat frisks and searches of persons incident to arrest (if not already activated);
6. K9 searches;
7. Incident of Emergency Driving (primary and secondary responding officers when lights and/or sirens are activated)
8. Incidents of Pursuit Driving (primary and secondary responding officers);
9. When an officer reasonably believes a crowd control incident may result in unlawful activity;
10. Any contact that becomes adversarial, including a Use of Force incident, when the BWC had not been activated; or
11. Any other civilian contact or official duty circumstance that the officer reasonably believes should be recorded, using his/her discretion, in order to enhance policing transparency, increasing public trust and police-community relations, or preserve factual representation of officer-civilian interactions, provided that recording is consistent with Sections 2.3, 2.4, 2.5, 2.6, 2.7, 7.1 and 7.2 of this policy.

Sec. 2.3. Recording within a Residence: Before entering a private residence without a warrant or in non-exigent circumstances, the BWC officer shall seek the occupant's consent to continue to record in the residence. If the civilian declines to give consent, and in the absence of exigent circumstances, the BWC officer shall not record in the residence. Officers recording in a residence shall be mindful not to record beyond what is necessary to the civilian contact, and not to use the BWC with exploratory intent in an effort to create an inventory of items in the residence. Exigent circumstances include, but are not limited to, the following: issuance of a warrant, pursuit of suspect, call for service at a domestic matter, search and seizure, etc.

Sec. 2.4. Recording in Areas Where There May be a Reasonable Expectation of Privacy: BWC officers should be mindful of locations where recording may be considered insensitive, inappropriate, or may be prohibited by privacy policies. Such locations may include locker rooms, places of worship, religious

ceremonies, certain locations in hospitals or clinics, law offices, day care facilities, etc. At such locations, at the officer's discretion and based on the circumstances, BWCs may be turned off. The officer may consider the option to divert the BWC away from any subjects and record only audio, if appropriate. When exercising discretion in such situations, the decision whether to stop recording, divert the BWC, or record only audio should generally be based on the following BWC Discretionary Recording Considerations: the extent to which the officer observes activities or circumstances of a sensitive or private nature; the presence of individuals who are not the subject of the officer-civilian interaction; the presence of people who appear to be minors; any request by a civilian to stop recording; and the extent to which absence of BWC recording will affect the investigation.

Sec. 2.5. Notice of Recording: Unless there is an immediate threat to the officer's life or safety, making BWC notification impossible or dangerous, BWC officers shall inform civilians that they are being recorded. BWC officers shall notify civilians with language such as "Ma'am/Sir, I am advising you that our interaction is being recorded by my Body Worn Camera." BWC officers shall not record civilians surreptitiously.

Sec. 2.6. Consent to Record: Aside from the restriction in Section 2.3 (Recording within a Residence), BWC officers are not required to obtain consent to record. If a civilian has requested the BWC officer to stop recording, officers have no obligation to stop recording if the recording is pursuant to the circumstances identified in Section 2.2. When evaluating whether or not to continue recording, BWC officers should weigh the BWC Discretionary Recording Considerations specified in Section 2.4. The request to turn the BWC off should be recorded, as well as the officer's response.

Sec. 2.7. Recording of Victims/Witnesses: If a BWC officer is in range of visual or audio recording of a victim or witness who is giving their first account of a crime, the officer may record the encounter but should weigh the BWC Discretionary Recording Considerations specified in Section 2.4 in determining whether to activate or discontinue recording. If the decision to activate and/or continue recording is made, notification shall be made as specified in Section 2.5. If the victim is in anyway unsure of the need for the recording to be made or is uncomfortable with the thought of being recorded, the officer shall inform the civilian that they can request to have the BWC turned off. If the camera is already activated, the request to turn the BWC off should be recorded, as well as the officer's response.

