



CITY OF NORTH ADAMS, MASSACHUSETTS  
Office of the City Clerk

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**Meeting of the North Adams City Council**  
**June 28, 2022**  
**7:30 PM**

I hereby notify that at twelve noon today, June 22, 2022, the following items of business have been filed with this office and will be acted upon at the Regular Meeting of the City Council in the City Council Chambers at City Hall, Tuesday evening June 28, 2022 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

This meeting can be viewed live on the Northern Berkshire Community Television station and will be posted to their website as soon as possible.

Joshua Vallieres  
Interim City Clerk

**AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL**  
**June 28, 2022**

Roll Call  
Moment of Silent Remembrance  
Pledge of Allegiance  
Approval of Minutes – June 14, 2022  
Hearing of Visitors on Agenda

- 11,826      An ordinance amending the Revised Ordinances of the City of North Adams regarding the various fees established in the City Code.
- 11,986      Communication from former Councilor Lamb to request a joint review of the concept of artistic crosswalk installations by the Traffic Commission and Public Arts Commission.

- 12,051 An ordinance amending Chapter 14, entitled “Offenses-Miscellaneous”, of the Revised Ordinances of the City of North Adams.
- 12,137 Communication from Councilor Harpin requesting time for an update from the City Clerk Search Committee on the process of hiring a new City Clerk.
- 12,138 Communication from Councilor Shade introducing a Code of Conduct to be reviewed by General Government, the IDEA Commission, the Mayor’s Office, and the city solicitor.

Open Forum  
Mayor’s Updates  
Committee Reports and Minutes  
Liaison Updates  
Councilor Updates  
Correspondence  
Adjournment



CITY OF NORTH ADAMS, MASSACHUSETTS  
Office of the City Clerk

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**Meeting of the North Adams City Council**  
**Tuesday, June 14, 2022**  
**7:30 PM**

**MINUTES**

A meeting of the North Adams City Council was held at 7:30 p.m. in Council chambers.

**COUNCILORS PRESENT:** Councilors Barbeau, Blackmer, Bona, Harpin, Obasohan, Oleskiewicz, Sapienza, Shade, and Wilkinson; a quorum was present.

A moment of silence was observed in honor of Bernice “Red” Alcombright. Following the Pledge of Allegiance, the President called for the approval of the minutes for the meeting of May 24, 2022. On the motion of Councilor Oleskiewicz, seconded by Councilor Sapienza, the minutes were approved by a unanimous yea vote.

The President called for the hearing of visitors

Robert Smith, 163 North Street, discussed item 8,510-9g. Mr. Smith thanked Councilor Oleskiewicz for bringing this communication forward, and acknowledged that this is the only cab property left in North Adams. He highlighted the importance of the taxi service, as many people are reliant on them to get around.

Robert Cardamino, 173 East Quincy Street, discussed item 12,135. Mr. Cardamino said that he didn’t think the city could be sustained by raising taxes. He said that the city should be making major cuts, and thought the city needed a volunteer fire department.

The President moved, without objection, 12,130 to the beginning of the agenda.

12,130 Mayor’s communication #66 presenting a Commendation for Dispatcher LaValley, Officer Beaudreau, & Officer Kline

The President filed the communication without objection.

The Mayor thanked and praised the three individuals for their quick response to multiple shots fired back in February. Chief Wood presented them with their pins.

8,510-9g      Communication submitted by Councilor Oleskiewicz presenting an order amending Council Order 8,510-9e.

Councilor Oleskiewicz believed that the process had taken too long, and he wanted to see a vote held at that meeting. He wanted to hear back from the committees that had made recommendations, but he felt it was unfair to a private business in the city to wait this long.

Further discussion continued between Councilor Shade, chair of the IDEA Commission, and Councilor Oleskiewicz about the recommendations of the Public Safety Committee and the IDEA Commission.

Mr. Rodriguez was called to the microphone and said that he was willing to offer discounts, but was unsure how to implement the discount.

Councilor Oleskiewicz said that the council cannot dictate how Mr. Rodriguez wants to do his increases as a private enterprise. He said that a \$3 increase was what was brought forward, and that is what he will vote on

President Blackmer made a distinction saying that RJ's Taxi is offering a public service, and that it is different than the average privately owned business.

