

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AMENDMENT TO CHAPTER 2 OF THE
REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS
1997**

AN ORDINANCE

Be it ordained by the City Council of the City of Holyoke as follows:

SECTION 1. Section 2-152 entitled “Qualifications and duties of solicitor generally; compensation”, Division 5 entitled “City Solicitor” of Article II entitled “Officers and Employees Generally” of Chapter 2 entitled “Administration” of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

The city solicitor shall be the head of the department. The city solicitor shall be a resident of the city, a member of the bar of the commonwealth and shall perform all the duties required by the General Laws of Massachusetts, the City Charter and the ordinances of the city. The city solicitor shall not take on any outside work that conflicts with the obligations, responsibilities and duties of the office, and in the event the city solicitor is funded as a full-time position, the solicitor shall not take on any outside work during normal business hours.

The city solicitor shall place all opinions issued by the department on file with the city clerk, shall communicate all opinions to the city council and shall post all opinions to the city website.

The city solicitor shall submit to the city council the final draft of any contract approved by the city council before its submission for approval by the mayor.

The city solicitor shall receive, as full compensation for his or her services, such salary as the city council may determine.

BY ADDING THE FOLLOWING LANGUAGE:

The law department shall be under the supervision and control of the City Solicitor, who shall be an attorney, admitted to practice before the courts and the commonwealth and shall perform all the duties required by the Laws of Massachusetts, the City Charter and the ordinances of the city. The City Solicitor may take on outside work so long as it does not conflict with the obligations, responsibilities and duties of the office, and in the event the City Solicitor is funded as a full-time position, the solicitor shall not perform outside work during scheduled business hours.

The City Solicitor shall place all opinions issued by the department on file with the City Clerk, shall communicate all opinions to the City Council and shall post all opinions to the city website.

The City Solicitor, Assistant Solicitors or Associate Solicitors shall submit to the City Council the final draft of any contract approved by the City Council before its submission for approval by the Mayor.

The City Solicitor can be part time or full time at the discretion of the Mayor and approval of the City Council. The City Solicitor shall receive, as full compensation for his or her services such salary by ordinance as the Mayor determines with the approval of City Council.

SECTION 2. Section 2-153 entitled "Securing assistance of other counsel; compensation", Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

In special cases the mayor, or city council through a majority vote, may authorize or require the department to secure the advice or services of such additional counselors as they may deem best. No money shall be paid by the city for legal services, except as expressly authorized by this chapter. The mayor shall fund any authorization approved by the city council under this section.

BY ADDING THE FOLLOWING LANGUAGE:

The City Solicitor may, with the consent of the mayor employ special counsel in cases wherein he or she feels such special counsel would be advantageous to the city's interests. He or she may likewise employ expert assistance and stenographic services when such are necessary to the successful prosecution of city legal affairs.

SECTION 3. Section 2-154 entitled "Annual report; compensation", Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

The department shall, annually, in the month of January, make a report to the mayor and city council of the business of the department during the preceding year, describing the suits pending at the time of such report.

BY ADDING THE FOLLOWING LANGUAGE:

The department shall, annually, in the month of January, transmit to the Mayor and City Council a report of the business done by the law department concerning any claims or suits against the city during the preceding year, describing the suits pending at the time of such report.

SECTION 4. Section 2-156 entitled "Assistant City Solicitors; compensation", Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

The city solicitor, with the approval of the mayor, may appoint three assistant city solicitors, all of whom shall be members of the bar of the commonwealth. Assistant city solicitors shall not take on any outside work that conflicts with the obligations, responsibilities and duties of the office, and in the event the assistant city solicitors are funded as full-time positions, the assistant solicitors shall not take on any outside work during normal business hours.

In addition to the performance of all other duties as required by the General Laws of Massachusetts, the City Charter and the Ordinances of the City, the duties and responsibilities of the assistants shall be as follows:

(1) *City council.* An assistant city solicitor shall attend all regular and special city council meetings and subcommittee meetings as necessary. The assistant shall work with the city council regarding legal questions posed to the law department by the council or by individual council members. The appointment of the assistant city solicitor for the city council shall also be approved by the president of the city council.

(2) *Labor relations/employment.* An assistant city solicitor shall be assigned all labor and employment matters within the city, including collective bargaining negotiations.

(3) *Civil litigation.* An assistant city solicitor shall be responsible for handling all civil litigation in which the city is a party.

BY ADDING THE FOLLOWING LANGUAGE:

The City Solicitor with the approval of the mayor may appoint up to three (3) full time or part time assistant City Solicitors, with one assistant being named "First Assistant City Solicitor", all of whom shall be members of the bar of the Commonwealth. The compensation of the Assistant Solicitors shall be determined by ordinance as the Mayor determines with the approval of the City Council. Assistant City Solicitors may take on outside work so long as it does not conflict with the responsibilities and duties of the office, and in the event the Assistant City Solicitor is funded as a full-time position, the Assistant City solicitor shall not perform outside work during scheduled business hours.

