

Notice is hereby given that the regularly scheduled meeting of the City Council will be held on Monday evening May 12, 2025 at 7:00PM in the Council Chambers, City Hall, 45 School St., Brockton, MA. The meeting was called to order at 7:00PM with 8 members present. Councilors Farwell, Rodrigues, and Tavares absent.

A moment of silence for Gerry Smith.

948.Acceptance of the Minutes of the April 14, 2025 City Council Meeting.

Accepted and placed on file.

APPOINTMENTS:

Councilor Lally motioned to take item #2 under suspend the rules and act on it this evening and was properly seconded. The motion carried by a hand vote.

949.Promotion of Officer Michael Asack to the rank of Sergeant in the Brockton Police Department.

Lt. Schlieman stated that Officer Asack is a Brockton resident. He graduated Cardinal Spellman here in Brockton. He holds a bachelors in finance from Merrimac College and a master's degree in Criminal Justice from UMASS. He has been employed with the Brockton police department since August of 2016.

Officer Asack stated he is excited and wants to thank his wife and kids, parents, brothers, and everyone at the police station. He appreciates the opportunity.

Confirmed by a roll call vote taken by "yeas" and "nays" eight members present and all voting in the affirmative. Councilors Farwell, Rodrigues, and Tavares absent. Councilor Lally motioned to file for reconsideration with the hopes it does not prevail and was properly seconded. Reconsideration failed by a had vote.

Swearing in of Sergeant Michael Asack.

Brief Recess.

Back in session.

Councilor Tavares stepped in.

950.Reappointment of Matthew Stanton of 160 Tribou Street, Brockton, MA 02301 to the Brockton Beautification Committee for a one-year term ending in April 2026.

Referred to Finance

951.Reappointment of Linda Pietrantonio of 55 John Berman Drive, Brockton, MA 02302 to the Beautification Committee for a one-year term ending in May 2026.

Referred to Finance

952.Reappointment of Kelly Hanlon of 96 Westfield Drive, Brockton, MA 02301 to the Beautification Committee for a one-year term ending in May 2026.

Referred to Finance

953.Reappointment of Peggy Curtis of 153 Dixon Road, Brockton, MA 02301 to the Brockton Conservation Committee for a three-year term ending in April 2028.

351. (APPOINTMENTS CONT.)

Referred to Finance

REPORTS:

954.Of the Finance Committee for its meeting of April 22, 2025.

Accepted and placed on file.

955.Of the Finance Committee for its meeting of May 5, 2025.

Accepted and placed on file.

COMMUNICATIONS:

956.From the Police Chief requesting the following officer be promoted as he is the top-ranked candidate on the attached promotional list:

Rank of Sergeant

Officer Michael Asack

Accepted and placed on file.

957.From the Mayor recommending the promotion of the following officer as he is the top-ranked candidate on the attached promotional list:

Rank of Sergeant

Officer Michael Asack

Accepted and placed on file.

958.From the Mayor reappointing Matthew Stanton of 160 Tribou Street, Brockton, MA 02301 to the Brockton Beautification Committee for a one-year term ending in April 2026.

Accepted and placed on file.

959.From the Mayor reappointing Linda Pietrantonio of 55 John Berman Drive, Brockton, MA 02302 to the Beautification Committee for a one-year term ending in May 2026.

Accepted and placed on file.

960.From the Mayor reappointing Kelly Hanlon of 96 Westfield Drive, Brockton, MA 02301 to the Beautification Committee for a one-year term ending in May 2026.

Accepted and placed on file.

961.From the Mayor reappointing Peggy Curtis of 153 Dixon Road, Brockton, MA 02301 to the Brockton Conservation Committee for a three-year term ending in April 2028.

Accepted and placed on file.

962.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the total appropriation of \$3,000,000 using the attached form of order with language as recommended by Attorney Richard A. Manley, Jr. of Troutman Pepper Locke, LLP, the City's bond counsel, in order to provide funding through borrowing said amount, for the design and construction of various stormwater improvements throughout the City.

Accepted and placed on file.

352. (COMMUNICATIONS CONT.)

963.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the proposed appropriation of and borrowing authorization for \$3,000,000 for the purpose of designing and constructing various stormwater improvements throughout the City, without a detrimental impact on the continuous provision of the existing level of municipal services.

