

## **REORGANIZATION MEETING OF THE CITY COUNCIL**

**January 3, 2022**

The meeting was called to order by City Clerk President McGee at 10:59 AM

The Clerk called the roll. Absent members: 0 Present Members 13 (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman, Vacon).

Councilor Jourdain asked to make a point of order. He noted that all councilors had just taken an oath to uphold the ordinance of Holyoke. He stated that as Councilor Israel Rivera was employed by the Holyoke School Department, he would be in violation of ordinance. He then stated that the Law Department advised him that this had been the time to object to his seating under Section 13 of the Charter. He then read from Section 14 of the Charter: No member of the City Council may "directly or indirectly take part in the employment of labor, the making of contracts...or in the conduct the executive or administrative business of the city, or in the expenditure of public" funds. He then noted that Section 23, as well as ordinance section 2-69 also had similar provisions. He then stated that he would make an objection unless the situation was remedied.

Councilor McGiverin stated that no business could take place until a president was elected. He then made a motion to move to the first ballot. Councilor Tallman seconded the motion.

Councilor Vacon stated that they had been advised by the Law Department that an objection had to be made prior to the election of the president. She then read her objection that had been sent to the Law Department:

"per the advice and instructions issued to Mayor Garcia in the updated opinion from the Law Department dated November 16, 2021, please accept this as a formal challenge and objection to the swearing-in and seating of the elected certified City Councilor Israel Rivera as long as he remains a city employee. As a city employee, he is not eligible/qualified to serve on the City Council pursuant to our city charter and ordinance. If he resigns from his position as a city employee by 10 AM January 3rd, or at any time until we do our official business as the Council, my objection will be withdrawn."

Councilor Jourdain asked for advice of the Law Department to be sought for guidance.

Councilor McGiverin reiterated that they could conduct no City Council business until the president was elected.

Todd McGee received 12 votes (Anderson-Burgos, Bartley, Givner, Jourdain, Maldonado Velez, McGee, McGiverin, Murphy-Romboletti, Puello, I. Rivera, J. Rivera, Tallman). Kevin Jourdain received 1 vote (Vacon). Todd McGee elected City Council President.

City Clerk Murphy McGee administered the oath to President McGee.

Councilor Jourdain reiterated his objection, stating that the seating of Councilor Israel Rivera was in violation of section of the City Charter and ordinances, adding that the City Council was the judge of its members qualifications.

Councilor Vacon reiterated her objection as stated previously. She then noted that the matter had been debated and upheld twice, the ordinance was passed with a supermajority in 2017 when no city employee was running for office. She then noted it had been vetoed by the Mayor for separate reasons and had been adopted by veto override.

Councilor Anderson-Burgos observed that the day had been a beautiful day. He noted that while they had promised to uphold the law, the issues being raised were starting the new Council off in the wrong direction. He then emphasized that the day was about electing the president, and that all other business should be addressed the following day. He then suggested that the objections were desperate. He then asked that his colleagues celebrate with Holyoke and move forward. He then noted that the councilor in question had been elected by a large number of the city's voters.

Councilor I. Rivera noted that the point of order was about him. He then stated he had resigned his position with the School Department the previous week. He further clarified that he had not resigned due to being asked to or because of an ordinance, but due to the divisiveness caused by the issue. He then stated that he had not yet announced his resignation due to a desire for people to see that people would be predictable. He stated that the Council should not work against itself.

Councilor Jourdain withdraw his objection, thanking Councilor I. Rivera for his decision. He then clarified that the Law Department had advised him that this had been the time to raise an objection.

Councilor Vacon noted that she promised to withdraw her objection if Councilor I. Rivera resigned his position with the School Department. She then welcomed him to the Council.

President McGee offered his thanks to his colleagues for reelecting him as City Council President, adding special thanks to Councilor Tallman, Councilor McGiverin, and Councilor Anderson-Burgos for their advocacy on his behalf. He then offered thanks to Mayor Garcia for his intent to have an open door, open lines of communications with the Council, adding that he had been true to his word. He then offered congratulations to City Treasurer Katherine Jackowski, School Committee members, and City Clerk Brenna Murphy McGee. He then

welcomed newly elected councilors to City Council chambers. He noted it had been a historic time for the city. He then offered congratulations to Councilor Murphy-Romboletti on her engagement to former City Solicitor, Paul Payer. He noted that Congressman Richard Neal had intended to attend but had been called away. He then welcomed returning councilor, Kevin Jourdain. He then recalled a conversation with the late Marty Dunn, former councilor, mayor, and state senator, in which he asked for guidance as a new councilor. He recalled being advised to get back to constituents, try to answer needs and issues, recognizing that you may not achieve what they want but do the best for them, and serve the city with honor and dignity, as well as work with fellow councilors and treat them with respect. He then thanked former councilors for their service, particularly Murphy for his extra service as Acting Mayor. He then compelled his colleagues to remember they are makers of history as the makers of law. He then thanked his family for their support through the time commitment of serving as Council President.

Adjourned at 11:21 AM.

*Brenna Murphy McLee*