Councilor Barbeau indicated concerns saying that she hadn't received any correspondence on the committees that had met. She said that she was concerned with the process as she hadn't received any of the recommendations.

Councilor Harpin echoed Councilor Barbeau's sentiments, saying that it was really confusing. She said she wasn't sure how it fits in to Open Meeting Law regulations. She read aloud the recommendations made by the Commission on Disabilities about sending the order to the city solicitor, and specifying the ordinance language "by a 30% taxi cab discount to be offered to patrons with disabilities" and using the term "persons with disabilities".

Councilor Wilkinson was frustrated with the revising of this order, and wondered why this was being based on minimum wage and not the consumer price index. He urged the other councilors to give Mr. Rodriguez a raise.

Councilor Bona stated that, as it is a state law, setting the rate is something that needed to be done through the council, contrary to what Councilor Olesckiewicz had said. Councilor Bona indicated that he was in favor of giving Mr. Rodriguez the increase

Councilor Blackmer wanted to clarify Councilor Harpin's point about Open Meeting Law, saying that there was an ordinance in front of Council, and the different committees had made their recommendations. She said that she wished that all those committees would have put their recommendations in writing, but they have the notes, the conversation, and the issue in front of them to make a decision. She said she wanted to move forward so that Mr. Rodriguez could be in business and make changes as needed.

Councilor Harpin directed a question to Councilor Oleskiewicz, asking if the ordinance contained any information about the specificity of the discount. Councilor Blackmer answered, explaining that as they were still on the communication, they would be able to amend the ordinance to add the language when they arrived at the actual order.

Councilor Shade said that she felt better about the idea of continuing the conversation about solving some other problems. She said that hitting people with larger fare increases all at once hurts people, and while acknowledging that Mr. Rodriguez deserves a raise, she wanted to make sure people didn't get hit by huge increases all at once. She said that she was in support of the increase, and wanted to make sure in the future they are making it easier so this wouldn't have to happen again.

Councilor Sapienza wanted to point out the rising prices of gas and car parts, and said that the council needed to allow these higher fares because prices are going up everywhere.

Councilor Obasohan echoed what everyone was saying, and indicated that he would vote in favor of the increase. He did acknowledge though that he did want these conversations to continue, especially in the change of language. He said that as a service to this community, we need to analyze how to continue these discounts without interrupting Mr. Rodriguez' business.

Councilor Bona wanted to make it clear that North Adams can only control the rates of taxi companies that have their licenses within the city.

Councilor Harpin wanted to confirm that in the actual order it would contain some type of discount.

8,510-9g      An order amending Council Order 8,510-9e under the provisions of Chapter 23, Section 23-2 of the Revised Ordinances of the City of North Adams.

Councilor Harpin asked if it would be stated explicitly in the order that the discounts would go through Mayor Macksey and the Council on Aging, and Councilor Blackmer said that it would be left as is, and the COA would be able to discuss it. Mayor Macksey asked why they wouldn't be able to put the discount in the order, and it was determined that the discount would be \$2.

On the motion of Councilor Shade, seconded by Councilor Harpin, it was unanimously voted by yea or nay vote to amend the order as follows:

*Discount Coupons – Person 60 years of age and over, persons with disabilities of any age, shall be entitled to a \$2 reduced rate.*

On the motion of Councilor Sapienza, seconded by Councilor Wilkinson, it was unanimously voted to order as amended.

11,589-2      An ordinance amending Chapter 2, entitled Administration, Article 1, Sec 2-2.1, entitled Reporting minutes of Boards and Commissions.

The President asked for an update from General Government, and Councilor Wilkinson said that he did not have an update as he didn't know it was referred.

On the motion of Councilor Wilkinson, seconded by Councilor Oleskiewicz, it was unanimously voted to continue this item to the first meeting of July.

12,051 An ordinance amending Chapter 14, entitled “Offenses-Miscellaneous”, of the Revised Ordinances of the City of North Adams.