Accepted and placed on file.

964.From the Fire Chief requesting from the Brockton Fire Department to accept and spend the total of eleven thousand nine hundred sixty-one dollars and twenty cents (\$11,961.20) This will cover the cost for three (3) sets of turnout gear for our newest recruits.

Accepted and placed on file.

965.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$11,961.20 from the Commonwealth of Massachusetts Department of Fire Services to the Brockton Fire Department. These funds will be used to cover the cost for three sets of turnout gear for new recruits.

Accepted and placed on file.

966.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the grant award in the amount of \$11,961.20 from the Commonwealth of Massachusetts Department of Fire Services to the Brockton Fire Department, without detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used to cover the cost for three sets of turnout gear for new recruits.

Accepted and placed on file.

967.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance and expenditure of the grant award in the amount of \$2,000,000 from the U.S Environmental Protection Agency to the Department of Public Works. These funds will be used to implement a design project for a Biosolids Sludge Dryer to reduce the mass and volume of biosolids for disposal and implement a technically reliable and more cost-effective on-site processing solution. The EPA agrees to cost-share 100% of all approved budget period costs incurred, up to \$2,000,000.

Accepted and placed on file.

968.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the acceptance and expenditure of the grant award in the amount of \$2,000,000 from the U.S Environmental Protection Agency to the Department of Public Works, without detrimental impact on the continuous provision of the existing level of municipal services. These funds will be used to implement a design project for a Biosolids Sludge Dryer to reduce the mass and volume of biosolids for disposal and implement a technically reliable and more cost-effective on-site processing solution. The EPA agrees to cost-share 100% of all approved budget period costs incurred, up to \$2,000,000.

Accepted and placed on file.

353. (COMMUNICATIONS CONT.)

969.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the proposed order; the City of Brockton is adequate to support the Pay Plan of the Deputy Director of Public Works.

Accepted and placed on file.

970.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the ordinance change to create the Deputy Director of Public Works position, without detrimental impact on the continuous provision of the existing level of municipal services. This position has been proposed and slotted on the pay scale directly related to the proposed level of responsibility outlined in similar positions.

Accepted and placed on file.

971.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the acceptance of the proposed order; the City of Brockton is adequate to support the Pay Plan of the Director of Social Services.

Accepted and placed on file.

972.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the ordinance change to create the Director of Social Services Position, without detrimental impact on the continuous provision of the existing level of municipal services. This position has been proposed and slotted on the pay scale directly related to the proposed level of responsibility outlined in similar positions.

Accepted and placed on file.

973.From the Mayor in accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council authorize the transfer of \$12,000. These funds will support the Animal Control's overtime category for the remainder of the fiscal year.

Accepted and placed on file.

974.From the CFO in accordance with Section 5 of Chapter 324 of the Acts of 1990, certifying that the financial resources and revenues of the City of Brockton are and will continue to be adequate to support the total proposed transfer of \$12,000, without a detrimental impact on the continuous provision of the existing level of municipal services. These funds will support the Animal Control's overtime category for the remainder of the fiscal year.

Accepted and placed on file.

UNFINISHED BUSINESS:

902.Reappointment of Jocelyn Meek of 140 Copeland Street, Brockton, MA 02301 to the Brockton Public Library Board of Trustees for a three-year term ending in March 2028. (FAVORABLE)

Confirmed by a roll call vote taken by "yeas" and "nays" nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

903.Reappointment of Margaret Mone of 10 Braemoor Road, Brockton, MA 02301 to the Brockton Public Library Board of Trustees for a three-year term ending in April 2028. (FAVORABLE)

354. (UNFINISHED BUSINESS CONT.)

