**Ordinance** **Committee Meeting**

Wednesday, March 27, 2024

Video of meeting can be found at <https://youtu.be/RdcnlmkjKzY?feature=shared>

Members present in person: Chair Israel Rivera, David Bartley, Meg Magrath-Smith

Members present on Zoom: Vice Chair Linda Vacon

Members absent: Jenny Rivera

Other councilors present: Carmen Ocasio, Tessa Murphy-Romboletti

Chair I. Rivera called the meeting to order at 6:31 PM

Councilor Bartley made a motion to remove item 1 from the table. Chair I. Rivera seconded the motion. Motion passed.

Item 1: Minutes of March 13, 2024 meeting

--->Received 4-0-1

DISCUSSION:

Councilor Bartley made a motion to approve item 1. Chair I. Rivera seconded the motion. Motion passed.

Motion was made and seconded to take a roll call vote that for the purposes of this meeting would be applicable to all motions to remove items from the table, place items on the table, package items together, or suspend the rules, unless there is an objection. Motion passed.

(1:30)

Councilor Bartley made a motion to suspend the necessary rules to remove items 7 and 8 from the table out of order as a package. Councilor Vacon seconded the motion. Motion passed.

Item 7: 10-4-22 MURPHY-ROMBOLETTI -- Ordered that the City examine and study the Schedule A increases that were recommended by the salary study completed in 2014, so that we can implement salary adjustments that are competitive and more aligned with neighboring municipalities in order to retract and retain City employees.
\*Tabled 4-25-23, 2-7-24, 3-13-24

---> Laid on the table, 5-0.

Item 8: MURPHY-ROMBOLETTI -- Ordered, That schedules B and C of ordinance 2-35 be updated as appropriate with competitive salaries to attract and retain employees.

---> Laid on the table, 5-0.

DISCUSSION:

Chair I. Rivera recognized Dimarys Seymour, Personnel Specialist from the Personnel Department.

Councilor Murphy-Romboletti stated that the Personnel Department and other departments had been working to provide a picture of what newly reflected salaries could look like and what it would require of the Council. She noted that the Personnel Director, Kelly Curran, was unavailable to attend this meeting. She then explained that she filed these orders in collaboration with city departments in order to have competitive salaries using a holistic approach.

D. Seymour stated that they did a salary study of Schedules A and B with surrounding cities, including Chicopee, West Springfield, Westfield, Chelsea, and Northampton, with data collected form FY24 budgets as well as union contracts. She then explained that they were not proposing to change ranges but to eliminate grades 1 and 2 and move everyone up to higher ranges to keep employees in line with salaries in surrounding cities. She added that a couple department heads were moved grades to fit in line with the studies. She then stated that they would need more time for research to study Schedule C, noting that there were board members that either should or should not be on the list.

Chair I. Rivera asked for clarification that those in grade 1 and 2, including library assistants and custodians, would be moved to the same grade as the archivists.

D. Seymour stated the library assistants in grade 1 would move to 3 while the custodians in grade 2 would move to 4, and so on with everyone else also moving up two grades.

Councilor Vacon expressed her understanding that the ranges needed to be modified to be competitive but now it appeared that the ranges were okay but people needed to be bumped up deal with pay issues. She then asked to ensure that the consulting labor attorney, Atty Dupere, reviewed these grades, noting that he had reviewed the previous grade changes to the schedules.

D. Seymour stated that Atty Dupere had reviewed these proposed grades already. She then explained that it made sense to do it this way, adding that he sought to ensure the two highest grades, 16 and 17, remained in place even though nobody was currently listed in them.

Councilor Vacon asked if there was a communication from Atty Dupere explaining that he believed the positions needed to be changed in terms of how they were graded.

D. Seymour stated that she would ask him for clarification of his understanding of this.

Chair I. Rivera agreed that it would be good to get that communication.

Councilor Magrath-Smith asked where the City Engineer was in the grades.

D. Seymour stated that he was in the PSA contract.

Councilor Magrath-Smith noted that the Council and the department had discussed moving that position to Schedule A.

D. Seymour stated that it wasn't included because it was still in the works.

Councilor Magrath-Smith asked what grade that position would fall into.

D. Seymour stated that the Personnel Director would have that information and provide it at a later date.

Chair I. Rivera asked the committee if they wanted to wait to move this forward until that communication was provided.

Councilor Magrath-Smith made a motion to approve the recommendation with the request that the language come in before the Council meeting. Chair I. Rivera seconded the motion.

