

Charter and Rules Committee

Monday, March 25, 2024

Video of meeting can be found at <https://youtu.be/5SljE0KPkXM?feature=shared>

Members present in person: Chair Meg Chair Magrath-Smith, Tessa Councilor Murphy-Romboletti

Members present on Zoom: Vice Chair Linda Councilor Vacon

Other councilors present: Kevin Councilor Jourdain, Patricia Councilor Devine, David Councilor Bartley, Kocayne Councilor Givner

Chair Magrath-Smith called the meeting to order at 6:10 PM

Councilor Murphy-Romboletti made a motion to remove item 1 from the table. Chair Magrath-Smith seconded the motion. Motion passed.

Item 1: Minutes of February 5, 2024 meeting.

---> Approved, 2-0-1 (Vacon).

DISCUSSION:

Councilor Murphy-Romboletti stated that they were accurate and made a motion to approve item 1. Chair Magrath-Smith seconded the motion. Motion passed.

Councilor Murphy-Romboletti made a motion to remove item 2 from the table. Chair Magrath-Smith seconded the motion. Motion passed.

Item 2: 10-4-22 MURPHY-ROMBOLETTI — That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the Massachusetts General Court to enact legislation “Establishing an Appointed Treasurer for the City of Holyoke” in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.
“An Act Establishing an Appointed Treasurer for the City of Holyoke” – This act proposes

to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the Mayor, with approval of the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.

*Tabled 10-24-22, 7-17-23, referred back to committee 8-1-23

---> Forwarded to full Council without recommendation, 1-2.

DISCUSSION:

Chair Magrath-Smith emphasized that this topic had been looked at for a while, noting that the work of a Charter Commission that failed over 10 years earlier had considered this. She recalled attending a recent training for new councilors led by the Massachusetts Municipal Association where Holyoke was brought up as a model of a city in need of financial restructuring. She suggested that this was one of the main pieces of work the City Council needed to focus on in this term.

Councilor Murphy-Romboletti recalled that she spoke a lot about this topic while campaigning for her first term. She then noted that the disagreements tended to be over who should be appointing the Treasurer. She also suggested that most of the Council agreed that the Treasurer should not be elected. She added that the options were between being appointed by the Mayor, the City Council, or by the Mayor with City Council confirmation. She then expressed a belief that the Council should help appoint the position by confirming it but should not directly appoint on its own. She noted that the Auditor, the Tax Collector, as well as the Assessor were all appointed by the City Council. She then emphasized that things could not pass through the Treasurer without oversight of the Auditor. She then explained that she was motivated to file the order this way because the Mayor did not currently have any financial oversight of any position, adding that the state had made recommendations. She also noted that it was rare that the CEO of a business would not have financial oversight.

Councilor Jourdain stated that she agreed with many of the sentiments just expressed and agreed that the time had come to change this position from elected. He emphasized that the position required a skill set that should be left to chance in an election that may or may not bring in a great position. He added that it was not a position that should be subject to how popular a candidate may be or how well they politick in the community. He added that the matter of checks and balances needed to be considered. He added that there criteria and a process for removal needed to be included in the legal language. He noted that there had been issues, even with appointed positions, when those things weren't clear. He then explained that there was purpose behind a wall being built between the Mayor and the finance positions, with the view being that as the Mayor ran the day-to-day operations, there was someone keeping an eye on the Mayor and operations of the government so that they could not all in cahoots with each other in spending the city's funds. He encouraged caution in seeking to change that balance and suggested looking for other areas to find equilibrium, such as giving confirmation authority to the Council for the DPW Commission and Fire Commission. He also

suggested that the Mayor could support the Council seeking to establish a recall provision. He also suggested that the Treasurer position be a three year appointment rather than five. He further suggested that a residency requirement be considered.

Chair Magrath-Smith suggested that it would be of interest to discuss a residency requirement, how the other high-level appointments were structured, as well as length of the appointment - including when it occurred and how it lined up with the mayoral terms.

Councilor Jourdain stated that there would need to be fixed terms of office that didn't start over when someone new comes in.

Chair Magrath-Smith suggested that there were pros and cons of looking at various options.

Noting that Councilor Vacon had just joined on Zoom, a 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 on a call of the roll of the yeas and nays--Yeas 3--Nays 0--Absent 0.

Councilor Vacon made a motion to suspend the necessary rules to take up item 37, noting it was also about this position, and the orders only differed relative to appointing authority. Councilor Murphy-Romboletti seconded the motion. Motion passed.

Councilor Murphy-Romboletti noted that item 37 had most of the exact same language other than the appointment being made by the City Council.

Councilor Vacon suggested that once a recommendation is made out of committee, both could be dealt with so that one didn't remain in the jacket.

Chair Magrath-Smith stated that her intent in taking the first one up was to allow discussion and amendments to be made if any were proposed.

Councilor Vacon stated that her main concern with item 2 was that these kinds of charter changes would historically have to go before the voters. She noted that while there was an opinion describing a different way of approaching it, there was nothing formal from the state showing how that could be done and would prefer to see something validating that method for making the change.