Confirmed by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

- 904.**Reappointment of Ruby J. Clay of 607 Summer Street, Brockton, MA 02301 to the Brockton Conservation Committee for a three-year term ending in April 2028.
(FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

- 925.**Reappointment of Lisa O’Donnell of 30 Rock Meadow Drive, Brockton, MA 02301 to the Brockton Public Library Board of Trustees for a three-year term ending in April 2028. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

- 919.**Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows:

Transfer of: \$476,000.00

FROM: LIBRARY - PERSONAL SERVICES NON-OT	\$200,000.00
AUDITOR – PERSONAL SERVICES NON-OT	\$100,000.00
BOARD OF HEALTH – PERSONAL SERVICES NON-OT	\$150,000.00
MAYOR – PERSONAL SERVICES NON-OT	\$26,000.00

TO: LAW – PURCHASE OF SERVICE	\$476,000.00
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(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays” nine members present and eight voting in the affirmative, Councilor Derenoncourt voting in the negative. Councilors Farwell and Rodrigues absent.

- 920.**Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$92,000.00.

FROM: EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE	\$92,000.00
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TO: DEPARTMENT OF PUBLIC WORKS	\$92,000.00
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(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

- 921.**Ordered: In accordance with the General Laws of Massachusetts, Chapter 44, recommending that the City Council approve the expenditure of \$4,964.92.

FROM: PUBLIC PROPERTY – PURCHASE OF SERVICE	\$4,964.92
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TO: SECURITAS TECHNOLOGY CORP.	\$2,665.42
WESTECH	\$2299.50

(FAVORABLE)

Councilor Lally motion to amend order to state to pay FY24 unpaid bills and was properly seconded. the motion carried by a hand vote.

355. (UNFINISHED BUSINESS CONT.)

Adopted as Amended by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

922.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$12,000.00.

FROM: NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION	\$12,000.00
TO: INSPECTIONAL SERVICES DEPARTMENT (FAVORABLE)	\$12,000.00

Adopted by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

943.Ordered: In compliance with the provisions of the Election Laws, notice is hereby given that the City Preliminary will be held on Tuesday, September 16, 2025 and that the City Election will be held on Tuesday, November 4, 2025 in the following designated Polling Places:

Ward One	Precinct A	Housing Authority, Community Room, 70 Hawley Street
Ward One	Precinct B	West Junior High School, 271 West Street
Ward One	Precinct C	Hancock School, 125 Pearl Street
Ward One	Precinct D	Hancock School, 125 Pearl Street
Ward Two	Precinct A	Barrett Russell School, 45 Oakdale St
Ward Two	Precinct B	Manning Towers, 45 Goddard Road
Ward Two	Precinct C	Senior Center, 10 Father Kenney Way
Ward Two	Precinct D	War Memorial Building, 156 West Elm Street
Ward Three	Precinct A	South Junior High School, 105 Keith Avenue
Ward Three	Precinct B	South Junior High School, 105 Keith Ave
Ward Three	Precinct C	John F. Kennedy School, 900 Ash Street
Ward Three	Precinct D	West Side Library, 540 Forest Avenue
Ward Four	Precinct A	Gilmore School, 150 Clinton Street
Ward Four	Precinct B	Gilmore School, 150 Clinton Street
Ward Four	Precinct C	Davis Elementary School, 380 Plain Street
Ward Four	Precinct D	Campello High Rise Apts, 1380 Main Street
Ward Five	Precinct A	East Side Library, 54 Kingman Street
Ward Five	Precinct B	East Junior High School, 464 Centre Street
Ward Five	Precinct C	Downey School, 55 Electric Avenue
Ward Five	Precinct D	Caffrey Towers, 755 Crescent Street
Ward Six	Precinct A	Brookfield School, 135 Jon Drive
Ward Six	Precinct B	Ashfield School Gymnasium, 225 Coe Road
Ward Six	Precinct C	Brookfield School, 135 Jon Drive
Ward Six	Precinct D	Brookfield School, 135 Jon Drive
Ward Seven	Precinct A	North Junior High School, 108 Oak Street
Ward Seven	Precinct B	Belair Street High Rise, 105 Belair Street
Ward Seven	Precinct C	Sullivan Towers, 140 Colonel Bell Drive
Ward Seven	Precinct D	Raymond School, 125 Oak Street

The polls will be open at 7:00 A.M., and will be closed at 8:00 P.M. Said voters will then in their respective polling places give in their votes each on one piece of paper to the Warden for the election of candidates for the following named offices, viz: Mayor, Councillors At Large, Councillors in each ward, and members of the School Committee in each ward. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

356. (UNFINISHED BUSINESS CONT.)

