



# City of New Bedford

IN COMMITTEE

October 08, 2020

The Honorable City Council  
133 William Street  
New Bedford, MA 02740


Dear Honorable Members of the City Council:

The Committee on Ordinance at a Meeting held on Wednesday, September 30, 2020, considered AN ORDINANCE, (DRAFT), Relative to Residency of City Personnel. (Ref'd 07/16/2020)

On motion by Councillor Markey and seconded by Councillor Carney, the Committee VOTED: To amend Sec. 9-23 (5) by removing the Legislative Counsel position. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council APPROVAL, as amended, of the ORDINANCE, Relative to Residency of City Personnel. This motion passed on a voice vote.

IN COMMITTEE ON ORDINANCES

  
Councillor Hugh Dunn, Chairman

HD: dmb



# CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty

## AN ORDINANCE

*RELATIVE TO RESIDENCY OF CITY PERSONNEL*

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

### SECTION 1.

Article II of Chapter 19 of the Code of Ordinances is hereby amended by striking said Article, in its' entirety and inserting, in place thereof, the following new Article:

### ARTICLE II. – EMPLOYEE RESIDENCY.

#### Sec. 19-20. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

*Employee:* Any person:

1. Receiving monies from the city, subject to withholding taxes by the commonwealth or federal government;
2. Employed on a full- or part-time basis; or
3. Appointed, reappointed, elected, selected or chosen to serve on all authorities, boards, commissions or committees, whether compensated or not for such service.

*Residence:* The actual principal residence of the individual where such individual normally eats and sleeps and maintains such individual's normal personal and household effects. This article shall be deemed to affect both civil service and non-civil service employees of the city.

**Sec. 19-22. - Maintenance of list of subject personnel.**

The director of labor relations and personnel shall prepare and maintain a list of all persons subject to this article based on the position held by each respective person.

**Sec. 19-23. – Residency and compensation.**

1. All employees employed by the city shall receive the ordinary and regular compensation for the position held if said employee maintains their residence in the city.
2. Any employee who is not maintaining residence in the city and has not attained 10 years of total employment service to the city shall receive compensation equal to the ordinary and regular compensation for the position but adjusted by reducing said ordinary and regular compensation by 10%.
3. For any employee having their salary adjusted pursuant to paragraph 2 of this section, the adjustment shall no longer be applied upon either of the following occurring: -
  - (a) the employee attaining 10 years of total employment service to the city
  - or
  - (b) the employee becomes a resident of the city.
4. Every person who is reappointed, elected, selected or chosen to serve on an authority, board, commission, or committee, whether compensated or not for such service, shall maintain residence in the city regardless of whether said person has attained 10 years of service. This provision shall not apply to persons who are employed by the city on a part-time or full-time basis and by virtue of such employment are appointed to serve in an ex officio basis on an authority, board, commission, or committee.
5. Any person holding any of the following positions shall be required to live in the city of New Bedford and the provisions of section 19-23 (2) and (3) shall not apply: -
  - Administrative Assistant to the Board of Assessors;
  - City Planner;
  - Director of Human Resources/ Director of Personnel;
  - Director of Public Health;
  - Director of Purchasing/ Purchasing Agent;

First Assistant City Solicitor;  
Parking Supervisor

**19-24. - Exemptions.**

The following shall be exempt from the provisions of section 19-23 (1) and (2).

1. Any person who is employed by the city on June 30, 2020 and who has received a waiver to the residency requirements in effect on June 30, 2020.
2. Any person receiving a waiver pursuant to section 19-25 during the duration of said waiver.

**Sec. 19-25. - Waiver authorized.**

In the event that the mayor and the city council determine it to be in the best interest of the public to do so, the provisions of section 19-23 (1) , (2) and (5) may be waived for a period of 6 consecutive months with respect to a particular person by a two-thirds ( 2/3 ) vote of the city council. At the end of the 6 consecutive months of any approved waiver, the mayor and city council by 2/3 vote may extend the waiver to an additional 6 consecutive months if necessary. No person or employee shall receive more than 1 waiver and 1 extension. The employee shall receive the ordinary and regular compensation for the respective position during the time such waiver is effective. Such waiver shall not act to defeat the application of this article to every other person.

**Sec. 19-26. – Notice of residency/filing certificate annually.**

It shall be the responsibility of the employee to immediately notify their department head or like officer if they cease to maintain or establish residence in the city. Failing to do so may be grounds for termination.

In any event, annually, on July 1, every person subject to this article shall file with each such person's department head or like officer, a certificate signed under the pains and penalties of perjury, stating such person's name and place of residence as defined herein. Each department head shall forward all certificates to the director of labor relations and personnel.

The compensation of the employees who have not attained at least 10 years of employment service to the city who were so employed and have ceased to be residents of the city shall have their compensation adjusted pursuant to section 19-23 (2). The director of labor relations and personnel shall transmit the names of the employees, their respective position and the effective date of the adjustment or removal of an adjustment to the mayor and the city council.

**Sec. 19-27. - Validity.**

In the event that this article shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern and shall not defeat the application of this article with respect to any position not governed by the law. Any action of a court of competent jurisdiction declaring this article invalid with respect to any position or person shall not be held to apply to any other person or position.

SECTION 2. Section 10-93 of Chapter 10 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "a resident of the City of New Bedford,"

SECTION 3. Section 19-2 of Chapter 19 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "a resident of the city,"

SECTION 4. Section 10-51 of Chapter 10 of the Code of Ordinances is hereby amended by striking said section in its' entirety and inserting, in place thereof the following section:

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**Sec. 10-51. - Purchasing agent—Appointment; qualifications.**

The executive officer of the purchasing department shall be the purchasing agent, who shall be appointed by the mayor subject to confirmation by the city council and shall qualify by oath before entrance upon the duties of the office. The purchasing agent shall have not less than five (5) years of general diversified business experience, which shall include experience in the purchasing of commodities.

SECTION 5. Section 2-82 of Chapter 2 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "and must be a resident of the city"

SECTION 6. Subsection (a) of Section 2-47 of Chapter 2 of the Code of Ordinances is hereby amended by striking the words "shall be subject to residency requirements under chapter 19 article II"

SECTION 7. Section 23-1 of Chapter 23 of the Code of Ordinances is hereby amended by striking the first sentence and inserting in place thereof, the following sentence: -

"The mayor with the approval of the city council shall appoint the parking supervisor."

Section 8.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.