



Mayor Joshua Garcia

City of Holyoke

Law Department

January 5, 2022

Honorable Councilors
of the City Council
City Council Chambers
536 Dwight Street
Holyoke, MA 01040

Re: Number of Votes Required to Transfer Monies for HR salary

Dear Honorable Councilors:

During the City Council meeting held on December 21, 2021, the City Council approved, by a majority vote, a transfer in the amount of Four Thousand Twenty (\$4,020.00) Dollars from the Head Clerk salary in the Personnel Department line item 11521-51104 to the Personnel Director salary in the Personnel Department line item 11521-51101.


Since that vote, questions have arisen as to whether a two-thirds majority vote was required in accordance with Section 49 of the Holyoke City Charter.

Section 49 provides in relevant part that "No sum appropriated for a **specific purpose** shall be expended for **any other purpose**,***, except in accordance with the recommendation of the mayor to the city council, approved by the yea and nay vote of two-thirds of the council:" **[emphasis added]**. The money which is the subject of this transfer was appropriated for the purpose of funding salaries in the Personnel Department, and the transfer is not being expended for a different purpose. In support, the transfer document evidences that the transfer in question is coming from the same line item, i.e. 11521.

In situations where a transfer of money is being made within the same department, M.G.L. c. 44, §33B governs, and M.G.L. c. 44, §33B provides that "(a) On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department."

For the reasons stated above, M.G.L. c. 44, §33B is the statutory authority applicable to the transfer of funds approved by majority vote on December 21, 2021.

Very truly yours,


Kathleen E. Degnan
Assistant City Solicitor