944.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$13,298.05.

FROM: MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY \$13,298.05

TO: BROCKTON FIRE DEPARTMENT \$13,298.05
(FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays” nine members present and all voting in the affirmative. Councilors Farwell and Rodrigues absent.

868.Resolve: WHEREAS, The recruitment of qualified candidates to become members of the Brockton Police Department is an annual priority;

Now, therefore, be it Resolved:

Chief Brenda Perez and any other appropriate staff member she may determine be invited to a meeting of the City Council to discuss current recruitment efforts and to provide any recommendations to enhance the city’s ability to attract and recruit candidates for appointment to the police department. (FAVORABLE)

Adopted by a hand vote. Councilors Farwell and Rodrigues absent.

923.Resolve: Be it resolved by the Brockton City Council to invite Plymouth County Commissioner Gregory Hanley and Marc R. Pacheco, former Massachusetts State Senator and current President and CEO of the Transatlantic Climate Alliance (“TCA”), to appear before the Finance Committee to discuss opportunities for the City of Brockton to affiliate with TCA, to inform the City of the TCA’s 1st international conference to be held in the City of Brockton, and to share and discuss opportunities for the City of Brockton to be a manufacturing, innovation and technological center in the green and blue economy. (FAVORABLE)

Adopted by a hand vote. Councilors Farwell and Rodrigues absent.

947.Resolve: WHEREAS: Heart disease is the number one cause of death in the United States and second leading cause of death in Massachusetts; and

WHEREAS: Heart disease, including coronary artery disease, heart failure, and arrhythmias, significantly increases the risk of cardiac arrest, a condition in which the heart suddenly stops beating due to an electrical malfunction; and

WHEREAS: Cardiopulmonary resuscitation (CPR), together with an automated external defibrillator (AED), is the most effective way for bystanders to help someone in cardiac arrest. CPR keeps blood flowing to vital organs, while an AED can restart the heart by restoring its normal rhythm; and

WHEREAS: According to the American Heart Association (AHA), immediate CPR can double or triple a person’s chances of survival after cardiac arrest, yet only about 40% of people who experience an out-of-hospital cardiac arrest receive the immediate help that they need before professional help arrives; and

WHEREAS: CPR classes can be taught in just 30 to 45 minutes, making them a quick and accessible way to equip students with lifesaving skills; and

WHEREAS: 41 states have recognized the importance of CPR training by mandating it for

357. (UNFINISHED BUSINESS CONT.)

high school students, making Massachusetts one of only nine states that does not require it for high school graduation; and

WHEREAS: Massachusetts legislators have introduced five bills that seek to make CPR and AED training a requirement in high schools across the commonwealth:

- S.447, An Act providing hands only CPR training and the use of defibrillators
- S.456, An Act requiring instruction in CPR and the use of defibrillators for high school graduation
- H.556, An Act providing CPR and AED Education for All, AKA The CPR and AED Education for All Act
- H.572, An Act relative to cardiopulmonary resuscitation and automatic defibrillator education in public schools;
- H.750, An Act providing hands only CPR training and the use of defibrillators now therefore be it

ORDERED: That this City Council go on record in support of S.447, S.456, H.556, H.572, and H.750 to ensure high school students receive CPR and AED training, equipping the next generation with life-saving skills; and be it further ordered

That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this Policy Order to the Brockton State House delegation on behalf of the entire City Council. (FAVORABLE)

Adopted by a hand vote. Councilors Farwell and Rodrigues absent.

ORDINANCE:

975.Ordnance: **AN ORDINANCE AMENDING ARTICLE III, DIVISION 2, SECTION 2-127 – PAY PLAN**

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended as follows:

Article III, Section 2-127 is amended by adding the following position:

<i>Deputy Director of Public Works</i>	<i>PW</i>
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Article III, Section 2-127 is further amended by adding the following wage scale:

Category	Position	Min.	2	3	4
<i>PW-2</i>	<i>Deputy Director of Public Works</i>	<i>\$137,465</i>	<i>\$141,558</i>	<i>\$145,805</i>	<i>\$150,179</i>

Referred to Ordinance

976.Ordnance: **AN ORDINANCE AMENDING ARTICLE III, DIVISION 2, SECTION 2-127 – PAY PLAN**

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended as follows:

Article III, Section 2-127 is amended by adding the following position:

<i>Director of Social Services</i>	<i>BH</i>
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Article III, Section 2-127 is further amended by adding the following wage scale:

358. (ORDINANCES CONT.)