Councilor Vacon stated that she would prefer to have the information before sending this to Council. She added that she would prefer to understand the rationale behind moving grades. She then made a motion to lay items 7 and 8 on the table.

Councilor Bartley stated that he would rather have more knowledge of everything before moving forward. He then stated that he liked how it was laid out, and he did want to be supportive to city employees. He also expressed hope in the city's fiscal situation but noted that the free cash numbers had not yet been provided. He also emphasized that a lot of significant raises had been given in the last budget, but some department heads had still left. He then expressed his desire to see the communication from Atty Dupere first.

D. Seymour stated that she while understood the need for more information on Schedule A, she suggested at least moving forward on Schedule B.

Councilor Bartley noted that the mayor's salary was proposed to get a 25% raise, while the City Clerk's and Treasurer's salaries were proposed to get around a 13% raise, and the City Council salary getting a 10% raise. He then emphasized that the adjustments for Schedule A were proposed to be uniform across the board while Schedule B was not equitable. He then stated that he would not support raising the mayor's salary more than city councilors but would support equitable salary adjustments for each of those positions.

D. Seymour asked Councilor Bartley if he would not support taking the salary study numbers into consideration but would rather increase at the same percentage.

Councilor Bartley stated that his desire was to make it equitable. He then explained that while he liked the information from surrounding cities, he did not feel beholden to those numbers. He emphasized that they were different governments with different budgets. He then stated that he didn't actually care if city councilors got a raise, but did believe the City Council President went the extra mile and deserved more than the extra $1,000 they were currently getting.

Councilor Vacon asked for the cost of the proposed changes.

D. Seymour clarified that most people would not be getting an increase, noting that most people were currently within the higher section of their ranges and would still be within the lower section of their new ranges.

Motion was made and seconded to suspend the necessary rules to allow Mayor Garcia and City Treasurer, Rory Casey, to address the committee.

Mayor Garcia stated that while he empowered the Personnel Department to look into salaries, he was not involved in the conversations about salaries for elected officials. He then emphasized that he himself was not asking for a 25% raise. He then explained that looking at Schedule A was just about shifting ranges, but only one person likely would actually receive a salary increase. He then explained that retention had been better recently, with only one department head having left since the most recent increases. He then suggested having more explanation of the proposed salary increases for elected officials.

Councilor Bartley seconded the motion to lay items 7 and 8 on the table. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

(27:45)

Councilor Bartley made a motion to suspend the necessary rules to remove items 2, 3, 4, and 9 from the table as a package. Councilor Magrath-Smith seconded the motion. Motion passed.

Item 2: 8-1-23 JOURDAIN — Ordered, that the City Council review and adopt the Mayor’s proposal for the city’s financial policies by ordinance.”

---> Approved, pending creation of the CAFO position, 2 (I. Rivera, Magrath-Smith)--1 (Vacon)--2 (Bartley, J. Rivera)

Item 3: 8-1-23 From Mayor Joshua A. Garcia, emails providing feedback from various department heads in regards to financial policies manual.

---> Complied with 3-0-2 (Bartley, J. Rivera)

Item 4: 8-1-23 City of Holyoke Financial Policies Manual from Division of Local Services MA Department of Revenue.

---> Complied with 3-0-2 (Bartley, J. Rivera)

Item 9: 4-18-23 MCGEE -- Ordered, that the position of Chief Administrative and Financial Officer be created and added to Schedule A
\*Tabled 2-7-24, 3-13-24

---> Laid on the table, 4-0-1 (J. Rivera)

DISCUSSION:

Chair I. Rivera recognized that Marcia Bohinc from the DLS (Division of Local Services) was in attendance.

Mayor Garcia stated that the reason for needing to discuss the CAFO position with the discussion of the financial policies manual was to explain how the CAFO would operate within the current environment until actual changes get made, including if the Treasurer would remain elected. He then noted that the manual explained how the departments would work with the CAFO to get through budget planning and other obligations around municipal finance management. He noted that Ms. Bohinc authored the manual and could speak more to it. He then explained that they were looking to have it codified so that expectations and best practices were clear no matter who was in his office in the future. He added that DLS had worked with the city over many years with many financial management reviews, and had continuously recommended the importance of creating a CAFO position.