Councilor Murphy-Romboletti expressed agreement with Councilor Jourdain and finding compromise for a three year term. She then asked if there were language with other mayoral appointments that outlined what could be done if someone could no longer fulfill their duties.

Councilor Jourdain stated that the closest to that would be an ordinance created in 2015 or 2016 that allowed the mayor to supervise Council appointees for day-to-day operations. He added that if there were a problem, the Mayor would submit a complaint to the Public

Service Committee and the Council would then have the authority to fire. He suggested looking into the whether or not that would still cover a position with a term of office.

Chair Magrath-Smith asked if there could be compromise language where the Mayor could bring something to Council.

Councilor Jourdain suggested that a paragraph be written into the language addressing the process.

Councilor Murphy-Romboletti suggested that if there were existing language, it could be put into this proposal. She then stated that while she appreciated the intent behind residency requirements, she understood from personal experience that the housing market was difficult and setting too short of a time frame for moving into the city could be limiting. She added that she would rather have a qualified individual who committed to living in the surrounding area.

Chair Magrath-Smith stated that the reasoning behind looking at various ways of restricting, including the CAFO position later in the agenda, was that the city had complex issues and one of the benefits of changing this from elected to appointed was that the residency requirement would no longer need to apply, allowing the city to have a greater potential to find someone who was qualified.

Councilor Devine asked if the word "approval" was synonymous with "confirmation."

Atty Bissonnette stated that the term "confirmation" was used when referring to an appointment.

Chair Magrath-Smith asked for clarification of what would be different, noting that the proposed language currently said "approval."

Atty Bissonnette stated that it would be the same effect as the terms were synonymous. He suggested that House counsel would likely change it to confirmed for consistency.

Councilor Devine suggested that the term be a four year term to coincide with the mayoral term. She also suggested proceeding with getting the approval of the state, and then working on other details such as residency requirements later.

Chair Magrath-Smith asked for clarification of the home rule petition timeline.

Atty Bissonnette stated that a home rule petition was basically a request to the state representative and state senator to cosponsor legislation directed only to specific changes of the city charter. He then explained that the process would begin with the City Council approving the home rule petition by a majority vote and upon approval of the Mayor. He added that it would then be sent to the state representative to be passed as legislation, requiring passage by the State House and the State Senate. He also noted that as the 2023 elections have passed, there would not be another election until two months before the current term would expire. He then explained that because that

position would be on the ballot in 2025, it would be preferable to get this matter handled in the current year.

Chair Magrath-Smith asked for clarification that if nomination papers would be available by next February, the Council could have already established that it plans to move forward with this plan. She then asked if that still meant there could be a ballot question to change the Treasurer to appointed next to someone running for Treasurer.

Atty Bissonnette stated that it was possible. He added that he was proposing an alternative that was described in a memo provided to the Council last fall. He then explained that the alternative would get the city through January of 2026 when the current elected term of the Treasurer would expire, as well as outlining concepts of state statute 43C giving the Council the authority to create the optional form of municipal administration by ordinance.

Chair Magrath-Smith, noting that the memo was attached to item 4, stated that it appeared to allow multiple changes moving forward at once. She suggested that the process may not work due to its complexity but could also simplify things depending on how the body responded to it. She then read an excerpt from the memo, "With the ballot question deadline already passed for 2023, my thought is to move two Council orders forward. First for the city to adopt the provisions of MGL Chapter 43C. Second to approve the Finance Department option allowable under Section 14. This would allow the next Council to begin creating a new Finance Department ordinance to take effect on the first day of the municipal year in January 2026 (also end of elected treasurer's current term). During that same period, needed changes and updates to the Charter could be drafted and submitted to the legislature under the home rule process. A 7 members Charter Review Committee could be created to recommend a home rule petition to align the Charter with the new structure and modernize the language or any outdated provisions. (Maybe: Solicitor with 3 mayoral and 3 council appointees).

Possible Timeline:

1. Adopt 43C and approve option under Section 14 for finance department to be created. (11/23)
2. Rory elected to complete term ending 1/26.
3. New Council begins drafting finance ordinance. (1/24) Charter Review Committee.
4. Drafts for home rule petition and finance ordinance (6/24). References to finance officers to be revised to align with new ordinance provisions.
5. Public hearings on changes (9/24)
6. Home rule and ordinance adopted (12/24)
7. Home rule approval by state (6/25)."

She then asked for a further explanation of the process. She suggested that rather than tackling multiple parts of the process at one time, individual parts could be taken on.

Councilor Jourdain raised a point of order, noting that item 4 spoke on the creation of a CAFO position which was currently being discussed in Ordinance. He added that item 1 was about the Treasurer. He then explained that 43C was entirely different in that it spoke to the creation of a completely consolidated department and was not on the agenda. He added that the process included merging the duties of Community Development, Code Enforcement, and municipal finance together and led by a Director of Finance.