Councilor Sapienza said that the Public Safety Committee met on May 19, and by unanimous vote they had repealed the ordinance entitled Curfew.

On the motion of Councilor Shade, seconded by Councilor Sapienza, the ordinance was moved to a second reading.

12,119 Mayor’s Communication #59 providing notice that the FY2023 budget proposal will be presented at the meeting of June 14, 2022.

Without objection, the communication was filed.

12,126 An ordinance to amend Chapter 2, Section 2-27 & Section 2-28 of the Revised Ordinances of the City of North Adams- FY2023 Classification and Compensation Plan.

On the motion of Councilor Sapienza, seconded by Councilor Harpin, it was unanimously voted to adopt the ordinance.

The president moved item 12,129 to the end of the meeting.

12,131 Mayor’s communication #70 presenting a proclamation in support of Juneteenth Day.

Without objection, the communication was filed.

Mayor Macksey delivered the proclamation in support of Juneteenth in North Adams, celebrating the independence of enslaved people on June 19, 1865.

12,132 Mayor’s communication #71 recommending the reappointment of David Bond to the Redevelopment Authority for a term to expire June 1, 2027.

Without objection, the communication was filed.

On the motion of Councilor Sapienza, seconded by Councilor Oleskiewicz, it was unanimously voted to confirm the appointment.

12,133 Mayor’s communication #72 recommending the appointment of Ronald Sheldon to the Commission on Disabilities to fill the unexpired term of William Meranti, for a term to expire December 1, 2022.

Councilor Bona brought up that Mr. Meranti was an important asset when it comes to ADA compliance and building things, and he wondered if those aspects would still be included on the commission.

Mayor Macksey explained that Mr. Meranti had served on the commission for a long time and needed to step back, but that he would act as a resource as needed.

On the motion of Councilor Harpin, seconded by Councilor Sapienza, it was unanimously voted confirm the appointment.

12,134 Mayor's communication #73 presenting an order to accept the transfer of \$800,000.00 from the North Adams Public Schools to support the feasibility study for the proposed Greylock/Brayton Elementary School project.

Without objection, the communication was filed.

Mayor Macksey explained that this was a procedural accounting entry. She said they are in the next phase of the feasibility study, but this is not indicative of a final decision for a building project. It is just the next step in designer selection. As the city owns this project, the money needs to be with the city rather than the schools.

12,134 An order to accept the transfer of \$800,000.00 from the North Adams Public Schools to support the feasibility study for the proposed Greylock/Brayton Elementary School project.

On the motion of Councilor Wilkinson, seconded by Councilor Harpin, it was unanimously voted to approve the order.

12,135 Mayor's communication #74 presenting an order to appropriate \$44,536,735.00 to be raised by taxation for FY2023.

Without objection, the communication was filed.

Mayor Macksey thanked her team and the Finance committee. She said that the overall budget was up 5.08%, but that the budget would demonstrate they had the capacity and the revenue to back it up.

Councilor Bona gave an update from the Finance Committee, stating that they met five times, and hoped that those meeting were sufficient in answer many of the questions. He hoped that tonight the council wouldn't have to go line by line, as the Finance Committee meetings had done just that. He said there were no real surprises, but there were some changes that he expected the mayor to touch on.

Mayor Macksey began with General Government which contained a proposed amount of \$1,580,387 with an increase of \$209,669. She also explained that General Government expenditures will be offset by \$150,000 drawn from the Municipal Access Technology Grant.

The General Fund budget proposes a 1.5% salary increase for all non-bargaining unit staff, and a \$90,000 in the Mayor's salary line

She explained that funding is proposed for a part time Grants and Communication Specialist, as well as a part-time clerical position in the City Clerk's office. Portions of the Director of Tourism position have been consolidated into the responsibilities of the Fiscal Manager of Community Development creating a new title of Grants Fiscal Manager and Events Coordinator.

The Mayor explained that the largest increase was in the IT Department of \$181,000 to support financial software, end-point protection, website hosting costs, and public safety software.

Councilor Harpin was glad to see so much invested in IT, and the investments made therein.