Sec. 2.8. BWC Deactivation: To the extent possible, prior to deactivating a BWC, the officer shall state the reason for doing so. Generally, once the BWC is activated, recording will continue until or unless the event has concluded. Below are examples of when an event shall be considered concluded:

1. Victim and/or witness contact has concluded;
2. All persons stopped have been released or left the scene or an arrestee has arrived at the police department for booking. If a transporting officer has a BWC, recording shall continue until the transporting officer arrives inside the station at the booking desk;
3. The event is of a sensitive nature and the BWC officer has weighed the BWC Discretionary Recording Considerations specified in Section 2.4 and decided to deactivate the BWC;
4. The incident has concluded prior to the arrival of the officer;
5. The incident or event is of such duration that deactivating the BWC is necessary to conserve available recording time; or
6. The officer is ordered to turn the camera off by a supervisor.

Sec. 3. BWC DEPLOYMENT:

Sec. 3.1. Officer Responsibilities

1. At the beginning of each shift, the officer will:
 - a. Ensure that the issued equipment has a fully charged battery and is functioning properly; and
 - b. Notify a Supervisor whenever there is a malfunction or damage to the BWC.
2. During shift, the officer will:
 - a. Activate the BWC and record as outlined in Section 2 above;
 - b. Document the existence of a BWC recording in all of the appropriate documents, i.e. Incident Report, Citation, Administrative Reports, etc;
 - c. Notify investigative or specialized unit personnel, of the existence of BWC recording; and
 - d. If an officer fails to activate the BWC, fails to record the entire contact, interrupts the recording, or the BWC malfunctions, document the circumstances and reason in the incident report or any other applicable report.
3. Any and all additional responsibilities contingent upon technology requirements.

Sec. 3.2. Supervisor Responsibilities: The Supervisor will:

1. Ensure all officers assigned a BWC utilize the BWC in accordance with this policy;
2. During roll call, ensure each BWC is working properly and any malfunction or damage to a BWC is documented. The Supervisor will remove the BWC from service, report the malfunction or damage, and issue the officer a spare BWC unit, where available; and

3. Access BWC recordings during the course of duties in accordance with the Internal Access/Review section of this policy.

Sec. 4. INTERNAL ACCESS/REVIEW

Sec. 4.1 BWC Officer Access to Footage: BWC officers may review their own BWC recording as it relates to:

1. Their involvement in an incident for the purposes of completing an investigation and preparing official reports, supplements or memorandum. To help ensure accuracy and consistency, officers are encouraged to review the BWC recording prior to preparing reports;
2. Providing testimony in court to refresh recollection. Officers will ensure that the prosecuting attorney is aware the BWC recording was reviewed; and
3. Providing a statement (oral or written) pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents as outlined in Sec. 4.2 below.
4. Officers will be allowed to view other officers' recorded video with the permission of a superior officer, which permission will not be unreasonably denied.

Sec. 4.2. BWC Officer Access to Footage Following an officer Involved Shooting: Following an officer involved shooting, or other use of deadly force, involved officers, including supervisors, shall not view the BWC recording on any device or computer prior to the designated supervisor viewing the footage and uploading it into the system, except if exigent circumstances exist, such as an officer being injured, in order to obtain identifying suspect information or other pertinent information from the BWC recordings. BWC officers involved in an officer involved shooting and BWC officers who witness an officer involved shooting or other use of deadly force shall be allowed to view their own BWC recording prior to providing a statement.

Sec. 4.3. Collecting and Securing BWC Footage following an Officer Involved Shooting or Other Use of Deadly Force: Major Crimes supervisory personnel will be responsible for collecting and securing the BWC's from all involved and witness officers at the earliest opportunity. Major Crimes supervisory personnel will transport the cameras to the police department for upload into the system. The BWC will be returned to the officer once the video is uploaded in the system.

Sec. 4.4. Non-BWC Officer Access to Footage: Non-BWC officers shall only access footage with permission of a supervisor, which permission will not be unreasonably denied.

Sec. 4.5. Supervisor Access to Footage: Any supervisor within the recording officer's chain of command, and any Commanding Officer, may review the footage. If a supervisor outside of the chain of command requests to see footage, it shall only be allowed with the permission of the recording officer's commanding officer or the Police Commissioner.

Sec. 4.6. Audit and Review. A designated supervisor (exclusive of an IIU supervisor) shall audit and review BWC footage/audio periodically to ensure BWC's are being used appropriately.

