



City of New Bedford

Office of City Council

133 William Street • New Bedford, Massachusetts 02740

Tel: (508) 979-1455 • Fax: (508) 979-1451

Shane A. Burgo

Councillor At Large

City Council President 2025

PRESS RELEASE
FOR IMMEDIATE RELEASE
NEW BEDFORD, MASSACHUSETTS
AUGUST 18, 2025

FOR FURTHER INFORMATION CONTACT:

City Council President and
Councillor at Large Shane A. Burgo
Cell Number: 508-542-9658

***Statement from Council President Shane Burgo on
Seeking Declaratory Judgment Regarding Police Chief Appointment***

As President of the New Bedford City Council, I am announcing my intention to seek a declaratory judgment on behalf of the Council to determine, once and for all, what the law requires in the appointment of the Police Chief.

The City Solicitor recently issued an opinion claiming that the Council does not have the authority to screen and confirm the Police Chief. Yet his communication failed to cite any strong legal foundation for that conclusion. In fact, both State law and our own City ordinances clearly state otherwise. Under Massachusetts General Laws, Chapter 43, Section 60, all department heads must be appointed by the Mayor subject to confirmation by the City Council. Furthermore, New Bedford's own Code of Ordinances reinforces that the Police Chief is indeed a department head, just as the Fire Chief is.

That is why the Solicitor's position makes little sense. We just went through this very same process with the Fire Chief, who is also a department head appointed by the Mayor and confirmed by the Council. Why would the law apply to the Fire Department but somehow exclude the Police Department? The Solicitor has not offered a convincing answer, and in my written response I made clear that his reasoning does not withstand scrutiny.

The Mayor cannot pick and choose which laws he wants to follow. Checks and balances are built into our City's governance for a reason: to ensure transparency, accountability, and public trust. By refusing to acknowledge the Council's role in this process, the Mitchell Administration is disregarding the law and undermining the voice of the residents we represent.

I have attempted to resolve this matter directly with the Mitchell Administration. I have sent written correspondence, made phone calls, and requested in-person dialogue, all without any substantive response. Left with no other option, the Council's only course of action is to seek a declaratory judgment from the courts. This third-party determination will interpret the City Code appropriately and render a binding decision on the Council's confirmation authority.

The people of New Bedford deserve a government that follows the law, not one that selectively enforces it. I remain committed to upholding the integrity of our legislative branch and ensuring that the Police Chief, like every other department head, is properly vetted through the confirmation process established by law.