Councilor Shade wanted to clarify the money from the grants coming in were offsetting expenses not related to salary, and Mayor Macksey said this was the case.

Mayor Macksey moved on to Public Safety which contained a proposed amount of \$5,559,590 with an increase of \$476,235. It also includes a 1.5% salary increase for all bargaining and non-bargaining unit personnel. The Transfer Station is budgeted under Public Safety, but is supervised under Public Services, but the funding is only under Public Safety.

She explained they are properly funding dispatch salaries. She explained that through the 911 Grant there had been a deficit of \$300,000, and looked to account for that by making the salaries above what the grant will cover. There was also funding for four new police officers, seven new firefighters, a part-time clerk position in Public Safety, and a full time Code Enforcement position.

The mayor said there are struggles with overtime in Public Safety because there are not enough staff, and she is hoping that it will level off as officers are trained and working at full capacity.

Councilor Shade asked if the expenses in Public Property and Buildings covered all buildings that the city owns, including City Hall and the Police Department. Mayor Macksey said it did, but it didn't include the Windsor Mill and Western Gateway Heritage State Park.

Councilor Shade expressed concern that building repairs are only budgeted for \$10,000, which Mayor Macksey acknowledged was a concern. She explained they were looking to ARPA and what the city had for grants to deal with the aging infrastructure.

Councilor Shade asked Mayor Macksey if something were to happen to a building where it needed emergency repairs, would that money come from the general budget. Mayor Macksey explained they would expend out of the general fund, and the mayor would come to the City Council for an emergency appropriation. She explained that she didn't come with the numbers for this type of emergency plan as the budget was more focused on outward facing things.

Councilor Harpin asked the mayor about animal control, and how a few years prior they were going to try and regionalize the kennel and if this is something that was still on the table. Mayor Macksey said that this is on her wish list, and that they are in no condition to invite anyone to the shelter until the roof is repaired. She explained that the city needs to take care of its own first, and that repairs needed to happen first.

Councilor Barbeau asked about hiring for Weights and Measures and if this was a new position, and Mayor Macksey explained that it wasn't new and has always been there but not properly funded or accounted for. Councilor Barbeau followed up asking about if a court officer position was new, and once again had not been broken out in the budget.

Mayor Macksey moved on to Public Services which contained a proposed amount of \$3,706,026 with an increase of \$145,023. She explained that they would use \$50,000 from ARPA to offset the increase to do some small projects internally. There will be a 1.5% increase for all staff.



She also explained that they are changing the Reference Library Assistant from a part-time to a full-time Reference Librarian. There were significant changes in the expense budget include a \$20,000 increase in the Highway Department overtime expenses and a \$169,000 increase in Water Department expenses to fix water and sewer main breaks.

Councilor Bona brought up the conditions of the library, something he said had not been discussed in the Finance Committee meetings. He brought up roof leaking, mold, humidity, and air conditioning issues in the newer section of the building as problems that could arise further down the line.

Councilor Shade brought up the change in the airport, and was looking for further clarification on the significant amount of change. Mayor Macksey explained that they are going to account for aviation fuel and most general expenses through a revolving account to paint a better picture. Under the airport salary, they had been paying the Airport Manager \$15,000 for some time, and this was modified in the compensation plan.

Councilor Bona brought up the concerns of some that the city had not followed its obligation that it needed to for certain grants and federal funding. He also brought up that the Airport Manager is a stipend for the Administrative Officer until they try to fill it. Mayor Macksey said that when she brought Kathy on, she had some aviation experience, and they are looking for a long-term fix there.

Councilor Harpin was happy to see that the airport budget was down almost half. She thought that the airport was a valuable asset to the community, but she had a hard time putting \$100,000 onto the taxpayers.

Councilor Barbeau brought up the Council on Aging, saying that she's surprised to see the reduction in their budget and asked about the van. Mayor Macksey said they are getting a new van, they had to hire a new van driver, and they are receiving some support from grant accounts. She explained that they were not looking to cut any services in the Council on Aging.

Councilor Bona continued on Councilor Harpin's point about the airport expenses falling on the taxpayers, and said that Mayor Macksey planned to make the airport more community friendly. Mayor Macksey said that she would like to see more activities planned there, and even a restaurant to make it part of the community because not enough has been done to market it.