In addition to the performance of all other duties as required by the General Laws of Massachusetts, the City Charter and the Ordinances of the City, the duties and the responsibilities of the assistants and associates shall be as follows:

(1) *City Council.* An Assistant or Associate City Solicitor shall attend all regular and special City Council meetings and subcommittee meetings as necessary. This Attorney shall work with the City Council regarding legal questions posed to the law department by the Council or by individual Council members.

(2) *Labor relations/employment.* At least one attorney from the law department shall be assigned all labor and employment matters within the city, including collective bargaining negotiations. The City Solicitor shall have the authority to contract outside counsel to assist in that regard.

- (3) *Civil litigation.* An Assistant or Associate City Solicitor shall be responsible for handling all civil litigation in which the city is a party, unless the City Solicitor determines the matter should be handled by outside counsel.

SECTION 5. Section 2-157 entitled “Absence, vacancy or disability, city solicitor; compensation”, Division 5 entitled “City Solicitor” of Article II entitled “Officers and Employees Generally” of Chapter 2 entitled “Administration” of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

In the case of the absence, vacancy, or disability of the city solicitor, or in the case of the failure of the city council to confirm the city solicitor under section 34 of the Charter, the most senior assistant city solicitor, in number of years of continuous service to the city, shall act as the city solicitor for a period of time not to exceed 90 days. If the senior assistant city solicitor shall have acted as city solicitor for at least 90 days, then he or she shall be removed from that acting position immediately, and no other member of the department may be eligible to serve in that capacity on an acting basis.

BY ADDING THE FOLLOWING LANGUAGE:

In the case of the absence, vacancy, or disability of the City Solicitor, or in the case of the failure of the City Council to confirm the City Solicitor under section 34 of the Charter, the First Assistant City Solicitor shall act as the City Solicitor, have all the powers of the City Solicitor and act on behalf of the City Solicitor for a 90-day period.

SECTION 6. Section 2-158 entitled “associate city solicitors; compensation”, Division 5 entitled “City Solicitor” of Article II entitled “Officers and Employees Generally” of Chapter 2 entitled “Administration” of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

The city solicitor, with the approval of the mayor, may appoint additional associate city solicitors as the budget may allow. Associate city solicitors shall be members of the bar of the commonwealth. Associate city solicitors shall not take on any outside work that conflicts with the obligations, responsibilities and duties of the office, and in the event the associate city solicitors are funded as full-time positions, the associate solicitors shall not take on any outside work during normal business hours. Associate city solicitors shall assist with the handling of the responsibilities of the department as assigned by the city solicitor and assistant city solicitors.

BY ADDING THE FOLLOWING LANGUAGE:

The City Solicitor, with the approval of the Mayor, may appoint up to two (2) full time or part time Associate City Solicitors as the budget may allow, both of whom shall be members of the bar of the Commonwealth. The compensation for Associate City Solicitors is determined by ordinance as the Mayor determines and with the approval of City Council. Associate City Solicitors shall assist with the handling of the responsibilities of the department as assigned by the City Solicitor. Associate City Solicitors may take on outside work so long as it does not conflict with the responsibilities and duties of the office, and in the event the Associate City Solicitor is funded as a full time position, any associate city solicitor shall not perform outside work during scheduled business hours.

SECTION 7. Section 2-159 entitled "Termination of assistant and associate city solicitors; compensation", Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY REMOVING THE FOLLOWING LANGUAGE:

Assistant and associate city solicitors shall only be terminated from their appointments for cause. Any termination by the city solicitor shall be approved by the mayor, and in the case of the assistant city solicitor for the city council, also by the president of the city council.

BY ADDING THE FOLLOWING LANGUAGE:

Assistant and Associate City Solicitors shall only be terminated from their appointment for cause. Any termination of their employment by the City Solicitor shall be approved by the Mayor, and in the case of the Assistant City Solicitor for the City Council, also by the president of the City Council.

SECTION 8. Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY ADDING NEW PARAGRAPH

"Section 2-162 entitled Legal opinions. The City Solicitor shall, when requested furnish the Mayor or at a City Council meeting a legal opinion upon any subject touching upon the duties of their respective offices, but the City Solicitor shall not be required to give a written opinion unless the question upon which the opinion is desired be submitted in writing. Any other city agency asking for a formal legal opinion from the law department must get prior approval of the Mayor to seek said opinion."

SECTION 9. Division 5 entitled "City Solicitor" of Article II entitled "Officers and Employees Generally" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended:

BY ADDING NEW PARAGRAPH

"Sec. 2-163. entitled "Benefits for part-time employees of the City Solicitor Office", Part-time employees of the City Solicitor's office shall be eligible for vacation time consistent with Sec. 2-42 of this ordinance."

SECTION 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11. This ordinance shall take effect upon its passage.

APPROVED AS TO FORM:



Lisa A. Ball
City Solicitor