Chair Magrath-Smith clarified that it was being discussed because it named a timeline for a process by which item 2 could be accomplished, a process where the creation of the Treasurer position could be affected.

Councilor Jourdain stated that it was one of many jobs that would be affected. He suggested that a two year study could be done on the effect of 43C as it would be a massive change with several downstream implications.

Atty Bissonnette clarified that the statute had three separate options laid out for municipal government, one to consolidate code enforcement by combining the Building and Health departments into a Code Enforcement department, a second one that spoke to combining Community Development and Planning, and the third that has been discussed to combine the various financial offices under one department.

Councilor Bartley asked if number 3 had yet been taken off the table to talk about it in context to this discussion.

Chair Magrath-Smith stated that it had not.

Councilor Murphy-Romboletti a motion to suspend the necessary rules to remove items 3 and 37 from the table to take up with item 2 as a package. Chair Magrath-Smith seconded the motion. Motion passed.

Item 3: 8-1-23 From Atty Kathleen Degnan, Asst City Solicitor, home rule petition for appointed treasurer.

---> Laid on the table, refer to the Law Dept based on City Council vote 3-0.

Item 37: 10-17-23 VACON, JOURDAIN — Ordered, That the City of Holyoke, through its Honorable City Council and Honorable Mayor, hereby petitions the Massachusetts General Court to enact legislation “Establishing an Appointed Treasurer for the City of Holyoke” in the form set forth below; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition. “An Act Establishing an Appointed Treasurer for the City of Holyoke” – This act proposes to change the City Treasurer from an elected position to an appointed one; the appointment will be made by the City Council, for a term not to exceed five (5) years and qualifications for the position may be established by ordinance. If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years, and a Treasurer will be appointed to the position following the expiration of that term in January 2026 or sooner if the office is vacated.

--->Complied with, 3-0.

Councilor Bartley stated that he agreed with the many good points made so far. He then noted that the language in item 2 and item 37 was different, with one providing for a 3 year

term and the other providing for a 5 year term. He added that in both orders, the language suggested that qualification "may" be established by ordinance, adding that it should be "shall." He also noted that the language stated the elected Treasurer would serve the remaining two years, recalling that was not the deal proffered with Mr. Casey. He questioned putting that detail into the ballot question. He emphasized that Mr. Casey had made clear he would resign if this was adopted. He also suggested that the word "confirmation" rather than "approved" should be used as clearer language. He further suggested that the only way to get around having the next municipal ballot include both the election of the next Treasurer and this question would be to hold a special election to make this change. He then questioned why this couldn't be included on the 2024 ballot, noting there was ample time as the question had to be ready by 35 days out from the election. He then suggested that every nuance such as appointing authority, did not need to be figured out before sending the question to the state. He then suggested that while he was a big fan of a residency requirement, that would be a part of creating an ordinance. He recognized that detail may need to be worked out in a compromise. He then noted that the other difference was the appointing authority. He stated that if the Mayor was to appoint a CAFO, he believed the City Council should appoint a combined Treasurer and Tax Collector. He also emphasized that the Mayor had to sign off before the question went to the legislature in Boston. He then expressed agreement that there needed to be checks and balances between the City Council and the Mayor.

Councilor Devine expressed agreement with Councilor Bartley's point that nothing would get to the state legislature without the Mayor's approval. She then asked if it was known if the legislature had a recess over the summer. She suggested just working on item 2, get it adopted and sent off to the legislature, and then working on the other details after that. She also noted that item 4 was just a copy and could not be acted on by this committee.

Chair Magrath-Smith suggested that it made sense to remove the language "if adopted" to "vacated," which would remove the issue of the date. She added that "may" should be changed to "shall." She also observed that nobody appeared to be interested in leaving the term at 5 years. She then asked what the recommendation should be if this were to be moved forward to the City Council.

Councilor Murphy-Romboletti stated that while she wanted it at 5 years, she would be open to 3 years as a compromise. She also noted that the order had been filed over a year ago and had intended to get it onto the 2023 ballot. She suggested that it made sense to refer to the position being vacated. She then explained that while it was good many different topics were discussed, she did not file the order with the intent of changing multiple positions. She then made a motion to amend item 2 to change 5 years to 3 years. Councilor Vacon seconded the motion. She then made a motion to amend item 2, changing "may" to "shall." She also made a motion to amend item 2, removing the section "If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years."

Councilor Vacon asked if the language on appointing authority would also be removed in order to have that debate at another time, or would it be addressed in the order. She noted that there had been discussion about the City Council appointing a combined Tax collector and Treasurer, and that the Mayor could be appointing a CAFO.

Chair Magrath-Smith suggested taking one piece at a time, noting that it wasn't clear what would happen with a CAFO position. She emphasized that the body was interested in moving this forward. She then suggested that it made sense for this to be a mayoral appointment with City Council approval. She then suggested leaving that language.

Councilor Murphy-Romboletti expressed support for changing approval to confirmation.