Mayor Macksey moved on to Schools which contained a proposed amount of \$18,757,789 with an increase of \$988,715. She explained that we have had an increase in our Chapter 70 funding, which allows for greater investments in education. 67.5% of the budget goes directly into the classroom.

She explained that they looked to keep their staffing levels about the same while adding a Special Education Teacher at Drury and a Special Ed paraprofessional in the Central Office. A 1.0 FTE Elementary Music Teacher that was cut in previous years was added for instrumental music instruction.

There were no questions on this portion of the budget.

Mayor Macksey moved on to Pensions which contained an increase of \$179,000. She explained that the Retirement Board oversees this appropriation, and that the city's annual appropriation for the Retirement Board represents a fixed cost based on the board's assessment. Mayor Macksey looked at the data that supported this number, and thought it was solid.

There were no questions on this portion of the budget.

Mayor Macksey moved on to Unclassified Expenses which contained a proposed amount of \$9,236,933 with an increase of \$340,125. Most of the increase was driven by health insurance, general insurance, and the Hoosac Water Quality District where electric and utility cost have risen greatly. There was also a line added for Smith Vocational School where one student was attending.

Councilor Shade asked if the decrease in Smith Vocational was enrollment based, and Mayor Macksey said it was.

Mayor Macksey moved on to Capital Expenses which contained a proposed amount of \$950,700 with an increase of \$22,000. She explained that this section consists primarily of utility costs including electricity, natural gas, and fuel costs associated with operating the city's public buildings and vehicles. It also contains road paving outside of Chapter 90 funding.

There were no questions on this portion of the budget.

Mayor Macksey moved on to Municipal Debt and Interest which contained a proposed amount of \$216,664 for debt and \$827,595. She explained the debt obligations for Colegrove Elementary School, the Public Safety Building roof, the Mohawk Theater, and the 2017, 2018, and 2021 Capital borrowing. She explained that FY2023 includes a \$395,000 principal payment on prior debt items due in September of 2022.

Mayor Macksey wanted to bring up Appendix A which explained how the city planned to balance the budget, and contained the detail of receipts, room occupancy, cannabis, and She also brought up her draft of the Capital Improvement Plan, much of the data of which was pulled from the 2016 Capital Improvement Plan. She wanted to stress that this is a wish list, and acts as a working document.

1:40:00

Councilor Harpin asked about when the Collins Center comes in September, if there is an estimated time frame, and Mayor Macksey explained that it can be a slow process.

Councilor Barbeau wanted to express her disappointment that there is not a Capital Improvement Plan in place, and Councilor Blackmer explained that the document Mayor Macksey put forward was a sufficient plan based on the information collected at that point. Councilor Barbeau responded by saying that the plan is required by ordinance to be submitted to the Planning Board and presented to the City Council with the budget.

Councilor Harpin asked about the status of the Public Safety Building. Mayor Macksey explained that we are still in the process of getting the money necessary, asking for more funding for the building, and they are talking about drafting an RFP for an engineer for the

remainder of the feasibility study. She also stressed the importance of finding a temporary location for the Police Station in the interim.

Councilor Shade expressed her appreciation toward the mayor and the budget she had presented but took issue with only having \$10,000 for repairs in buildings. She indicated she would be voting no on that portion of the budget. She also expressed her gratitude in having the Finance Committee meetings accessible.

As part of that conversation, Councilor Bona asked those who watched those meetings remotely what camera angle worked best for them. Councilor Shade said that it was better when closer to the table. Councilor Bona said that he was glad the Owl was able to aid in those who couldn't attend the meetings in person, but was disappointed with the small number of people who attended.

Mayor Macksey was curious as to how many people watched remotely and if it was possible to find that out. Assistant Clerk Vallieres said he couldn't determine that while simultaneously broadcasting the meeting. Councilor Barbeau said that the Owl was fantastic, and that over 100 people watched remotely.

The Council took a five minute recess.

12,135          An order appropriating the sum of \$44,536,735.00 to be raised by taxation for FY2023.

