



# Public Safety

## Regular Meeting

### ~ Minutes ~

<http://www.springfieldcityhall.com>

Susan Kacoyannakis  
413-787-6170

Monday, November 21, 2016

4:30 PM

City Hall -- Room 200

## I. Call to Order

4:30 PM Meeting called to order on November 21, 2016 at City Hall -- Room 200, 36 Court Street, Springfield, MA.

| Attendee Name   | Title              | Status  | Arrived |
|-----------------|--------------------|---------|---------|
| Thomas M. Ashe  | Chairperson        | Present |         |
| Kenneth E. Shea | Ward 6 Councilor   | Present |         |
| Justin Hurst    | At Large Councilor | Absent  |         |
| Rico Daniele    |                    | Absent  |         |

## II. Ordinances

### 1. Ordinance (ID # 3734)

Order Amending Chapter 67 and 16, Police Commissioner/Board of Police Commissioners

#### HISTORY:

11/14/16

City Council

FIRST STEP

#### COMMENTS - Current Meeting:

The Public Safety Committee met to discuss Amending Chapter 67 and 16, Police Commission. In attendance was Councilors Thomas Ashe, Chairman, Ken Shea, Bud Williams, Tim Allen, Marcus Williams, Adam Gomez and Orlando Ramos. Also in attendance was City Solicitor Edward Pikula, Police Commissioner John Barbieri, Fire Commissioner Joseph Conant, and former Police Chief Paula Meara.

City Solicitor Ed Pikula explained to the Public Safety Committee that if the proposed city ordinance passed and brought back a citizen Police Commission, the ordinance would be invalid. There is not funding in the budget for a Police Chief and without the Mayor's approval in is not legally allowed. The City works under the Plan A form of Government. He also stated that some discussion for liability reasons should be discussed in an Executive Session.

Councilor Bud Williams stated that the Control Board brought back the Police Commissioner and he also mentioned that the City Council should have an independent Attorney.

Councilor Orlando Ramos said that the Council has looked into the return of the Police Commission many times before and feels Commissioner Barbieri is doing a good job and this is not a reflection on him.

Councilor Ken Shea suggested there is too much politics that can occur with a Police Commission, whether it be disciplinary or more law suits brought against the city.

Councilor Thomas Ashe noted that having the ordinance take effect after Commissioner Barbieri's contract expires would still place a 2 1/2 year strain on the Commissioners ability to oversee the Police Department.

Commissioner Barbieri said he has to follow due process in each case. He has been on the force for 29 years. He stated he is his harshest critic and is not a policy maker but a public servant. The Police department and the Commissioner are very involved with citizens of Springfield and participate in many outreach walks in the neighborhoods and at meetings.

The City Council will meet on Monday, December 5, 2016 to vote on the 2nd and 3rd steps of the proposed ordinance.



**City Council**  
36 Court Street  
Springfield, MA 01103

Meeting: 11/21/16 04:30 PM  
Department: City Council  
Category: Local Law  
Prepared By: Tasheena Davis  
Initiator: Michael A. Fenton  
Sponsors: Hurst, Walsh, Fenton, Williams, Edwards, Ramos, Twiggs, Williams, Gomez, Allen  
DOC ID: 3734

**SCHEDULED**  
**ORDINANCE (ID # 3734)**

## **Order Amending Chapter 67 and 16, Police Commissioner/Board of Police Commissioners**

AN ORDINANCE AMENDING CHAPTER 67, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING ARTICLE XIII THERETO: POLICE COMMISSIONER; and

AMENDING CHAPTER 16, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED IS HEREBY FURTHER AMENDED BY ADDING ARTICLE XIX THERETO: BOARD OF POLICE COMMISSIONERS.

ORD.NO. \_\_\_\_\_

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

1. Chapter 67, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Article XIII (Police Commissioner) in its entirety.
2. Chapter 16, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Article XIX thereto:

Article XIX  
BOARD OF POLICE COMMISSIONERS

Sections:

- Section 59 Established--Appointment and number of board.
- Section 60 Terms of office.
- Section 61 Qualifications of members.
- Section 62 Filling vacancies--Compensation.
- Section 63 Rules of government--Chairperson.
- Section 64 Powers of Mayor to be exercised by Board.
- Section 65 Management and control of members and signal system.
- Section 66 Rules for maintenance of Department.
- Section 67 Absences from Department.
- Section 68 Adoption of rules and regulations for government and discipline.
- Section 69 Monthly meetings--Annual estimate of necessary maintenance--Accounting for expenditures.

Section 70 Confirmation of appointments.