M. Bohinc stated that in developing the policy manual, they looked at best practices for cities and towns, and looked at Holyoke's current practices, as well as city ordinances. She then explained that the manual was divided into a planning section, which included strategic metrics and targets, with the second part being day-to-day operations, including reconciliations, revenue turnover, tax enforcement, and year end enforcement. She then explained that an applicability part laid out roles and responsibilities, which was where the CAFO would come into play. She then stated that they looked at who would be directing financial offices on a day-to-day basis, adding that the CFO would be the central point for all of the financial functions. She also stated that the policies were somewhat aspirational in that they were written with upgrades that were being undertaken, including upgrades to Munis and using systems more efficiently.

Mayor Garcia stated that this was about strengthening internal controls and supporting opportunity for continuity. He added that the current structure, with the mayor in charge of oversight, was dependent on cooperation and was up to the best knowledge of whoever the elected mayor was. He added that this meant that the financial system for the city was being managed by elected politics. He then explained that the current system required that while he is out in the public serving his role as mayor, matters requiring his attention internally may have to be put on hold. He noted that while he was able to get those things done, it did not necessarily mean someone in the future would have the same level of energy or may require a different learning curve. He added that this system would improve internal controls and improve continuity when turnover happens.

Councilor Magrath-Smith asked for discussion of what a flow chart would look like when these changes, including who would be within the finance department and who would be reporting to the CAFO. She also noted that there had been discussions of merging roles, such as the Treasurer and Tax Collector, and she would like to understand how that would work.

Mayor Garcia stated that there were two things going on, with the current system as it existed where the mayor was both the CEO and CFO of the city, where the CAFO would be an extension of the mayor. He then stated that there were bigger structural changes being proposed, with the potential that the Treasurer would become appointed which would allow consolidation of the financial department, giving the CAFO real executive authority. He then explained that in addressing checks and balances, the Auditor would be the legislative check as a Council appointee.

R. Casey explained that he saw this evolving by the adoption of the CAFO position, which would allow for the changes that would be necessary in real time. He then stated that he was a big proponent of combining the Treasurer and Tax Collector positions but they would not be able to be merged as they were currently structured because of functions that did not naturally come together. He then suggested that as the CAFO position could take on some of the functions that currently existed within the Treasurer's position, functions such as investing and debt management. He then emphasized that this manual was the culmination of a decade of analysis and recommendations from DLS.

Councilor Magrath-Smith made a motion to approve item 2.

Councilor Vacon expressed concern that the financial polices included a CAFO position that did not yet exist. She then suggested that the policies be adopted if the references to the CAFO were changed to the mayor. She then noted that she had not yet seen efficiencies laid out to counter the extra overhead of adding another position. She then offered that change as a motion to amend the previous motion.

Mayor Garcia clarified that every reference to the CAFO in the manual also stated that it was under the direction of the mayor. He added that the mayor was still in charge with or without a CAFO, both by charter as well as how it was laid out in the manual.

Councilor Vacon stated that while the manual stated that, approving the policies with the CAFO in it was a roundabout way of approving the CAFO. She added that the CAFO had not yet been approved, and there was not yet a way of funding the CAFO position. She reiterated that she was warm to approving the financial policies, but not with the CAFO position in it.

Chair I. Rivera noted that item 9 was the creation of the CAFO. He then suggested that if the position of the CAFO was approved, both that and the policies manual could go to the full Council together.

Councilor Magrath-Smith suggested amending the motion and make approval of the policies pending approval of the CAFO position.

Atty Bissonnette stated that the recommendation could be sent to the Council, but there would have to be subsequent action on the CAFO in order to make the policies manual become effective. He added that if both went before the Council, one or both could go forward.

Chair I. Rivera asked for clarification that the amendment was to move all 4 items forward to the full Council with recommendation.

Councilor Magrath-Smith clarified that she was specifically speaking to item 2, noting that items 3 and 4 could just be complied with as having been received. She added that item 9 could be voted on separately.

Chair I. Rivera noted that they were all taken up as a package.

Councilor Vacon stated that they could be voted on separately.

Councilor Magrath-Smith emphasized that her motion was just specific to item 2, to move it to the full Council with a recommendation to approve, pending creation of the CAFO position.

Mayor Garcia stated that as the budget for the next fiscal year gets worked on, they would be looking at reflecting the funding for the position in that budget.

Councilor Vacon asked for an explanation of the amended motion.

Chair I. Rivera stated that item 2 would be voted on first.

Councilor Vacon clarified that she made a motion to have the policies refer to the mayor until the CAFO position gets created and funded.

Chair I. Rivera noted that Councilor Magrath-Smith amended that motion.

Councilor Magrath-Smith stated that she made a motion to amend, and have the financial policies adopted, pending approval of the CAFO position.