Councilor Jourdain suggested that the last section would have to clarify when the appointment would start. He noted that the current Treasurer, Rory Casey, was elected and his term went through January 2026. He suggested that the language should stipulate that the term would begin in January of 2026, with each subsequent term beginning every three years from there, not every three years from when someone starts. He also suggested language stating "the appointment and removal shall be set by the City Council by ordinance" which would allow that detail to be addressed at a later date.

Chair Magrath-Smith expressed doubt that the Mayor would not sign off on that when it wasn't clear what was meant by that.

Councilor Jourdain stated that the alternative was putting those details in the question now.

Chair Magrath-Smith expressed her understanding that the question would be that the term would begin in January 2026 on a fixed three-year term.

Councilor Jourdain stated that sounded correct.

Chair Magrath-Smith suggested that if removal was not named in the order, it would be a mayoral power.

Councilor Jourdain stated that it would have to be put in one way or the other. He suggested that leaving it silent would leave the question open over who would appoint the Treasurer.

Chair Magrath-Smith stated that everything could not be enumerated in the question. She then expressed an assumption that language allowing qualification to be created by ordinance would allow for many possibilities to be enumerated through that. She then questioned why removal needed to be specified.

Councilor Jourdain explained that without that language, it creates an issue where when someone gets appointed to a term of office, they own the seat unless there was just cause to have them removed. He noted the charter was currently silent on the Treasurer position because the form of removal was voting them out.

Atty Bissonnette stated that this question was only about the Treasurer and had nothing to do with the CAFO or how a Finance Department could be created. He added that the Council could then work on other details later, including potentially combining the Tax Collector and the Treasurer.

Councilor Jourdain asked Atty Bissonnette to clarify that he was suggesting putting a simple question forward that established the appointing, that the term would be three years, and then set other details by ordinance at a later date.

Atty Bissonnette stated that setting other details by ordinance, including the term, would allow for flexibility, noting how difficult it was to change the ordinance.

Chair Magrath-Smith asked if Atty Bissonnette was suggesting removing the language defining the term from the question in order to provide flexibility in the ordinance.

Atty Bissonnette stated that it could be done that way in order to avoid binding the city through a change in the charter.

Chair Magrath-Smith asked if the home rule petition to change the charter could be done while the process of drafting the ordinance was taking place, and then the question on the ballot could be based on the already created ordinance.

Atty Bissonnette stated that the ballot language would be as bare bones as possible.

Chair Magrath-Smith suggested that it would make sense to name the years in the question because people would want to know that detail on the ballot.

Councilor Jourdain noted that the terms for the Tax Collector and the Assessor were in the charter.

Chair Magrath-Smith stated that because of that, it did not make sense to leave out the term in this question.

Atty Bissonnette stated that the language would be effective in January of 2026.

Councilor Vacon asked for clarification that the term of 3 years would be left in, if passed. She then suggested that if the qualifications and termination language were in ordinance, the appointment authority should also be done by ordinance. She then seconded the amendments made earlier. She then made a motion to remove the appointing language. She also made a motion to add language stating that "the qualifications shall be created by ordinance," rather than "may be."

Chair Magrath-Smith noted that "shall be" was in the original motion. She then asked for clarification that the appointing language was to be removed.

Councilor Vacon stated that it was, emphasizing that it would need to be addressed through the ordinance.

Chair Magrath-Smith suggested voting on that motion separately.

Councilor Murphy-Romboletti seconded the motions for the purposes of discussion.

Councilor Bartley agreed with Atty Bissonnette's points. He then emphasized that while the CAFO was not being talked about, this could not be taken up without that being a background consideration. He then expressed his preference that the Mayor would appoint the CAFO, and the CAFO would oversee the Treasurer, Tax Collector, Assessor, and Auditor. He then suggested that it wouldn't make sense to have the Mayor appoint someone under his own appointee. He added that the government worked best where there are checks and balances. He reiterated that the language should be sent off with as broad language as possible to get it done for the November 2024 ballot. He then questioned why the term wouldn't stick to the four years it currently was, which could be a compromise between the options.

Councilor Murphy-Romboletti stated that she would be okay with not including an appointing authority but was worried about having a similar voter response as ten years earlier when multiple charter changes were on one ballot question. She expressed concern that people may not vote for it if they didn't know the appointing authority. She then stated that she was okay with making it four years, with it not taking effect until 2025, and with the term "shall" instead of "may." She then explained that she had only copied language from the last ballot question other than the appointing authority.

Chair Magrath-Smith expressed a preference with moving this to Council with language stating who the appointing body should be because that would allow the Council to have something to debate. She expressed concern that leaving it blank could lead to the debate going in circles.

Councilor Vacon asked what the current term for the Tax Collector was.

Councilor Jourdain stated that it was three.

Councilor Vacon suggested that making the Treasurer's term three years to make it consistent with the Tax Collector, particularly in the interest of consolidating the positions. She then expressed a hope that the question could be moved forward without the appointing authority, but if the interest was in naming someone for debate, she would prefer to make the City Council the appointing authority. She expressed concern that giving the Mayor the appointing authority along with the CAFO, it would take away from checks and balances. She then made a motion to remove the appointing language, adding that absent a second, she would then made a motion that the City Council be the appointing authority.