Councilor Bona explained that each department would be approved individually, and that at this time it would be fine to vote against a particular part of the budget, where you can come back at the end and vote for the budget as a whole.

On the motion of Councilor Bona, seconded by Councilor Harpin, it was voted unanimously to approve the budget for General Government.

On the motion of Councilor Sapienza, seconded by Councilor Wilkinson, it was voted 8 yeas and 1 nay to approve the budget for Public Safety.

On the motion of Councilor Blackmer, seconded by Councilor Bona, it was voted unanimously to approve the budget for Public Services.

On the motion of Councilor Bona, seconded by Councilor Oleskiewicz, it was voted unanimously to approve the budget for Unclassified Expenses.

On the motion of Councilor Sapienza, seconded by Councilor Harpin, it was voted unanimously to approve the budget for Capital Expenses.

On the motion of Councilor Sapienza, seconded by Councilor Bona, it was voted unanimously to approve the budget for Interest.

On the motion of Councilor Sapienza, seconded by Councilor Wilkinson, it was voted unanimously to approve the budget for Debt.

On the motion of Councilor Blackmer, seconded by Councilor Bona, it was voted 8 yeas to 1 nay to approve the budget as presented.

12,136            Communication submitted by City Clerk Lyon submitting his resignation effective June 20, 2022.

Without objection, the President filed the communication. The City Council as a whole commended City Clerk Lyon for his time and professionalism in the position. Councilor Obasohan indicated his concern over the amount of turnover in the office.

12,129            Communication submitted by President Blackmer presenting a plan to hire a City Clerk.

Councilor Blackmer indicated that the position for City Clerk was posted online and in the paper the day after Clerk Lyon announced his resignation to ensure ample time to process the applicants. She also said that to avoid any bias, the applications were directed to Mayor Macksey's assistant. There have been 16 resumes,

She said that Councilor Oleskiewicz, Councilor Wilkinson, and MaryAnn Abuisi will serve on the Screening Committee. Councilor Blackmer will be involved, but she wants to remain more at a distance in the process. She explained that applications would close the Thursday after this meeting, and that the committee would receive the resumes and cover letters the following day.

Mayor Macksey was hoping to put a staff member on the Screening Committee, and add a third councilor as well. Councilor Blackmer said she would look into it.

Councilor Bona wanted to bring awareness to Assistant Clerk Vallieres, who had only been serving for a month at this point, and that this wasn't operations as normal when he takes over as interim.

The President called for Open Forum:

Robert Smith, 163 North Street, was disappointed with the amount of time the City Council takes trying to make a decision.

Andrew Fitch, 20 East Quincey Street, invited the community to the Pride Night Celebration on the 24<sup>th</sup> of June from 6pm to 9 pm.

Robert Cardimino, 173 East Quincey Street, was worried about crime, and wondered if Mayor Macksey has a plan in place to address crime.

Mayor Macksey addressed Mr. Cardimino in saying how closely she has worked with the Police and Fire Departments. Under her administration, they have taken 12 guns off the streets, as well as \$472,000 of drugs and cash. She said that she will work toward making North Adams a safe community.

There were no Committee Reports or Minutes

There were no Liason Updates

#### Councilor Updates

Councilor Shade wanted to give an update on the Code of Conduct, saying that it will be on the agenda for the next meeting.

Councilor Oleskiewicz wanted to remind people about PopCares on Sunday morning from 9am to 1pm.

Councilor Sapienza wanted to let everyone know that at 5:30pm on Monday nights there is the Downtown Bike Around, sponsored by NBCC.

Councilor Harpin wanted to make a general statement that she is here to represent everyone in a diverse community, and that she will put herself in their shoes to represent them.

Councilor Blackmer wanted to remind everyone that Friday morning from 7:30 to 9am is Coffee in the Parklet.

On the motion of Councilor Oleskiewicz, seconded by Councilor Sapienza, it was unanimously voted to adjourn.