Category	Position	Min.	2	3	4
BH-2	Director of Social Services	\$79,172	\$81,547	\$83,994	\$86,513

Referred to Ordinance

ORDERS:

Councilor Lally motioned to waive the reading and have the clerk summarize this order and was properly seconded. The motion carried by a hand vote.

977.Ordered: That the City Council of the City of Brockton petitions the Great and General Court to repeal special legislation relating to the City of Brockton to be filed with an attested copy of this Order be and hereby is approved under the provisions of Clause One (1) Section Eight (8) of Article Two (2), as amended, of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts as follows:

PETITION TO AMEND CHAPTER 324 OF THE SPECIAL ACTS OF 1990 “AN ACT RELATIVE TO THE FINANCIAL CONDITIONS IN THE CITY OF BROCKTON”

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Provided that the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition, be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:

The text of Chapter 324 “An Act Relative to the Financial Conditions in the City of Brockton” shall be replaced and amended to state as follows:

SECTION 1. There shall be in the city of Brockton a department of finance which shall be responsible for the overall budgetary and financial administration of the city of Brockton. The department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the mayor for a period of three years. The chief financial officer shall report to and be under the direction of the mayor.

The chief financial officer shall be a person especially suited by education, training and experience to perform the duties of the office.

The chief financial officer shall not, at any time, assume the duties or responsibilities of the city auditor, the city collector or the city treasurer. Without the prior approval of the city council, the chief financial officer shall not, at any time, assume the duties or responsibilities of any city official whose appointment requires approval by the city council. Such approval by the city council, if granted, may restrict the term or scope of such assumption.

The auditor shall have independent authority to review and audit any city department, grant fund, enterprise fund or other appropriation to ensure compliance with federal or state laws, Massachusetts Department of Revenue policies, rules and regulations, and shall report any inconsistencies, deficiencies or related financial information promptly to the mayor, chief financial officer and city council within two (2) business days of the completion of any audit.

SECTION 2. The powers and duties of the chief financial officer shall include the following:

359. (ORDERS CONT.)

- (a) Coordination, administration and supervision of all financial services and activities together with assistance in all matters related to municipal financial affairs, and;
- (b) Development and maintenance of uniform systems for all financial planning and operations in all departments, including the school department, or boards, commissions or agencies or other units of city government, the operation of which have a financial impact upon the general fund of the city, and;
- (c) Implementation and maintenance of uniform budget guidelines and procedures including direction and assistance in development and preparation of all departmental and other budgets and spending plans, and;
- (d) Monitoring of the expenditure of all funds, including periodic reporting by or to the appropriate body, agency or officer of the status of accounts and including the continuing review of the spending plan for each department or activity of the city, and;
- (e) Review of all proposed contracts and obligations with a term or impact in excess of one year, and;
- (f) Supervision of the allotment of funds on a periodic basis as provided for herein.

All department budgets, the budgets or spending plans for all other activities of the city, requests for supplemental appropriations, and request for transfers of revenues or appropriations must be submitted to the chief financial officer for review, compilation and recommendation prior to the submission to the mayor or city council, as appropriate.

For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial action, including all transfers, all collective bargaining agreements, an ordinance revision or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than sections four, six or six A of chapter forty-four of the General Laws, the chief financial officer shall, if it be the case, submit in writing to the mayor and city council a certification that it is his professional opinion, 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 such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services.

SECTION 3. All powers and duties of the chief financial officer of Brockton shall apply to all departments of the city, including the school department.

School department budgets, expenditures and other financial matters requiring action by the city council shall be submitted to the chief financial officer for review and comment after they have been acted upon by the school committee.

All collective bargaining agreements, personal employment contracts, a contract for goods and services, or any agreement, lease, purchase order, or spending request by the school department which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one year, shall be first submitted to the chief financial officer who shall submit in writing to the mayor and city council a certification that it is his/her 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 such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services.