Sec. 4.7. Use of Footage for Training: Any officer can forward a recommendation to the Supervisor in charge of training to use a BWC recording for training purposes.

Sec. 4.8 An officer assigned to complete an arrest report shall have access to all BWC footage related to the incident with a supervisor's permission. The officer shall document same in his/her report.

Sec. 5. EXTERNAL ACCESS:

BWC recordings related to an ongoing investigation or in support of a prosecution may be provided by the BWC Commanding officer to the applicable law enforcement entity. Should an officer receive a subpoena for BWC footage, the officer shall direct the subpoena as soon as practicable to the Police Commissioner's office. BWC recordings may be requested by the public pursuant to a public records request (M.G.L. c.66 § 10). If an officer receives a request for BWC footage from the Media, the request shall be directed to the Police Commissioner's office. All other requests for BWC recordings, including victim or witness requests, shall be directed to the Police Commissioner's office.

Sec. 6. RETENTION:

Routine footage will be retained for no longer than one year; however, footage recorded that relates to any criminal or civil proceeding, any criminal or administrative investigation, or any use of force or critical incident will be retained during the pendency of any relevant proceeding, investigation, or statute of limitations period, but not less than three years.

Sec. 7. RESTRICTIONS:

Sec. 7.1. Improper Recording: BWC's shall not be used to record:

1. During breaks, lunch periods, or time periods when an officer is not responding to a call, or when not in service;
2. Any personal conversation of or between other department employees without the recorded employee's knowledge;
3. Non-work related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
4. Investigative briefings;
5. Encounters with undercover officers or confidential informants; or
6. Departmental meetings, workgroups, in-service training, or assignments of an operational or administrative nature. Using BWC's for training purposes is not a violation of this restriction.

Sec. 7.2. Improper Use of BWC Footage: BWC recording/footage shall not be:

1. Used for the purposes of ridiculing or embarrassing any employee or person depicted on the recording;
2. Randomly reviewed by the Internal Investigations Unit for disciplinary purposes;
3. Disseminated by any employee unless approved by the Police Commissioner or his designee, or disseminated in the course of their official duties; or
4. Copied by any employee (i.e. use their iPhone, iPad, or any other electronic device to copy.)

Sec. 7.3. Employee Accountability and Sanctions: Officers will not be disciplined for minor violations of this policy.

BWC camera program shall be supervised by a sworn officer above the rank of Sergeant.

Minor Infractions, not criminal in nature discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Said infractions will be reduced to writing and submitted to the Police Commissioner and be entered into a database for documentation. Should the behavior or action continue after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

Union representatives will be given access to meetings relevant to procurement of body camera hardware and software, consulted prior to any changes in policy regarding body cameras, requests for proposals being issued, and before selection of any purchases.

DEPARTMENTAL AND INTER-DEPARTMENTAL CORRESPONDENCE

City of Springfield

O: DFT		DATE:
TO:		
CC:	DEPUTY CHIEF WILLIAM COCHRANE DEPUTY CHIEF MARK ANTHONY DEPUTY CHIEF ROBERT CHEETHAM	
SUBJECT:	SOCIAL MEDIA POLICY	

I. GENERAL CONSIDERATIONS AND GUIDELINES

- A. Professionalism, ethics, and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and appearance, as well as holding employees to these standards of conduct, whether on or off-duty. An employee's action(s) must never bring the department into disrepute, nor should conduct be detrimental to the department's efficient operation.

- B. The developments in electronic technology (computers, software, programs, and information available through the internet and web sites) are an invaluable resource to assist us in the performance of our duties. Nevertheless, this technology has the capability to act as a double-edged sword, in that it presents opportunities to access and use technology in both legitimate and illegitimate ways. Whether on duty or off duty, in uniform or in plain clothes, all employees represent the Springfield Police Department.