Councilor Vacon asked for clarification of what pending would mean, adding that it appeared the motion was to approve the policies, but they would wait for the position to be approved.

Chair I. Rivera asked Atty Bissonnette if he could clarify what that would mean.

Atty Bissonnette stated that it would mean the financial policies would not take effect until the position was created and funded.

Councilor Vacon stated that she understood now but that was not what she was looking for in her own motion. She then stated that she wanted the policies to be approved but that they needed to only refer to the mayor and not the CAFO until such time that the position gets approved.

Chair I. Rivera asked for motions to be restated.

Councilor Vacon made a motion to adopt the financial policies but they refer to the mayor where it currently stated CAFO until such time that the CAFO position was approved and funded.

Motion failed for lack of a second.

Councilor Magrath-Smith made a motion to approve item 2, adopting the financial policies pending creation of the CAFO position. Chair I. Rivera seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 2 (I. Rivera, Magrath-Smith)--Nays 1 (Vacon)--Absent 2 (Bartley, J. Rivera)

Councilor Magrath-Smith made a motion that items 3 and 4 were complied with. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 3--Nays 0--Absent 2 (Bartley, J. Rivera).

Councilor Magrath-Smith made a motion to approve item 9. Chair I. Rivera seconded the motion.

Councilor Vacon stated that the Council was currently looking at how to make the Treasurer appointed instead of elected and the balance relative to accountability had not been completed. She also noted that the consolidation aspects hadn't been worked on to address the significant amount of cost and adding another big executive position in a city with strapped taxpayers. She then expressed preference to have movement on that before moving on the CAFO position.

Councilor Magrath-Smith acknowledged the ease of getting overwhelmed with the complexity of lots of moving parts. She then expressed a preference to move things forward piece by piece rather than allowing the complexity to lead to inaction.

Chair I. Rivera stated that there was a way of handling checks and balances in a way that would be effective and efficient. He then stated that he understood the fear of taking the leap, but the community was resilient and leaps needed to be taken to move forward.

Councilor Vacon rejected the implication that her concern about affordability and process was out of fear. She then stated that this needed to be evaluated from various perspectives, and consideration needed to be given to the costs and cost benefits.

Councilor Bartley stated that while he was in support of the CAFO position, he would not support it with the mayor having the appointment power to select the Treasurer, adding that he did not expect it would pass the City Council with the required two-thirds vote. He then emphasized that the charter was written with checks and balances and was not ready to get full power to the mayor. He then stated that he was in support of giving the CAFO appointment to the mayor. He then recalled that there a vote in a recent Charter and Rules meeting to give the mayor that power. He then stated that without a balance, there wasn't going to be 9 votes to support this.

Chair I. Rivera expressed his understanding the balance was with the Auditor as the position the City Council appointed.

Councilor Bartley emphasized that the government was set up to ensure that some roles were appointed by the Council while other roles were appointed by the Mayor. He then noted that there had been discussions about combining the Treasurer with the Tax Collector, emphasizing that the Council appointed the Tax Collector. He expressed concern that this would get rid of checks and balances. He then suggested tat if approval of the CAFO failed at the next Council meeting, it may not come up again for some time.

Mayor Garcia stated that there were several different ways this could be handled, and he was not married to one certain way. He added that he was more concerned with internal controls to achieve continuity, strengthen internal controls, and limit liability. He then asked Ms. Bohinc if she had advice to address these concerns.

M. Bohinc stated that they more often saw consolidated finance departments led by a finance director or a CAFO, generally depending on the size of the community. She then explained that the departments would have the Auditor or an accountant, the Treasurer, the Tax Collector, or the two combined, as well as the Assessor. She then explained that the reporting relationship was to the finance director or the CAFO. She further explained that each of those jobs had responsibilities, working together but independent in their roles to maintain checks and balances with the internal controls. She then explained that while it was not uncommon for an Auditor to be appointed by the City Council for an additional step of independence, it was less common for the Treasurer, Assessor, or Tax Collector to be City Council appointments. She then stated that the reporting relationship to ensure the day-to-day jobs were getting done was better handled by someone closer to the action, such as the CAFO or the Mayor.

Mayor Garcia stated that he believed the role was so critical, he was fine if the Council wanted confirmation authority over the Treasurer. He added that he would not get hung up on it if it was a dealbreaker. He also stated that his priority was ensuring that the system honored checks and balances and was not about power dynamics. He then reiterated that he was focused on strengthening internal controls, ensuring continuity, holding people accountable in their roles, limiting liability, so that the city can leverage resources and achieve its maximum potential to keep up with the needs of the community.