Councilor Devine suggested that if this did not have the Mayor's backing as the appointing authority, this would not get anywhere in the legislature. She then suggested that the City Council being the appointing authority would be where politics would come in. She then stated that in checking to find out if the legislature would have a recess, she learned they were currently working on budgets which took a long time.

Councilor Jourdain reiterated support for making the term three years. He added that five years would be out of the question. He added that he did not support four years to be conterminous with the Mayor's term because the Treasurer needed to be a long term person and this needed to avoid the ability of the Mayor to come in and start sweeping people out to put in their hand appointed person. He also expressed support for merging the Tax Collector and Treasurer departments. He then stated that with regard to appointing authority, many pieces were still missing that needed to be worked out. He agreed that this question should be moved quickly, and then work on the other details in ordinance so that the voters would have that information when they vote on the question. He suggested leaving the appointing authority neutral and later setting that by ordinance.

Councilor Vacon renewed her motion to remove the appointing language and leave it to the creation of an ordinance, which would accomplish the major goal of getting the position appointed rather than elected. Councilor Murphy-Romboletti seconded the motion for the purposes of discussion.

Councilor Murphy-Romboletti asked if the process would have to start over if the Council approved language that left out an appointing authority but then the Mayor chose not to approve it.

Atty Bissonnette stated that if the Mayor did not approve it, it would fail, and then the Council could file a new order if only to add language about appointment in order to try to pass it again.

Councilor Murphy-Romboletti asked for clarification that another order would have to go back to this committee for another meeting and then to send it back to City Council.

Atty Bissonnette stated that was correct.

Councilor Givner asked why the Council had not considered trying to make it a professional position rather than either elected or appointed. She suggested that it was important that the position be filled by someone who was an expert in their field.

Atty Bissonnette stated that the qualifications would be created by the Council through the Ordinance Committee.

Chair Magrath-Smith asked that the question be moved forward, with amendments changing five years to three years, removing "if adopted" and changing it to "vacated," changing "may to "shall," and adding "effective "2026."

Councilor Vacon noted there was a motion on the floor relative to taking out the appointing language. Motion failed on a call of the roll of the yeas and nays--Yeas 1 (Vacon)-Nays 2.

Councilor Jourdain suggested that there could be a problem with the Council giving away appointing authority without something counterbalancing it.

Chair Magrath-Smith stated that the goal was to try to move this forward, while recognizing that there were additional complicating pieces to understand and work through.

Councilor Jourdain stated that those pieces were understood but there was not yet consensus. He then stated that he supported 99% of this but struggled to support it because it would be agreeing to give the Treasurer appointment to the Mayor without another balance to still be figured out down the road.

Councilor Murphy-Romboletti stated that she was open to those discussions but those matters were not on the agenda. She then suggested that while it was important to get this out to Council soon, they could wait if that meant having an opportunity to talk to the Mayor if it would lead to a favorable vote. She then expressed hope that delaying it another month would give everyone time. She then expressed her belief that the Mayor would not approve this without appointing language, meaning it would never even get to Boston and then the Council would have to start over.

Councilor Jourdain suggested passing this with neutral language that did not specify an appointing authority but referring to the creation of an ordinance. He then suggested that if the Mayor did not support it, the order could then be taken up at the committee's next meeting where he could discuss his plan to help maintain a balance.

Chair Magrath-Smith suggested that this was ready for a full Council discussion where anyone could say their piece and make amendments. She reiterated that sending it to full Council with neutral language would lead to arguments going back and forth.

Councilor Jourdain stated that he could reach out to the Mayor and find out if he would support neutral language.

Chair Magrath-Smith suggested that the Mayor could also come to the Council meeting.

Councilor Vacon noted that the city already had a strong mayoral form of government. She then explained that keeping the language neutral would maintain the ability for keeping balance. She also suggested that assumptions were being made about the Mayor being opposed to neutral language without hearing from him. She emphasized that that the appointing authority would still be addressed, just through ordinance instead of through this question. She then renewed her motion to motion to remove appointing language. Councilor Murphy-Romboletti seconded the motion.

Chair Magrath-Smith asked to clarify if the vote would be on all of the motions to amend, or first just on the motion to remove the appointing language.

Councilor Murphy-Romboletti stated that the motion on the table was to change five years to three, changing "may" to "shall," and taking out "If adopted, the Treasurer elected in the 2023 municipal election will fill the vacancy in the office for the remaining two (2) years."

Chair Magrath-Smith added that another amendment was to change "approval" to "confirmation." She added that another amendment would be to make it "effective 2026." She noted that the motion to remove the appointing language was also seconded.

Councilor Murphy-Romboletti stated that she seconded the amendment in order to vote on it, and then the order can go to full Council.

Motion failed on a call of the roll of the yeas and nays--Yeas 1 (Vacon)--Nays 2.