II. PURPOSE

The purpose is to establish departmental policy concerning personal web pages or internet sites when referencing the Springfield Police Department. Furthermore, it is to ensure that employees use appropriate discretion in the use of references to the Springfield Police Department, so as to not discredit or disrespect the department, to ensure that the release

(directly or indirectly) of information concerning crimes, accidents, or violations of ordinances or statutes to persons outside the department is not disseminated, and to ensure that all employees treat as confidential the official business of the department. Finally, this policy is not intended to hinder the professional development of any employee.

III. POLICY

- A. Photographs or other depictions of departmental uniforms, badges, patches, marked units, other departmental property or on-duty personnel, including incident scenes, shall not be posted on internet sites by department personnel without the approval of the Police Commissioner. Photographs of personnel in uniform at official ceremonies or other public events may be posted without the permission of the Police Commissioner.
- B. Employees are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official departmental training, activities, or work-related assignments, without the expressed, written permission of the Police Commissioner.
- C. Employees shall treat as confidential, all the official business of the department.
- D. No employee shall release, either directly or indirectly, information concerning crimes, accidents, or violations of ordinances and/or statutes to persons outside the department, except as authorized by departmental policy under Public Information Function.
- E. No sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video, or other reference may be posted along with any department approved reference.
- F. Employees shall not publicly criticize or ridicule the department, its policies, or other department employees by speech, writing, photographs, or video when such speech, writing, photographs, or video is defamatory, unlawful, interferes with the maintenance of discipline, or is made with reckless disregard for its truth or falsity. **Employees retain the right to engage in responsible social media discussions about things such as wages, benefits, hours, or working conditions.** Employees have the right to express opinions on matters of public concern, except that such expressions may not outweigh the department's

interest in promoting the efficiency of its services. (See *Pereira v. Commissioner of Social Services*, 432 Mass. 251, 25256 [2000].)

- G. Employees are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate on social networking sites such as Facebook, MySpace, Twitter, Instagram, etc. Use of these types of sites while on duty shall be restricted to official departmental business only. Except when used for official departmental business, use of these sites while on duty shall be limited to minimal communications of topical significance, and not expressions of political or social views, and in no case in a way which interferes with an officer's attention to duty.
- I. Employees becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy are strongly encouraged to notify his/her supervisor immediately for follow-up action.

Any violation of this policy will be considered a serious violation and subject to disciplinary action .

John R. Barbieri

Police Commissioner

APPENDIX E

**DEPARTMENTAL AND INTER-DEPARTMENTAL
CORRESPONDENCE**

City of Springfield

GO:	18-01	DATE: 02-20-18
TO:	ALL COMMANDING OFFICERS	
CC:	DEPUTY CHIEF WILLIAM COCHRANE DEPUTY CHIEF MARK ANTHONY DEPUTY CHIEF ROBERT CHEETHAM	
SUBJECT:	Administration of Narcan	

DEFINITIONS:

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Police officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone, (OxyContin®, Percocet®, and Percodan®) and hydrocodone (Vicodin®).

Naloxone: Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.

Medical Control Physician: The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practice medicine in Massachusetts. The Springfield Police Department shall maintain an affiliation with the MCP.

POLICY:

Naloxone will be deployed in all marked Department vehicles for the treatment of drug overdose victims. A patrol unit shall be dispatched to any call that relates to a drug overdose. The goal of the responding officers shall be to provide immediate assistance via the use of naloxone where appropriate, to provide any treatment commensurate with their training as first responders, to assist other EMS personnel on scene, and to handle any criminal investigations that may arise.

PROCEDURE:

When an officer of the Springfield Police Department has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the patient is suffering from an opiate overdose, the responding officer should administer two milligrams of naloxone to the patient by way of the nasal passages. One milligram should be administered to each nostril.

The following steps should be taken:

1. Officers shall use universal precautions.
2. Officers should conduct a medical assessment of the patient as prescribed by Department Policies and Procedures, to include statements from witnesses and/or family members regarding drug use.
3. If the officer makes a determination that there has been an opiate overdose, the naloxone kit should be utilized.
4. The officer shall use the nasal mist adapter that is pre-attached to the naloxone to administer a one milligram intra-nasal dose of naloxone to each nostril for a complete dosage of two milligrams. Officers should be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior.
5. The patient should continue to be observed and treated as the situation dictates.
6. The treating officer shall inform incoming EMS about the treatment and condition of the patient, and shall not relinquish care of the patient until relieved by EMS, other medical provider or another person with a high level of training.