A True Record,  
Attest,

\Joshua Vallieres  
Interim City Clerk

## **MARIE HARPIN, NORTH ADAMS CITY COUNCILOR**

PO Box 222 | (413)652-7381 | [mharpin@northadams-ma.gov](mailto:mharpin@northadams-ma.gov)

June 28, 2022  
North Adams City Council  
10 Main St.  
North Adams MA, 01247

Dear City Council,

I request time on the agenda of the June 28, 2022, City Council meeting for an update from the Clerk Screening Committee on the process of hiring a new City Clerk.

Respectfully submitted,

Councilor Marie Harpin

Ashley M. Shade  
North Adams City Councilor

Wednesday, June 22, 2022



Dear Fellow Councilors,

In February of 2022 I introduced a communication to discuss a code of conduct to be implemented into or along with our City Council Rules. Since this time, I have been researching and putting together some documents that will help cover many of the issues we currently face on the council and in our community.

There have been many open and public discussions about unprofessional and toxic behavior being an issue, and as elected officials we must hold ourselves to the highest standards when representing our city, our constituents, and ourselves. Many other municipalities across the commonwealth have instituted their own code of conduct for elected officials, and it's time for us to do the same. We must be willing to hold ourselves accountable for our behavior and actions, and we must always remember our duty is to our people, and our city.

I would like this code of conduct to be reviewed by General Government, IDEA Commission, the Mayor's Office, and the city solicitor. After review, the final draft will become an ordinance that requires all Elected Officials and Appointed board/committee/commission members to agree to and sign.

Thank you for your consideration of this matter.

Sincerely,

Ashley M. Shade

# City of North Adams Code of Conduct Policy

## For Elected and Appointed Officials

### I. PURPOSE

The City of North Adams recognizes that all individuals elected and/or appointed by the city must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the City, those who volunteer their time and services on behalf of the City and members of the public by striving at every meeting, forum, or other official interaction to treat every person fairly and with respect regardless of any differences of opinion. This also includes interactions in any public medium, including social media. This policy provides a centralized standard of conduct for all elected and appointed officials in the City of North Adams.

### II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the City and covers all their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

### III. CODE OF CONDUCT

All City elected, and appointed officials are expected to act honestly, respectfully, reasonably and in good faith at all times having regard to their responsibilities, the interests of the City and the welfare of its residents. The City elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, and all city employees. Moreover, all elected and appointed officials must fully comply with the City's Anti-Harassment, Anti-Discrimination Policy and Social Media Policy.

Further, all elected and appointed officials of the city must assume the following responsibilities:

1. Conduct in Relation to the Community
  - Be well informed concerning the local and state duties of a board/committee member.
  - Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
  - Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
  - Demonstrate respect for the public that you serve.
  - Safeguard confidential information.
  
- Conduct yourself so as to maintain public confidence in our local government
- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.



- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply with all city policies, including, without limitation, the following:
  - Anti-harassment and Anti-discrimination Policy
  - Anti-fraud Policy
  - Social Media Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
  - The Open Meeting Law
  - Procurement Laws
  - The Ethics/Conflict of Interest Statute (G.L. c.268A).

## 2. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairperson should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee shall require written notice to the Chairperson, Mayor, and City Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

## 3. Conduct in Relation to City Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from City staff in an official capacity, but rather channel all such activities through the appropriate supervisor.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the City Administrator through private communication.
- Officials who interact with city staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

#### 4. DISTRIBUTION AND EDUCATION

- The City Clerk shall provide a copy of this policy, the City's Anti-Harassment and Anti-Discrimination policy, the Social Media policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual. Policies shall be signed before the oath of office is administered.
- Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the City Clerk on the form and the individual shall be deemed unable to take their oath of office.

#### IV. ENFORCEMENT

1. In addition to any other remedies or enforcement options available under the law, each board/committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.
2. If any elected or appointed official is accused of violating the City's Anti-Harassment and Anti-Discrimination Policy, or has inappropriate interactions with City employees, the City Administrator shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The City Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority.
3. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the City Administrator.
4. The City Administrator shall share the reported findings and recommendations with the elected official's board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.
5. If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable, the appointing authority, may take such action as is authorized by

law and as it deems fit or it may vote upon request of the City Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the City Administrator.

6. The City Administrator shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.