Provided further, in the case of any collective bargaining agreement, individual employment contract or agreement to pay salaries, wages and benefits, no agreement shall be valid without a certification by the chief financial officer. The chief financial officer shall report his/her failure to issue a certification to the mayor and city council. The chief financial officer shall note, specifically, the contents of the agreement which

360. (ORDERS CONT.)

prevent certification and return the agreement to the appropriate department for further action.

In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the city.

The city of Brockton shall be deemed to have accepted section 37M of chapter 71 of the General Laws for the purpose of consolidating the operations of the business and financial services department of the school department with those of the city under the authority of the chief financial officer.

SECTION 4. The city auditor of the city of Brockton shall have such powers and duties as may be vested in his office by general or special law, and in addition thereto, such powers and duties as are provided for herein. To the extent not otherwise inconsistent herewith, the office of the city auditor shall also have such powers and duties as are provided for by local ordinance.

The city auditor shall, in addition to his other duties, provide, upon majority vote and at the written request of either the city council or its finance committee, within a reasonable time period from such request, an oral or written assessment, or both, as the city council or its finance committee may request, of the current and future financial impact of the cost of any proposed appropriation order, lease or contract arrangement for a term including more than one fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, such assessment shall include such analysis or other information of a financial nature as is specifically requested by a vote of the city council or its finance committee. Such assessment and analysis shall be provided by the auditor as his professional opinion and he shall not be obligated to represent the opinion of the mayor or the chief financial officer.

The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its authority to request such, at any time it receives formal or informal notice of:

- (i) an expenditure which is or may be in excess of an appropriation;
- (ii) a condition where an allotment is or may be exceeded;
- (iii) a certification of the chief financial officer as provided for in section five of this act; or
- (iv) any actions with respect to temporary or permanent indebtedness.

Only the city auditor shall have access to alter the general ledger or the accounting system.

SECTION 5. Notwithstanding the provisions of any general or special law, city charter provisions, or local ordinance to the contrary, on or before August first of each year, or within ten days after the approval by the city council and the mayor of the annual budget for such fiscal year, whichever shall occur later, the persons or officers in charge of all city departments, including the superintendent of schools for the school department, or boards, commissions, agencies or other units of city government, the operations of which have a financial impact on the general fund of the city, shall submit to the chief financial officer and the city auditor, with a copy to the city clerk who shall transmit the same to the city council, in such form as the city auditor may prescribe, an allotment schedule of the appropriations for all personnel expenditure categories included in such department's or unit's budget, indicating the amounts to be expended by such department or unit for such purposes during each of the five following allotment periods: July first through September thirtieth, October first through December thirty-first, January first through the last day of February, March first through April thirtieth, and May first through June thirtieth.

361. (ORDERS CONT.)

Whenever the chief financial officer or the city auditor determines that any department, board, commission, agency or other unit of city government, including the school department, will exhaust or has exhausted its time period allotment and any amounts unexpended in previous periods before the end of such time period, he shall give notice in writing to such effect to the department head or officer in charge thereof, the mayor, the city solicitor, the chief financial officer or the city auditor as appropriate, and to the city clerk who shall forthwith transmit the same to the city council. Upon such a determination and notice thereof, the chief financial officer shall provide the foregoing officials additional reports on at least a monthly basis indicating the status of each of such accounts.

The mayor, within ten days after receiving such a notice, shall determine whether to waive such allotment. A determination that such allotment shall be waived shall not become effective unless and until the chief financial officer files with the mayor and city clerk a certificate that in his opinion sufficient financial resources are or will become available to accommodate the amount of the expenditures in excess of allotment within subsequent period allotments to such department or unit of city government.

If the allotment for such period is waived, the department or other unit of city government shall reduce subsequent periods' allotments by the amount necessary to keep its expenditures within its annual budget, and shall file a report of such allotment adjustments with the mayor, city council, chief financial officer, and city auditor. If the allotment for such period is not waived, the department or other unit of city government shall terminate all personnel expenditures necessary to meet allotment amounts for the remainder of such period, provided, however, that to the extent that personnel expenditures must be reduced pursuant to the foregoing for one or more allotment periods, no provision included herein shall be construed to abridge the rights of the city or its municipal employees including school department employees to negotiate the method of implementing the required reductions, within twenty-one days of the mayor's determination not to waive such allotment, pursuant to a collective bargaining agreement under the provisions of chapter one hundred and fifty E of the General Laws. All actions, notices and decisions provided for in this section shall be transmitted to the city clerk, city council and finance control board, if such board remains in existence at the time, within seven days.