Chair I. Rivera emphasized that making the city government run efficiently and effectively was the most important thing.

Councilor Vacon suggested that the conversation had become circular. She then suggested that the vote on adopting the policies be reconsidered, noting that Councilor Bartley had been out of the room at the time of the previous vote. She emphasized that her motion to change CAFO to Mayor in the policies manual was out of a desire to approve the policies without having to handle the treasurer, collector, and CAFO matters all in one meeting. She then made a motion to reconsider the vote on item 2. Councilor Bartley seconded the motion. Motion to reconsider the previous action failed on a call of the roll of the yeas and nays--Yeas 2 (Bartley, Vacon)--Nays (Magrath-Smith, I. Rivera)--Absent 0 (J. Rivera).

Councilor Bartley stated that his concerns had nothing to do with power dynamics but about safeguarding checks and balances. He then recalled that the chair of Charter and Rules had stated this wouldn't move forward with the mayor's signature if he didn't have appointment power but Mayor Garcia had just said something completely different. He then reiterated that he wanted to support the CAFO but would not if the mayor got the power to appoint the Treasurer. He also reiterated that the discussion had also included having a combined Treasurer and Tax Collector. He also noted that the Finance chair also stated that the mayor would not sign off if he didn't have appointment power of the Treasurer. He then expressed an assumption that this must have come after a conversation. He added that the City Council President had also stated that the mayor would not sign off. He then questioned what else he was to believe when hearing that other than that the mayor must have conversations with them stating this. He emphasized that with home rule petitions, the mayor had unilateral veto power, meaning the veto would not come back to the Council. He then asked that the language coming out of the Charter and Rules Committee be amended to neutral language as a compromise. He also noted hearing that the legislature in Boston would kick it back if the language did not clarify an appointing authority.

Chair I. Rivera expressed his understanding that this part of the issue could be handled through the Ordinance Committee. He then emphasized that the most important piece was to ensure having the most effective efficient way to run the city government.

Mayor Garcia stated that it was hard not to believe that there weren’t power dynamics at play. He added that checks and balances were all about power dynamics. He then explained that what the chairs said was correct in that he was in favor of executive functions staying with the executive level. He emphasized that he did not believe the Treasurer was a legislative function, but an executive level position. He added that while he did not agree with Council approval, he heard the pleas and respected that may be the required bargaining chip in order to get the CAFO position created. He also noted that the proposal to change the position of Treasurer from elected to appointed by the City Council was on the ballot but did not go through, indicating to him that the public was not in favor of making it appointed by the City Council.

Chair I. Rivera stated that he also agreed it was not a legislative function but was in favor of doing what it took to move things forward.

Atty Bissonnette offered a reminder that the recommendation coming out of Charter and Rules Committee would propose to change the position of elected Treasurer to one appointed as of January 1st, 2026 with such qualifications, terms of office, appointment, removal, and duties as specified by city ordinance. He then explained that this would take the job description out of the charter and allowed it to be a creation of ordinance.

Councilor Vacon noted that the Charter and Rules vote was 2 no votes and one yes vote, and did not pass.

Councilor Magrath-Smith suggested that the discussion had gone far afield of the discussion about the CAFO position. She then expressed her understanding that if the plan moved forward, the CAFO would be appointed by the mayor, the Chief Procurement Officer was appointed by the mayor, the Chief Assessor was appointed by the City Council, the City Auditor was appointed by the City Council, and then the combined Treasurer/Tax Collector would be appointed by the Mayor with confirmation of the City Council. She then suggested that there were real checks and balances described in that plan. She then expressed her expectation that there would be robust discussion of the item coming out of Charter and Rules. She then expressed concern that keeping the language neutral and not naming an appointment body would lead to the state legislature not approving it as it would take away appointing power from the people without explained who that authority would go to. She added that as a voter, she would not feel comfortable giving away voting power without being told who the power was being given to. She then emphasized that the petition needed to move forward so that the question could be put on the ballot in the coming November election to avoid putting voters in the position of having to elect a Treasurer as well as deciding whether or not to have an elected Treasurer on the same ballot.

Councilor Murphy-Romboletti commended Chair I. Rivera for running a difficult meeting. She then stated that she had spoken with the mayor about the issue. She also emphasized that she was not seeking to push an agenda but trying to help implement what the state had been recommending for years.

Chair I. Rivera clarified that the motion on the floor was to move the order forward to create the CAFO position and add it to Schedule A.