Reporting

A Naloxone Administration Report Form shall be completed by the treating officer or the primary responding officer, prior to the end of their shift and forwarded to the training division.

Equipment and maintenance

Naloxone kits will be added to all department medical bags by the training division. All medical bags will be secured with a safety seal which indicates that the medical bag has been inventoried and all contents accounted for. It shall be the responsibility of officers assigned to a particular cruiser or location to inspect the medical bag to ensure that the safety seal is intact and the contents are secure. In the event the safety seal is broken or missing officers will conduct an inventory, notify a supervisor, secure the missing materials if available, and submit a report to the training division.

Damaged equipment shall be reported to a shift supervisor immediately and a report will be submitted to the Police Commissioner.

The training division will maintain a written inventory documenting the quantities and expirations of Naloxone replacement supplies, and a log documenting the issuance of replacement units.

Replacement

Shift supervisors shall immediately replace naloxone kits that have been used during the course of a shift.

Training

Prior to officers being authorized to carry and use Naloxone they shall be trained by the Springfield Police Departments training division or other instructors who have received specialized training and certification in the administration of nasal Naloxone. Officers will also receive bi-annual roll call refresher training.

**Springfield Police Department
Naloxone Administration Report Form**

Incident # _____ Date ____/____/____ Time of Incident _____

Officer Name & ID _____

Location _____

Gender of Subject _____

Age of Subject _____

Signs of overdose present: (check all that apply) ☐ Unresponsive ☐ Breathing Slowly
☐ Not Breathing ☐ Blue Lips ☐ Slow Pulse ☐ No Pulse ☐ Other _____

Overdose on what drugs? (check all that apply) ☐ Heroin ☐ Alcohol ☐ Methadone
☐ Benzos/Barbituates ☐ Cocaine/Crack ☐ Suboxone ☐ Any other opioid ☐ Unknown
☐ Other _____

Amount/doses of naloxone used _____

How long to take effect? ☐ Less than 1 min. ☐ 1-3 min. ☐ 3-5 min. ☐ <5 min. ☐

Don't know

Subjects Response: ☐ Responsive & Alert ☐ Responsive & Sedated ☐ No Response

Subjects post-Naloxone withdrawal symptoms: (check all that apply) ☐ None ☐ Vomiting
☐ Irritable/Angry ☐ Combative ☐ Nauseous ☐ Muscle Aches ☐ Runny Nose
☐ Other _____

Did the person live? ☐ Yes ☐ No

Other Actions Taken: (check all that apply) ☐ Sternal rub ☐ AED ☐ Recovery positions
☐ Bystander Naloxone ☐ Rescue breathing ☐ Oxygen ☐ Chest compressions
☐ Other _____

Disposition:

☐ Transferred to Hospital

Ambulance Unit # _____

Notes/Comments:

By their signatures below the parties acknowledge that this is a tentative agreement and completes collective bargaining for successor agreements for the period of July 1, 2016-June 30, 2020, subject to ratification votes by the Union and the City.



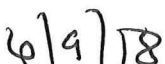
FOR THE CITY



FOR THE UNION



DATE



DATE



City Council

ADOPTED

Meeting: 07/11/18 05:00 PM
Initiator: Timothy Brown
Sponsors: Mayor Domenic J. Sarno
DOC ID: 4677

2

Budget Transfer Across Departments \$1,000,000 (Mayor Sarno)

WHEREAS, to meet the expenses of the City of Springfield for the fiscal year commencing July 1, 2018 and ending June 30, 2019 (FY'19), pursuant to Mass. Gen. Laws ch. 44, Section 33B, and Chapter 468 of the Acts of 2008, the Chief Administrative and Financial Officer and his Honor the Mayor have requested authorization from the City Council to transfer the sum of one million dollars (\$1,000,000.00) from the Finance Department's Salary and Wages account to the Police Department's Salaries and Wages account, in order to fund retroactive salary increases for the International Brotherhood of Police Officers (IBPO), as described in their new collective bargaining agreement; and