No personnel expenses earned or accrued within any department, board, commission, agency or other unit of city government including the school department shall be charged to or paid from any allotment of a subsequent period without the express written approval of the mayor specifically permitting such a charge or payment, except for subsequently determined retroactive compensation adjustments; provided further that such permission by the mayor shall not be effective if the entire appropriation for such personnel expenditure categories shall be exhausted. No provision contained in this section shall be construed to impair the authority of the city to make expenditures as otherwise provided by law in the case of an emergency involving the health or safety of the people or their property.

Approval of a payroll for the payment of wages, salaries or other personnel expenses which would result in an expenditure in excess of the allotment, except in the case of an emergency involving the health or safety of the people or their property, shall be a violation of this section by the person or officer in charge of the department or other unit of city government including the superintendent of schools and the school committee as well as any other official so approving such payroll including the mayor, chief financial officer, city auditor and city treasurer.

If the continued payment of wages, salaries, or other personnel expenses is not approved in a period where a department or other unit of city government has exhausted the period allotment or allotments as specified above, or in any case, has exhausted its entire appropriation for a fiscal year, the city shall have no obligation to pay such personnel costs or expenses arising after such allotment or appropriation has been exhausted, except

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in the case of an emergency involving the health and safety of the people or their property.

Notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, every collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to and shall expressly incorporate the provisions of this section.

Where a supplemental appropriation which authorizes and provides for additional personnel expenditures is approved during the course of and with respect to the current fiscal year and prior to the first day of April of that fiscal year, the subsequent period allotments shall be revised and supplemented so as to include the additional personnel expenditures authorized by such supplemental appropriation.

For the purposes of this statute, the word "emergency" shall mean a major disaster, including but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health or safety of persons or property.

SECTION 6. Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, but fully subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws, proposition two and one-half, so-called, the city of Brockton shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be designated the "supplemental reserve fund to ensure fiscal stability". Such fund shall be separate and in addition to any amounts appropriated pursuant to the provisions of section five A of chapter forty of the General Laws.

Commencing with fiscal year nineteen hundred and ninety-two and for all fiscal years thereafter, prior to the date when the tax rate is fixed, the board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year an amount, the "Supplemental Reserve Fund Sum", as determined under the provisions herein, such amount to be certified to the board of assessors by the city auditor.

The Supplemental Reserve Fund Sum for each fiscal year shall be an amount equal to one and one-half percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; provided further that such amounts may be increased by penalty adjustments as provided for herein.

In each year the amount required to be raised for such special reserve fund may be reduced by the amount, if any, remaining in the reserve fund established for the preceding year after all expenditures have been made therefrom as herein authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

Transfers or expenditures may be made from the special reserve fund of any fiscal year during that fiscal year only and then only by the mayor with the approval of the city council. Each such transfer or expenditure request by the mayor shall be accompanied by a written statement detailing the amount and the reason for such transfer or expenditure. Except for such transfers or expenditures as hereabove authorized, there shall be no other transfers or expenditures from such fund, nor shall there be any charges against such fund nor reductions in the amount of such fund.

If in any fiscal year the special reserve fund as provided for herein is depleted by transfers or expenditures in excess of fifty percent of the amount certified for that year by the city auditor plus the amount of any penalty adjustment as provided for hereinafter, or if the city incurs net deficits with respect to such fiscal year in excess of fifty percent of the aforementioned amount, the special reserve fund requirement for the succeeding fiscal year shall be increased by one-quarter of one percent of the gross amount to be raised for the year with respect to which the use of the reserve fund or the deficits were

363. (ORDERS CONT.)

incurred as the case may be. Such percentage increase shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years, except as provided for hereinafter. In no event, however, may the special reserve fund requirement for any fiscal year exceed five percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year. All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the city auditor prior to the establishment of the tax rate for the then current fiscal year.