Magrath-Smiith stated that recommendation would go to Council with 2 nays and 1 yea. She then stated that item 3 was just the home rule petition for the appointed Treasurer. She suggested tabling it in order to wait for new legal language based on whatever came out of the City Council on item 2.

Councilor Vacon suggested that it could be complied with because it wouldn't be the same going forward.

Councilor Murphy-Romboletti made a motion to lay item 3 on the table and send to the Law Department for new language based on the City Council's vote on the petition. Chair Magrath-Smith seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 3--Nays 0.

(1:44:40)

Item 4: 4-18-23 (sent to Ord. copy to Charter for potential home rule petition) MCGEE --
Ordered, that the position of Chief Administrative and Financial Officer be created and added to Schedule A.
*Tabled 7-17-23

---> Complied with, 3-0.

DISCUSSION:

Chair Magrath-Smith stated that this was only a copy and could not be acted on.

Councilor Murphy-Romboletti made a motion that item 4 has been complied with. Chair Magrath-Smith seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 3--Nays 0.

(1:45:20)

Item 5: 1-22-24 DEVINE, J. RIVERA, GIVNER -- Ordered, - RULE 6 DECORUM section E add the words or city employees after the words "another member"
*Tabled 2-5-24

---> Approved, 2-1

DISCUSSION:

Chair Magrath-Smith recalled that the previous discussion on this was relatively in favor but there was an interest in seeing some other language. She then suggested just staying on the motion.

Councilor Vacon stated that because decorum rule already referred to all citizens of the community and people shouldn't be broken up into categories or tiers, and everyone deserved the same respect. She then expressed opposition to this as being redundant.

Councilor Devine asked that this be adopted. She recalled that before she was elected, Atty Mantolesky was interrogated while trying to give an opinion on something. She also recalled one councilor stating that another councilor always played the victim, that the City Solicitor should be thrown into the Connective River, and that she herself was a low life. She then stated that she had heard from many city employees who hated coming before the City Council because of the way they were treated. She then suggested that this was not the same as members of the public who speak at the microphone but were employees who did not always get respect.

Councilor Jourdain suggested going back and listening to tapes from the 90's, noting that some "champions" of employees had made interesting statements about city employees and had been hypercritical about people they disliked. He added that another focus of civility needed to be placed on what people say about others on social media. He noted that everyone fell short sometimes when they get caught in their passions. He then questioned the sincerity of people speaking about decorum in meetings considering what they say on social media.

Chair Magrath-Smith asked to try and move the meeting along.

Councilor Jourdain stated that these things needed to be said. He then stated that while he generally supported the sentiment, he had concerns about legitimate speech and commentary being fair game. He emphasized that some people, while in the minority, were not doing a good job and constructive and legitimate criticism should not be silenced or censored. He added that the job of city councilors were to be the voice of the public when they saw things that were incorrect. He then stated that he sought to keep a wall of neutrality with the vast majority of city employees because he felt he needed to be able to keep a neutral perspective. He added that he would not put personal relationships over his job, which was to look out for the voters. He further stated that doing the right things sometimes meant not doing what people wanted, even if that meant he wasn't looked upon as a nice guy. He then acknowledged that he still needed to be a gentleman and do things in a civil manner. He then suggested that the Mayor

should remind employees that they shouldn't be out in the public trashing people. He also agreed with the earlier point that nasty and personal comments should not be made about people.

Councilor Givner reiterated that the purpose of the order was to focus on decorum at City Council and its subcommittee meetings. She emphasized that she has seen several unpleasant moments with people who were volunteering for city boards and coming before the Council. She added that she can't control what people do outside.

Councilor Murphy-Romboletti made a motion to approve item 5. Chair Magrath-Smith seconded the motion.

Councilor Vacon suggested that the rule currently in place was perfectly adequate. She added that councilors just needed to follow those rules. She then suggested that adding a unique group of people to the rule would not cause conduct to change. She then recited the rule, "no member in debate shall make any references to another member, city employee, or member of the general public but in respectful terms," adding that it was adequate and everyone knew what it meant.

Motion passed on a call of the roll of the yeas and nays--Yeas 2--Nays 1 (Vacon).

(2:01:20)

Chair Magrath-Smith stated that it was already late and expected that items 6 and 7 could take the meeting until 10:30. She then suggested tabling them to the next meeting for discussion.

Councilor Murphy-Romboletti made a motion to lay items 6 and 7 on the table. Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 3--Nays 0.

Item 6: 6-7-22 MURPHY-ROMBOLETTI -- Ordered that the City Council amend its rules to create a Vice President position in the City Council.
*Tabled 6-14-22, 10-24-22

---> Laid on the table, 3-0.

Item 7: 6-7-22 MURPHY-ROMBOLETTI -- Ordered, that the City Council establish a rule that requires any resident running to fill a vacant city council seat will need to obtain 50 signatures from eligible residents in order to be considered by the full City Council for appointment.
*Tabled 1-9-23

---> Laid on the table, 3-0.