Motion failed on a call of the roll of the yeas and nays--Yeas 2 (Magrath-Smith, I. Rivera)--Nays (Bartley, Vacon)--Absent 1 (J. Rivera).

Councilor Vacon made a motion to lay item 9 on the table. Councilor Bartley seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

(1:49:05)

Councilor Bartley made a motion to remove item 5 from the table. Councilor Magrath-Smith seconded the motion. Motion passed.

Item 5: 3-21-23 MCGEE -- Ordered, that an ordinance be established to address the 2/3 majority vote of the body for votes. Legal please provide the language necessary for review.
\*Tabled 2-7-24, 3-13-24

--->Laid on the table for two requested complete legal forms, 4-0-1

DISCUSSION:

Chair I. Rivera noted that legal language had been provided. He then recalled that two drafted of legal language had been asked for.

Councilor Bartley stated that there was only one draft provided. He added that he had not received the draft until that day. He then questioned if it could be considered since it was not submitted to the Clerk in time.

Atty Bissonnette stated that the order was on the agenda so he did not see why it could not be considered, adding that the order did not need to specific word for word what would be discussed.

Chair I. Rivera reiterated his understanding that two drafts of language had been requested.

Councilor Bartley confirmed that was correct.

Councilor Vacon clarified that the committee was seeking language that codified the City Council rule which required a two-thirds vote to change ordinances. She noted that the provided language was broad, didn't speak to ordinances, and didn't address the rules. She then expressed hope that they would provide a more complete legal form, in the two forms that were requested.

Chair I. Rivera stated that the requests were for the one just described by Councilor Vacon as well as codifying the ideology of an opinion that made the vote based on those present and voting.

Councilor Bartley noted that the language stated, "unless otherwise provided for by Mass General Laws or the charter, all measures that require a two-thirds supermajority vote for passage shall be deemed passed." He then emphasized that this was not what the order asked for, adding that the language was imprecise. He suggested that there was an agenda in this language. He also reiterated that the request was for language for two-thirds and language for a majority vote, and not with contingencies. He also stated that two-thirds was not a supermajority, adding that the term meant three-fourths. He expressed frustration that this was being complicated.

Chair I. Rivera reiterated that there should have been two languages provided.

Councilor Magrath-Smith recalled that the request specified that the term supermajority should have been removed and should have specified two-thirds, and that two sets of language was requested, with one referring to two-thirds of those present and voting and the other two-thirds of the whole membership.

Councilor Vacon emphasized that this was only about voting on ordinances, not about everything else.

Councilor Vacon made a motion to lay item 5 on the table. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

(1:56:45)

Councilor Bartley made a motion to approve item 6. Chair I. Rivera seconded the motion. Motion passed.

Item 6: 2-21-23 JOURDAIN -- Ordered, that the Ordinance relative to the payment of city lifeguards be revised so as to make sure we are being competitive to other communities in the highly competitive employment of Summer lifeguards. Moreover, that the Aquatics Director and/or other reps from the Recreation dept be invited to the Ordinance Committee to help us review and change as appropriate.
\*Tabled 3-13-24

--->Tabled for legal language, 4-0-1.

DISCUSSION:

Chair I. Rivera recalled that there was supposed to be language provided on this.

Councilor Vacon expressed her understanding that the lifeguards were listed on Schedule C, and there was a question over if other positions were affected. She noted that the other schedules were discussed and tabled earlier.

Chair I. Rivera stated that only Schedules A and B were provided earlier.

Councilor Vacon stated that she believed lifeguards were on C.

Chair I. Rivera stated that was his understanding as well. He then recalled that the raises had already been promised to the employees and it needed to be set by ordinance. He reiterated that the language was supposed to bring it up to the level they were already promised for the summer.

Councilor Vacon recalled that the question was whether or not other positions were also affected that portion of the schedule, where others would also be changed. She suggested that Ms. Seymour may have information.

Chair I. Rivera asked Ms. Seymour if she was familiar with the lifeguards.

D. Seymour stated that they fell under Schedule C, under temporary and seasonal employees, and it would affect other people if they got raises.

Councilor Bartley recalled that at the last meeting, they were just looking for revised salary ranges so that the language could be referred to City Council. He expressed that this should not be complicated and should be ready by the next meeting. He then made a motion to lay item 6 on the table. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

(2:00:45)

Councilor Bartley made a motion to approve item 10. Councilor Vacon seconded the motion. Motion passed.

Item 10: 12-5-23 MCGEE -- Ordered, that all ordinance/charter references to an Assistant Superintendent of Public Works be updated to Assistant Director of Public Works
\*Tabled 3-13-24

--->Laid on the table for legal language, 4-0-1.