Section 71 Effective date of ordinance.

Section 72 Conflict with other laws.

Section 59 Established-Appointment and number of Board members.

A Board of Police Commissioners is established. Such Board shall consist of five (5) persons who shall be appointed by the Mayor.

Section 60 Terms of office.

A. The first and second appointees to the Board shall serve three (3) year terms. The third and fourth appointees to the Board shall serve two (2) year terms and the fifth appointee to the Board shall serve a one (1) year term.

B. Annually thereafter appointees to the board shall serve three (3) year terms. Each term shall expire on the first Monday in April in the year the term expires. Members may serve on the Board of Police Commissioners beyond the expiration of his/her term until his/her successor is appointed.

Section 61 Qualifications of members.

A. No person shall be appointed a member of such Board who has not been a resident of the city for at least three (3) years next prior to his/her appointment, who is a member of the city council, an employee of city, or who holds any municipal or political office for which he receives compensation.

B. Removal from the City, membership in the City Council or the holding of any such public office shall automatically vacate the office of a member of such Board.

Section 62 Filling vacancies--Compensation.

Vacancy in such Board shall be filled in the manner of an original appointment within thirty (30) days from its occurrence. The members of such Board shall serve without compensation.

Section 63 Rules of government--Chairperson.

The Board of Police Commissioners may make rules for the government of its procedure. It shall choose one (1) of its members to be chairperson and may prescribe the length of his/her term.

Section 64 Powers of Mayor to be exercised by Board.

The powers and duties vested in the Mayor and the City Council by Chapter 244 of the Acts of 1909 shall be exercised and performed by the Board of Police Commissioners.

Section 65 Management and control of members and signal system.

The Board of Police Commissioners shall, subject to the provisions of this Chapter, have the appointment, management and control of the members and employees of the Police Department and of the Superintendent of the Police Signal System.

Section 66 Rules for maintenance of department. The Board of Police Commissioners shall make such lawful rules for the maintenance of the Police Department, hereinafter referred to as the "Department", including the regulation, government and discipline of such members and employees, and for the direction and control of those having charge of such signal system, including employees thereof, as it deems wise and proper.

Section 67 Absences from department. The Board of Police Commissioners shall have the power to examine into absences of members and employees of the Department, other than those allowed by law or ordinance, and may approve or disapprove the payment of salary for the period of any absences.

Section 68 Adoption of rules and regulations for government and discipline. The rules and regulations for the government and discipline of the Police Department as adopted and promulgated by the former Board of Police Commissioners in the year 1939 with all amendments thereto, a copy of which rules and regulations and amendments thereto, duly attested, is on file with the city clerk, are adopted as and shall continue to be the lawful rules for the maintenance of the Department, and for the regulation, government and discipline of all members and employees thereof, until the adoption and promulgation of rules and regulations as heretofore provided.

Section 69 Monthly meetings-Annual estimate of necessary maintenance-Accounting for expenditures.

A. The Board of Police Commissioners shall meet at least once a month and shall annually in the month of January prepare and communicate to the Mayor an estimate of the amount of money necessary for the maintenance and use of the department for the then current fiscal year, itemized as the Mayor may require.

B. It shall keep or cause to be kept an accurate and detailed account of all expenditures of the Department, and annually in the month of January shall render to the City Council an itemized and exact account of the same.

Section 70 Confirmation of Appointments. All appointments made by the Mayor to the Board of Police Commissioners as called for under Section 59 herein, must be confirmed by a majority vote of the City Council before said appointment becomes effective.

Section 71 Effective date of ordinance. This ordinance shall take effect on May 31, 2019 or upon the termination of the Employment Agreement by and between The City of Springfield Massachusetts and John Barbieri, dated April 1, 2014.

Section 72. Conflict with other laws. Any provision of this Article that conflicts with applicable law or the City Charter shall be interpreted in such a manner and to such an extent as to be effective and valid under applicable law. If any provision of this Article is prohibited by or invalid under applicable law or the City Charter, such provision shall be ineffective only to the extent of such prohibition or invalidity, thereby leaving the remainder of this Article effective.

Approved as to form\*:

Tasheena M. Davis  
Associate City Solicitor

\* This proposed ordinance effectively restores the Board of Police Commissioners ordinance that was contained in Chapter 2.58 of the Revised Ordinances of the City of Springfield, 1986 as amended. Chapter 2.58 was amended by the Springfield Financial Control Board on August 5, 2005, when the Board of Police Commissioners was abolished and the position of Police Commissioner was enacted.

#### **HISTORY:**

**11/14/16 City Council**

**FIRST STEP**