WHEREAS, the Chief Administrative and Financial Officer, Timothy Plante, whose Department is in control of the appropriation from which the transfer is proposed to be made, has approved this transfer; and

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the transfer, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008; and

NOW THEREFORE BE IT ORDERED, that the City Council approves the transfer of the sum of one million dollars (\$1,000,000.00) from the Finance - Salary and Wages line to the Salaries and Wages line of the Police Department, in order to fund retroactive salary increases and meet the expenses of the City of Springfield for Fiscal Year 2019.

From: Finance - Salary and Wages

01133-501000

\$1,000,000.00

To: Police Department - Salaries and Wages

01213110-501000

\$1,000,000.00

FINANCIAL IMPACT:

Budget Transfer Across Departments \$1,000,000.00

RESULT:	ADOPTED [11 TO 0]
AYES:	Williams, Shea, Gomez, Walsh, Fenton, Lederman, Edwards, Ashe, Ryan, Allen, Ramos
ABSENT:	E. Henry Twiggs, Justin Hurst

City of Springfield
36 Court Street
Springfield, MA 01103



Division of Administration
and Finance

To: Springfield City Council
From: Timothy J. Plante, Chief Administrative & Financial Officer
Date: July 5, 2018
Re: Order for Council Meeting – 7/11/18
Cc: Mayor Sarno

Purpose: The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the July 11, 2018 City Council meeting, which requests a transfer of \$1,000,000.00 from the Finance Department - Salaries and Wages account to the Police Department - Salaries and Wages account.

Background: The City will need to fund the retroactive pay agreed upon under the new collective bargaining agreement with The International Brotherhood of Police Officers Local 364 (IBPO 364), which was also submitted for authorization at this City Council Meeting. An analysis of the Personal Services budget of the Police Department has determined that the settlement of this agreement will require additional funding in excess of the Department's FY19 appropriation. Funding for the settlement of outstanding union contracts was appropriated to a Finance Department holding account in the FY19 budget. This transfer will move those funds (\$1,000,000.00) to the Police Department to cover the costs of settling the IBPO 364 contract.

CAFO Certification: This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

Attachment: CAFO Cert - Transfer Across Departments (4677 : Budget Transfer Across Departments - \$1,000,000)



City Council
36 Court Street
Springfield, MA 01103

Meeting: 07/11/18 05:00 PM
Department: City Council
Category: General
Prepared By: Tasheena Davis
Initiator: Tasheena Davis
Sponsors: Ward 5 Councilor Marcus J Williams
DOC ID: 4477 A

ADOPTED

ORDINANCE 2018-9

Chief Diversity Officer Ordinance - VETOED by Mayor

AN ORDINANCE AMENDING CHAPTER 67 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THE FOLLOWING ARTICLE THEREOF
ORD. NO. ____

Be it ordained by the Council of the City of Springfield, as follows:

Chapter 67, OFFICERS & EMPLOYEES, of the Code of the City of Springfield, is hereby amended by adding Article XVII thereto to read as follows:

ARTICLE XVII CHIEF DIVERSITY OFFICER

67-84 ESTABLISHMENT

The position of Chief Diversity Officer is established, such Chief Diversity Officer is to serve at the pleasure of the Mayor.

67-85 POWER AND DUTIES

- A. The Chief Diversity Officer reports to the Mayor and will work in concert with the Personnel Director as well as all other department heads.
- B. The Chief Diversity Officer shall develop, implement and monitor programs that promote diversity within the City workforce. This will include the ongoing development and delivery of the City's diversity goals and objectives in areas of hiring, leadership and career development, diversity training, strategic planning, recruitment and retention.
- C. The Chief Diversity Officer will be responsible for collecting and analyzing employment data working in concert with the Personnel Department.
- D. The Chief Diversity Officer will serve as the ombudsman for employment diversity issues.
- E. The Chief Diversity Officer will work with community, academic, and business organizations in order to increase diversity of employee candidate pools.
- F. The Chief Diversity Officer will develop a career advancement plan within the City to increase diversity among candidates for advancement.

