

# SENATE . . . . No. 534

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[Senate, No. 534. — Moved (Skibinski) as a substitute for House Bill No. 2257.]

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Nine.

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AN ACT RELATIVE TO THE REMOVAL OF MEMBERS OF THE MUNICIPAL GAS AND ELECTRIC COMMISSION IN THE CITY OF HOLYOKE.

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

1 SECTION 1. Chapter one hundred and seventy-  
2 three of the acts of nineteen hundred and twenty-two  
3 is hereby amended by inserting after section two the  
4 following new section: —

5 *Section 2A.* A member of said commission may be  
6 removed for cause, by the mayor, with the approval  
7 of a majority of the board of aldermen after charges  
8 preferred, reasonable notice thereof, and a hearing  
9 thereon, after due notice, at which hearing the member  
10 shall be entitled to appear, with counsel, and to be heard,  
11 with any witnesses, in his behalf. Such order of re-  
12 moval shall be filed with the city clerk where it shall  
13 be open to public inspection. The board of aldermen  
14 shall act upon said order of removal within fourteen  
15 days after said filing with the city clerk. Any mem-

16 ber of said commission may, within seven days after  
17 confirmation of his removal by the board of alder-  
18 men, apply to the superior court for a review of the  
19 charges, of the evidence submitted thereunder, and  
20 of the findings thereon by the mayor. Notice of the  
21 entry of such application shall be given to the mayor  
22 by serving upon him an attested copy thereof. The  
23 entry fee, costs, and all proceedings upon such appli-  
24 cation shall be according to the rules regulating the  
25 trial of civil causes. The court, after a hearing, shall  
26 affirm or revoke the order of the mayor removing  
27 such member, and there shall be no appeal from the  
28 decision.

29 If any member of said board who has been removed  
30 from office shall apply to the superior court for the  
31 review provided for in this section, the removal shall  
32 not become effective until the court shall have af-  
33 firmed the order removing the member; and, until  
34 such order is affirmed, the member shall continue to  
35 exercise the powers and perform the duties of his  
36 office.

1 SECTION 2. This act shall take full effect upon its  
2 acceptance, within one year after its passage, by vote  
3 of the board of aldermen of the city of Holyoke, sub-  
4 ject to the provisions of its charter, but not otherwise.