



Acting Mayor Terence Murphy

City of Holyoke

Law Department

July 22, 2021

City Council
536 Dwight Street
Holyoke, MA 01040

Dear Councilors:

You requested an opinion from our office seeking information regarding City Council's role in relation to the City of Holyoke Chief of Police Contract of Employment executed January 8, 2021. Specifically, clarity was sought on City Council's role in approving the contract, whether there was a particular vote needed to approve the contract, and what were City Council's obligations in terms of sections of the contract that may appear to conflict with the City of Holyoke's ordinances and/or Charter.

The short answer is that City Council does not have any role in hiring and/or approval of the Chief of Police position, but rather this appointment is exclusively reserved for the mayor. Therefore, City Council is not tasked with approval of the contract nor any other obligations.

The Charter specifically addresses the mayor's appointment authority generally and appointment of the Chief of Police.

See Subpart A Charter, Title IV. Executive Department, Section 26. Power of Mayor to Appoint and Remove Officers; Review of Mayor's Action (*"The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided, and he may, except as herein otherwise provided, remove from office by written order any officer so appointed hereunder for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal."*)

For Appointment of Chief of Police (formally known as City Marshal), see Subpart A Charter, Title III. Legislative Department, Section 21. Establishment and Composition of Police Department, Appointment and Removal of City Marshal, Subordinate Officers and Members; Act Repealed. (*"The power of appointment of said city marshal, subordinate officers and members of the police force shall be vested in the mayor exclusively, and he shall have power to remove the members of the regular police force, after a due hearing, for such cause as he shall deem sufficient and shall express in the order of removal, and said order of removal shall be filed in the office of the city clerk for the inspection of the public."*)



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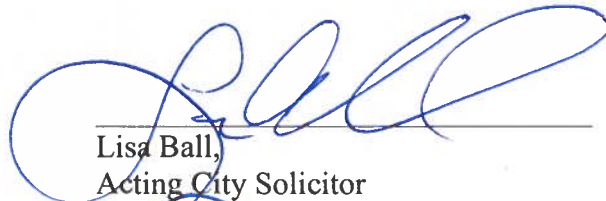
Law Department

As for the inquiry regarding possible discrepancies in the contract (such as the residency requirement) that conflict with the City of Holyoke Ordinance and/or Charter, this is addressed in the Chief of Police contract dated January 8, 2021 and signed off on by then Mayor Alex Morse. (See Holyoke Code of Ordinances, Chapter 2 Administration, Article II Officers and Employees Generally, Division 1 Generally, Section 2-67 subpart (b) *In the event that at any time of appointment a department head is not a resident, he or she shall become a resident of the city within **one** year of the date of appointment*).

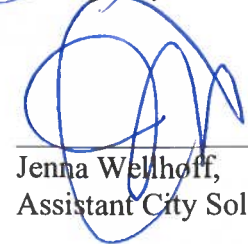
Similarly, under the contract, entitled Article VI. Residency, the Chief of Police “*shall have up to 12 months to relocate and maintain a residence in the City of Holyoke for the term of this Agreement.*” That section further elaborates “[f]ailure to meet this requirement within the 12-month period shall result in termination from employment as Chief and return him to his Civil Service Rank of Captain.” As the residency requirement is a non-issue currently and the contract specifically addresses failure to obtain residency, there is nothing for City Council to address at this time.

I hope the above addresses your concerns. If you have any questions or need anything further, please feel free to contact me.

Very truly yours,



Lisa Ball,
Acting City Solicitor



Jenna Wellhoff,
Assistant City Solicitor