67-86 BUDGET REGULATIONS

- A. All line budget items shall be spent by their categories. Any additional monies necessary shall be first submitted with a Mayor's recommendation and approved by a majority vote of the City Council.
- B. Any requests for reallocation of monies from the department's budgeted contingency fund shall be approved by the Mayor and submitted for approval by a majority vote of the City Council.

67-87 SEMI ANNUAL MEETING WITH COUNCIL

The Chief Diversity Officer shall, as soon as possible after the end of each fiscal half of the calendar year, but not later than 15 days after the end of each half, and more often upon written request of the Council requests, meet with the City Council and report progress on initiatives and duties.

Approved as to form

Associate City Solicitor

Chief Diversity Officer Ordinance

HISTORY:

03/05/18 City Council REFERRED TO COMMITTEE
Next: 03/12/18

Councilor Williams spoke in favor of the ordinance.

Councilor Shea expressed concerns about how this position will affect the budget.

Councilor Walsh expressed concerns about how this position will affect the budget and conflict with the mayor's powers.

Councilor Lederman spoke in support of the amendment and the motion to committee.

Motion to committee by Councilor Williams seconded by Hurst.

The matter was sent to the General Government subcommittee

03/12/18 City Council

Councilor Williams stated that he was working with Councilor Edwards to hold a meeting on this item.

03/21/18 City Council

04/09/18 City Council REFERRED TO COMMITTEE
Next: 05/07/18

Councilor Williams asked that this item remain in committee.

Councilor Allen stated that he agreed will Councilor Williams.

05/07/18 City Council REFERRED TO COMMITTEE
Next: 05/14/18

05/10/18 City Council

05/14/18 City Council

no action

06/04/18 City Council FIRST STEP

Councilor Williams took the item out of committee.

06/18/18 City Council SECOND & THIRD STEPS

Councilor Williams spoke in favor of the ordinance.

The council invoked rule 22C to pass the ordinance in one step

COMMENTS - Current Meeting:

Councilor Gomez made a motion to move the question.

The question was called and the vote proceeded as follows:

Williams	Y
Twiggs	A
Shea	N
Gomez	Y
Walsh	N
Fenton	Y
Lederman	Y
Edwards	Y
Ashe	N
Hurst	A
Ryan	Y
Allen	Y
Ramos	

Prior to President Ramos casting his vote, Councilor Lederman raised a point of order. Specifically, that this vote following Councilor Gomez's motion to move the question was out of order because there was no roll call vote on the motion as is required by the rules.

President Ramos rescinded the vote and stated that Councilor Gomez's motion needed a second. Councilor Walsh seconded the motion.

Councilor Gomez withdrew his motion to move the question.

Councilor Lederman made motion to table the item. Seconded by Gomez.

Councilor Walsh spoke in opposition to the motion to table.

The motion to table failed by the following roll call vote:

Williams	Y
Twiggs	A
Shea	N
Gomez	Y
Walsh	N
Fenton	N
Lederman	Y
Edwards	Y
Ashe	N
Hurst	A
Ryan	N
Allen	N
Ramos	Y

Councilor Shea expressed concerned about the president stopping the council in the middle of a vote. He asked for the Solicitor's opinion on this issue.

Councilor Williams objected to the solicitor giving his opinion to the council.

Councilor Gomez asked if this was an item that he could ask to be reconsidered. The Clerk stated that he would research the issue and have an answer before the next meeting.

RESULT:	DEFEATED/VETO [8 TO 3]
MOVER:	Marcus J Williams, Ward 5 Councilor
AYES:	Williams, Gomez, Fenton, Lederman, Edwards, Ryan, Allen, Ramos
NAYS:	Kenneth E. Shea, Kateri B. Walsh, Thomas M. Ashe
ABSENT:	E. Henry Twiggs, Justin Hurst

Veto message to accompany Mayor's veto

The City Solicitor has informed me that the Ordinance purporting to establish the position of Chief Diversity Officer and imposing Budget Regulations is not in the proper form. As such I am vetoing the Ordinance.