(2:01:55)

Councilor Murphy-Romboletti made a motion to suspend the necessary rules to allow for an abbreviated reading of items 8 through 26 for the purposes of giving them a leave to withdraw. Councilor Vacon seconded the motion. Motion passed.

Item 8: 4-6-21 MURPHY -- Ordered that the city charter be amended so that if there is a vacancy in the mayor's office and the president of the city council cannot assume the duties full time, the full council would then select another councilor to assume the role of acting mayor by majority vote of the council. The acting mayor would still continue to represent their constituents as a councilor.
*Tabled 4-12-21, 2-23-22, 4-12-22, 6-14-22

---> Leave to withdraw, 3-0.

Item 9: 5-3-22 RIVERA_I -- Order that the honorable city council add the following committee:
Communications Committee
Senior citizen quality of life Committee
*Tabled 6-14-22, 10-24-22, 1-9-23, 2-27-23

---> Leave to withdraw, 3-0.

Item 10: 5-3-22 RIVERA_I -- Order that the city solicitors office begin drafting a ballot question for next election cycle around marijuana Social consumption sites such as bars and cafes for residents to vote on next election cycle similar to the language below. "The sale of marijuana products, as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, is permitted when the sale occurs at Restaurants, Bars, Cafes, or any establishment in which food or beverages are served."
*Tabled 1-9-23

---> Leave to withdraw, 3-0.

Item 11: 5-3-22 RIVERA_I -- Order that committee chairs limit the amount of public hearings added to an agenda, It is not fair and undemocratic to have the public wait until 10:30 - 11:00 pm so they can be heard.
*Tabled 6-14-22, 2-27-23, referred out 12-11-23, referred back 1-2-24

---> Leave to withdraw, 3-0.

Item 12: 5-3-22 VACON, JOURDAIN -- Ordered, that Establish a City Council rule to allow one City Councilor to call for an end to debate on a spending/bonding issue with referral to the auditor to review the matter and report back to the City Council. This rule is in effect when debate continues for more than 30 minutes, each City Councilor who wishes to be recognized has spoken and the matter has not yet been voted to approve or deny the motion.

---> Leave to withdraw, 3-0.

Item 13: 6-7-22 MALDONADO VELEZ -- Ordered, that we add to our charter that if a councilor is absent from full council meeting for more than 3 consecutive meetings without written notice, their seat is considered open.
*Tabled 1-9-23

---> Leave to withdraw, 3-0.

Item 14: 6-7-22 MURPHY-ROMBOLETTI — Ordered that the City Council create a rule where any candidate or elected official must disclose with the City Clerk's office any federal or state litigation that may be pending related to the individual seeking or holding office. The candidate or official should have the opportunity to include a written explanation of the offense and any mitigating circumstances.

---> Leave to withdraw, 3-0.

Item 15: 10-4-22 MALDONADO-VELEZ -- Ordered, that a fund be created to implement a series of studies rotating between city departments each year to study best practices and methods of implementation for improvement of processes. Our city should constantly be seeking to improve how the public is served and that requires regularly looking at internal processes.
*Tabled 10-24-22

---> Leave to withdraw, 3-0.

Item 16: 10-18-22 PUELLO, VACON -- Ordered, That recall provisions be established for every elected official in the city. These provisions should be fair and equitable to allow citizens a path to recall but also protect the system from nuisances.
*Tabled 1-9-23

---> Leave to withdraw, 3-0.

Item 17: 1-3-23 MALDONADO-VELEZ – Order that we create a ballot question asking if there should be a recall process for all elected officials. The question should include a recall process and the decision should be binding.
*Tabled 1-9-23

---> Leave to withdraw, 3-0.

Item 18: 5-16-23 From Mayor Joshua A. Garcia letter of VETO regarding the following order: that the City Council retain independent legal counsel to work with the City Council and legal department to review its rules and powers under the Charter, state law, city ordinances and its rules.

---> Leave to withdraw, 3-0.

Item 19: 8-1-23 MCGEE, JOURDAIN — Order that city council rule 7b be amended to add to the end : that 10 minutes of response time will be allowed for councilors to address and answer questions or comments, no councilor shall have more than 2 minutes of response time.

---> Leave to withdraw, 3-0.

Item 20: 8-1-23 GIVNER — With community support, order that a 30min public comment period be added to City Council meetings, in an effort to give the public a true platform in person, written, and/or remote as long as a remote option for council meetings exists. Consideration should be given to having meetings begin earlier in an effort to accommodate Holyoke residents and inspire participation.
*Tabled 12-11-23

---> Leave to withdraw, 3-0.

Item 21: 11-21-23 PUELLO -- Ordered, That we consider a ballot question to determine if the term of office for mayor should be reduced to 2 years, amid historically low voter turnout and pending administrative changes under consideration.

---> Leave to withdraw, 3-0.

Item 22: 12-19-23 Communication providing article on Juan Montano arrest

---> Leave to withdraw, 3-0.

Item 23: 12-19-23 MALDONADO VELEZ -- Ordered, Order that the city council takes necessary steps towards imposing term limits for all elected officials. Maximum 5 terms per elected official. Send to Charter and Rules.