Notwithstanding the foregoing, the mayor, with the approval of the commissioner of revenue, may for any fiscal year commencing with fiscal year nineteen hundred and ninety-six reduce the amount otherwise required to be raised for the special reserve fund by one-quarter of one percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year, which percentage decrease shall be of a permanent nature and fully effective with respect to the special reserve fund requirements of all succeeding fiscal years; provided that such decrease shall not reduce the fund below one and one-half percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year, and provided further that such reduction, if any shall not work to eliminate or modify such subsequent penalty adjustments as may arise under the provisions hereinabove.

SECTION 7. No official of the city of Brockton, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of such official's departmental or other governmental units appropriation duly made in accordance with law, nor commit the city, nor cause it to be committed, to any obligation for the future payment of money in excess of such appropriation.

Any official who intentionally violates the provisions of this section shall be personally liable to the city for any amounts expended in excess of an appropriation to the extent that the city does not recover such amounts from the person or persons to whom such amounts were paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such relief as the court may find claims brought by the city hereunder and to order such relief as the court may find appropriate to prevent further violations of this section. Any official who violates the provisions of this section or of section seven above shall be subject to removal for cause.

For the purposes of this statute, the word "official" shall mean a city department head, permanent, temporary or acting, including the superintendent of schools, and all municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds.

SECTION 8. The provisions of this act shall be deemed to supersede any charter provision or ordinance which is contrary or inconsistent with the provisions of this act.

SECTION 9. This act shall take effect upon its passage except that the provisions of section seven as to allotments shall be in effect only for allotment periods ending forty-five days or more after the effective date of this act. During any period prior to the initial appointment of a chief financial officer, or during any period in which the position of chief financial officer is vacant, the mayor or his designee shall perform the duties and responsibilities of the chief financial officer with respect to the budget allotment system established by section seven of this act.

SECTION 10. The provisions of this act are severable and if any of its provisions or an application thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

364. (ORDERS CONT.)

Referred to Finance

978.Ordered: That the City of Brockton appropriate the amount of Three Million Dollars (\$3,000,000) for the purpose of paying for design and construction of various stormwater improvements throughout the City. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.
Further Ordered: That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts’ Municipal Finance Oversight Board to qualify under G.L. c. 44A any and all bonds or notes of the City authorized by this vote, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

Referred to Finance

979.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$11,961.20

FROM: COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF FIRE SERVICES \$11,961.20

TO: BROCKTON FIRE DEPARTMENT \$11,961.20

Referred to Finance

980.Ordered: That the City Council authorizes the acceptance and expenditure of the total grant funds in the amount of \$2,000,000.

FROM: U.S ENVIRONMENTAL PROTECTION AGENCY	\$2,000,000.00
TO: DEPARTMENT OF PUBLIC WORKS	\$2,000,000.00

Referred to Finance

981.Ordered: That the following named sum be and the same is hereby transferred as the same was submitted by the Mayor as follows:

Transfer of: \$12,000.00	
FROM: ANIMAL CONTROL - FULL TIME SALARIES	\$12,000.00
TO: ANIMAL CONTROL – OVERTIME	\$12,000.00

Referred to Finance

LATE FILE

Councilor Asack motioned to accept a late file and was properly seconded. The motion carried by a hand vote.

982.RESOLVE: Be it resolved: To have representatives of the Old Colony Planning Council, OCPC consultant CDM and the Brockton Department of Public Works appear before the Brockton City Council Finance Committee to discuss the recently published “Regional Water Plan Report for 2025”
Referred to Finance

365. (COUNCILOR'S RECOGNITION CONT.)

Councilor's Recognition

Councilor Asack reminded everyone this weekend the Brockton High School drama club's presentation of Bye Bye Birdie will be Friday May 16 at 7:30PM, Saturday May 17 at 7:30PM, and Sunday May 18 at 6PM the show is at the fine arts building.

Councilor Lally reminded everyone Thursday May 22nd will be the first transatlantic climate alliance conference it runs from 9AM-2PM at the Moley center at Bridgewater State University al members of the council and the public are invited to attend and there's no fee.

Meeting Adjourned: 7:37PM

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc.

Recommendations are based on reports from committees.