DISCUSSION:

Chair I. Rivera stated that nobody was in attendance for this item and there was no language provided. He then asked the administrative assistant if there was language.

Admin Asst Anderson-Burgos stated that he did not receive language.

Councilor Vacon made a motion to lay item 10 on the table. Councilor Bartley seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

Atty Bissonnette stated that he did not believe this position was referenced in the charter, and that the title of Assistant Superintendent was changed to Assistant Director in the ordinances. He then suggested that this may not be needed.

Chair I. Rivera asked the administrative assistant if he could confirm that.

Admin Asst Anderson-Burgos stated that he recalled Superintendent being changed to Director but did not recall if the Assistant was changed at the same time. He added that it was his understanding that this order was filed to mirror the change with the Superintendent.

Chair I. Rivera suggested that this could be tabled in order to look into that, and potentially have the order complied with.

(2:03:20)

Councilor Vacon made a motion to approve item 11. Councilor Bartley seconded the motion. Motion passed.

Item 11: 1-22-24 DEVINE, GIVNER, J. RIVERA -- Ordered, to add the position of City Engineer to the Ordinance under Schedule A, Grade 13.
\*Tabled 3-13-24

---> Approved, pending resolution of open question with the union, 4-0-1.

DISCUSSION:

Chair I. Rivera noted that there was not language for this.

Councilor Bartley stated that the committee had a copy of Schedule A.

D. Seymour stated that this position was not included in Schedule A because the proposal was still in the works.

Councilor Bartley asked what the rationale was to put the position into Schedule, noting that the position was currently in a union.

Chair I. Rivera recalled that the last discussion included the point that the position should not have been part of the union.

Councilor Bartley asked if this was just about a correction.

Chair I. Rivera stated that it was.

Councilor Bartley asked if the union should provide a communication agreeing that the position would erroneously put in the union.

Atty Bissonnette stated that he was unsure of the history of bringing the position into the Professional Supervisors Association, noting that the position was not in the charter. He also stated that with it being the Assistant Director of the DPW, it was a management position, adding that there would be discussion happening in the next couple weeks. He suggested that this be tabled to allow him to report back.

Councilor Vacon expressed her understanding that there was urgency relative to trying to recruit someone for the position. She then asked if that urgency had diminished, and the applicant was no longer interested.

Atty Bissonnette stated that as someone who had spent a lot of time on sewer related discharge permits with the EPA, the absence of the Engineer meant there was no less intense need to fill the position.

Councilor Vacon recalled that it was going into grade 13 to ensure a competitive salary rate.

Atty Bissonnette stated that was correct. He added that one of the difficulties in having it in the PSA was that it was competing against several professional positions.

Councilor Vacon asked if the committee could recommend this out to the Council pending resolution of the union related questions.

Atty Bissonnette stated that would be a positive step.

Councilor Vacon made a motion to approve, pending resolution of the open union questions. Councilor Bartley seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 0--Absent 1 (J. Rivera).

Chair I. Rivera stated that the remaining items would remain on the table and the committee would get to them when there was time.

Councilor Bartley commended Councilor Magrath-Smith for chairing an excellent charter and Rules meeting recently.

Councilor Murphy-Romboletti thanked Councilor Bartley doing an excellent job chairing the recent Council meeting.

**LAID ON THE TABLE:**

Item 12: 12-19-23 MALDONADO VELEZ -- Ordered, Order that the city creates a Housing Committee tasked with creating policy suggestions and implementation of office of tenant protections, office of returning citizens and homelessness liaison. Roles and committee to be created by Ordinance while bylaws to be created by the committee.
The committee should included at least one of the following - 1 tenant in market rate housing, 1 tenant with section 8 voucher holder, 1 tenant with MRVP or continuum of care, 1 tenant of HHA, 1 tenant representative of local organization working on housing issues, 1 home owner, 1 landlord.
\*Tabled 2-7-24, 3-13-24

Item 13: 10-17-23 MCGEE -- Ordered, That the DPW Commission return to reviewing and setting the Sewer Rate.
\*Tabled 2-7-24, 3-13-24

Item 14: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance, Section 7.8 WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS, be amended to include Small Wireless Facilities.
\*Public hearings held 4-25-23, 5-23-23, 8-22-23, 11-28-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.

Item 15: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a section for Short Term Rentals, in addition to amending Section 2 DEFINITIONS, and any other sections that may apply to this use.
\*Public hearings held 4-25-23, 5-23-23, 8-22-23, 10-24-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.