---> Leave to withdraw, 3-0.

Item 24: 12-19-23 PUELLO, VACON -- Ordered, That a new rule regarding proclamations be established: When a proclamation is issued by the City Council recognizing good citizenship of a person, it shall be withdrawn upon discovery & documentation of repeated criminal convictions (such as illegal guns and drugs).

---> Leave to withdraw, 3-0.

Item 25: 1-22-24 DEVINE, J. RIVERA, GIVNER -- Ordered, that RULE 8 DECORUM/SPEAKING section C "During debate, if objection is made thereto, no member shall speak more than twice to the same question without leave if the City Council, no more than once until all other members choosing to speak have spoken. CHANGE: Delete the words "without leave of the Council."

---> Leave to withdraw, 3-0.

Item 26: 1-22-24 DEVINE, J. RIVERA, GIVNER -- Ordered, RULE 7 AGENDA section ii Delete all the words after "The Pledge of Allegiance."

---> Leave to withdraw, 3-0.

Meeting adjourned at 8:16 PM

LAI ON THE TABLE (Discussion is not expected)

Item 27: 1-18-22 MURPHY-ROMBOLETTI, JOURDAIN -- Ordered that the City Council adopt a rule to establish a two-year legislative term. Any orders pending in committee or not acted on by the end of the legislative term must be re-filed at the start of the subsequent legislative term.

*Tabled 2-23-22, 4-12-22, 6-14-22, 2-27-23

Item 28: 1-17-23 MCGEE — Ordered that City Council Rule 9H be amended and re-worded in order to make the process of changing or updating an ordinance a smoother process.

*Tabled 2-27-23, 12-11-23

Item 29: 2-7-23 JOURDAIN, VACON — Ordered, that City Council Rule 9P be modified to add: Only those items that are reasonably expected to be taken up at the meeting (per open meeting law) will be published on the meeting agenda. Items “deemed tabled” by virtue of their existence in the committee jacket for 45 days will not be published on the active agenda. Listing every item in the entire committee jacket on every agenda will create confusing agendas for Councilors and the general public when the vast majority of items will never be considered at that meeting and create the false impression that they will be. This will create an absurd result that appears to be a violation of the Open Meeting Law.

*Tabled 2-27-23

Item 30: 4-4-23 RIVERA_I, GIVNER, MALDONADO VELEZ, MURPHY-ROMBOLETTI, RIVERA_J — Ordered, that Section 34 of the Holyoke City Charter be amended to establish a Police Commission by virtue of a Special Act in Accordance with the provisions of Articles of Amendment, Article II, Section 8 of the Massachusetts Constitution.

*Tabled 4-19-23, 7-17-23, 12-11-23

Item 31: 4-4-23 From Atty Jane Mantolesky, Supplement to legal opinion on voting requirements

*Tabled 4-10-23

Item 32: 8-1-23 From City Solicitor letter re: Provisions of charter impacted by implementation of a Police Commission

*Tabled 12-11-24

Item 33: 8-1-23 From Lisa Ball, City Solicitor, Legal Opinion from KP Law, Mark R. Reich Esq. regarding Community Preservation Act Surcharge Reduction.

Item 34: 8-1-23 From City Solicitors Ballot Question language.

Item 35: 10-3-23 GIVNER, TALLMAN — With community support, order that all ordinances and charter rules reflecting city council and city council subcommittee meeting notices be updated to reflect acceptance of email as sufficient method of notice, and city website posting as sufficient method of public notice.

*Tabled 12-11-23, 2-5-24

Item 36: 10-3-23 GIVNER — With community support, order that the following section of our Codes of Ordinances and charter be updated to reflect use of email as sufficient for special meeting notice:

Sec. 12. – Special meetings of city council.

The mayor may at any time call a special meeting of the city council by public posting through the city website along with written notifications thereof, together with a statement of the subjects to be considered thereat, to be deposited in the post office, postpaid and addressed to the persons to be notified, at least forty-eight hours before the time appointed for such meeting, or to be left at the usual place of residence of each member of the council, by email at least forty-eight hours before the time appointed for such meeting. (Acts 1965, c. 187; Acts 1992, c. 189)

*Tabled 12-11-23, 2-5-24

Item 38: 12-5-23 VACON -- Ordered, That we amend our charter and ordinances to change from an elected Mayor to a City Manager/Chief Administrative Financial Officer, appointed by the City Council.

Item 39: 2-6-24 JOURDAIN, BARTLEY -- Ordered, That Charter Sections 19 and 34 be amended and elsewhere as appropriate to allow for all appointments to the Fire Commission and DPW Commission to be appointed by the Mayor subject to confirmation by the City Council.

Item 40: 2-6-24 DEVINE, I. RIVERA -- Ordered, Under City Council rules, please add the following: New Rule: Every 2 years after being sworn in, the City Council President shall set the seating arrangements of the City Council. Consideration shall be taken for any legitimate handicap preference.