In addition, the city's Human Resource Policies include An Affirmative Action Plan which was last revised on August 2, 2017 and is provided to all employees on an annual basis.

This Ordinance is redundant as was previously explained, discussed and clarified with backup data. On May 4, 2018 I released the City's latest EEO-4 report, pursuant to the City's Affirmative Action Plan, to the public and sent a copy to the City Council. The report clearly demonstrates my administration's commitment to ensuring a diverse workforce.

In addition, we already have the position of Equal Opportunity Administrator (EOA) funded in the City budget for the past thirty years. In respect to the individual who currently holds this position, I will continue to support the work that has been done in the past and will continue in the future regarding diversity initiatives here in our City.

With these points in mind, I veto this Ordinance.

Edward M. Pikula
City Solicitor

Law Department
 36 Court Street, Room 210
 Springfield, MA 01103
 Office: (413) 787-6085
 Direct Dial: (413) 787-6098
 Fax: (413) 787-6173
 Email: epikula@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

June 19, 2018

Domenic J. Sarno, Mayor
 City of Springfield
 36 Court Street
 Springfield, MA 01103

Re: Ordinance Change: Chief Diversity Officer and Budget Regulations

Dear Mayor Sarno:

You requested legal information concerning the City Council Order Amending Chapter 67, Chief Diversity Officer Ordinance/Budget Regulations.

In short answer, the Ordinance is not in the proper form as it appears to be an attempt to confer general appropriation powers that are not included in the City Charter and in conflict with Municipal Finance statutes.

Specifically, M.G.L ch. 44, §32 requires a mayor to submit a budget recommendation in the form of line-items for the spending purposes of each city department. Section 32 further provides that:

The city council may by majority vote make appropriations for the purposes recommended and *may reduce or reject any amount* recommended in the annual budget. . . . If the council fails to *take action with respect to any amount recommended* in the annual budget, either by approving, reducing or rejecting the same, within forty-five days after the receipt of the budget, such amount shall without any action by the council become a part of the appropriations for the year, and be available for the purposes specified" (Emphasis added.)

The italicized language makes it clear that in the absence of a charter provision or special legislation providing for a different budget process, a city council can only act on the mayor's recommended budget line-item by line-item.

The proposed Ordinance appears to apply to provisions of the Mayor's budget without any authority conferred by the City Charter.

Attachment: letter to from the city solicitor (ORD-2018-9 : Chief Diversity Officer Ordinance)

In contrast, similar provisions are found in the Ordinance establishing the position of the City's Chief Development Officer. However, that position was added as a charter provision when the City's charter was amended in 2008 by the approval by the state legislature of Chapter 468 of the Acts the 2008, which was proposed by the governor.

In contrast, that City Ordinance passed in accord with that Charter Amendment includes language making it clear that the Budget Regulation only applies to the budget submitted with regard to the Community Development Department.

Any such limiting language was omitted in this proposed ordinance. Specifically, the Ordinance applicable to the Chief Development Officer provides in § 67-79 (B):

Any changes or amendments to the line item **budget** *submitted by the Community Development Department* shall be filed with the City Auditor and the Chief Financial Officer for their approval prior to any vote by the City Council

Any such similar language is omitted from the ordinance purporting to establish the position of Chief Diversity Officer. While the intent of this omission is far from clear, the proposed Ordinance appears to be an attempt by the Council to appropriate funds contrary to the Mayor's authority under M.G.L ch. 44, §32.

Moreover, there is no charter authority for the position. Rather, the City has an existing position, the Equal Opportunity Administrator, (EOA) which already carries out these duties. It has been funded in the budget for the past thirty years. For example, the EOA prepares the City's EE0-4 in accordance with existing law and the City's Affirmative Action Plan.

Whether to include this redundant position in any budget is a matter of policy within the Mayor's discretion.

Sincerely yours,



Edward M. Pikula
City Solicitor

Attachment: letter to from the city solicitor (ORD-2018-9 : Chief Diversity Officer Ordinance)