Item 16: 3-7-23 MCGEE -- Ordered, that the Zoning Ordinance be amended to add a Section for Tiny Houses, in addition to amending Section 2 DEFINITIONS, and any other Sections that may apply to this use.
\*Public hearings held 4-25-23, 9-26-23, 11-28-23, 1-23-24.
Tabled 1-23-24, 3-13-24. Pending Planning Board recommendation.

Item 17: 3-21-23 JOURDAIN -- Ordered, The City of Holyoke develop a personnel policy for the handling of administrative leave and codifying the rules into Ordinance as recommended by the Personnel Dept including but not limited to when employees should or should not be placed on paid leave or unpaid leave. The current process appears lacking objective standards. Taxpayers should also be protected to ensure people who should not be out on paid administrative leave are placed on unpaid administrative leave.
\*Tabled 5-23-23, 6-27-23, 9-12-23, 10-24-23, 12-12-23, 3-13-24

Item 18: 2-21-23 PUELLO — in accordance with the city charter, create ordinance language that confirms, no sitting city councilor shall become a member of any board or commission in city government during the term of office. To Ordinance Committee
\*Tabled 11-28-23, 12-12-32, 3-13-24

Item 19: 11-21-23 PUELLO — That we consider crafting an ordinance stipulating requirements for expenditure of funds of the police special events line and requirements. Example: committee organized event, private businesses participating, alcohol served, who is profiting etc.
\*Tabled 11-28-23, 12-12-23, 3-13-24

Item 20: 6-6-23 PUELLO -- Ordered, That speed humps be placed on South Summer St. Petition attached.
\*Tabled 6-27-23, 3-13-24

Item 21: 3-21-23 PUELLO -- That the following entry be added to the City Ordinances Sec. 86-325. - Schedule IV: Stop streets, this will be directed to the Ordinance Committee to be heard.
Street Stopped/ Vernon St
Direction of Travel/ Southerly
Intersection/ Main St
\*Tabled 4-25-23, 3-13-24

Item 22: 4-6-21 Petition for Speed hump at Argyle Ave.
\*Tabled 6-21-21, 2-28-23, 3-13-24

Item 23: 10-4-22 GIVNER, ANDERSON-BURGOS, PUELLO -- Ordered, Collaborative order to create “don’t block the box” painting and signage to accommodate traffic flow on Beech St at CVS entrance/exit.
\*Tabled 2-28-23, 3-13-24

Item 24: 11-15-22 From Mayor Joshua A. Garcia, letter of Veto regarding order on reporting damages:
The Committee on Ordinance to whom was referred an order That an ordinance be created that requires a department head to report (with an incident report explaining the cause) of any loss in their department over $250 in value to the City Council and Mayor within 30 days Recommended that the order be adopted, as amended for losses over $500.
\*Tabled 11-29-22, 3-13-24

Item 25: 4-5-22 VACON, JOURDAIN, PUELLO -- Ordered, That a Legal opinion be issued to clarify allowed uses of marijuana impact fee money. For example,
if odor from a facility is a problem in the community can the money be used for mitigation?
\*Tabled 11-29-22, 3-13-24

Item 26: 1-18-22 MALDONADO VELEZ -- Ordered, that we ban single use plastic bags, straws, and/or food containers.
\*Tabled 5-11-22, 3-13-24

Item 27: 1-18-22 MALDONADO VELEZ -- Order that we look into creating an ordinance around trash pick up that is similar to when it snows, where residents, business owners, and the city are responsible for the trash on their property.
\*Tabled 5-11-22, 3-13-24

Item 28: 5-18-21 VACON, BARTLEY, MCGIVERIN, LISI -- Ordered, that the setting of the sewer rate be returned from the City Council to the DPW Commission where it had been previously determined.
\*Tabled 6-29-21, 1-25-22, 6-7-23, 3-13-24

Item 29: 4-6-21 MURPHY, LISI -- Ordered that the city council consider adopting a wage theft ordinance for all contractors doing projects for the city or receiving special tax incentives by the city similar to Easthampton and Springfield with the following purposes: prevent misclassification of employees as independent contractors; assure that employers are paying all payroll taxes and workers compensation premiums; comply with state laws governing the payment of prevailing wages; assure that contractors provide opportunities for Holyoke residents, veterans, people of color and women.
\*Tabled 5-25-21, 6-22-21, 9-28-21, 11-9-21, 11-23-21, 3-13-24

Meeting adjourned at 8:41 PM