



Mayor Joshua Garcia

City of Holyoke

Law Department

June 21, 2022

Honorable Members of the City Council

The Holyoke City Charter requires all “officers” of the city to have been a city resident for two years. (Ch 45).

Despite this unclear reference which provides no definition of the two years of residency (such as the two years having to be current or consecutive), the specific provision would still be applicable to those original city officers enumerated specifically in the original Charter.

A broader reading of this residency provision beyond offices identified in the original charter would then make it applicable to all current non-union employees and volunteers of the city government. It is also unclear if applying this limitation would survive a court challenge due to lack of specificity in defining “resident”.

Absent specific inclusion as an office created under the original charter, the two years provisions would not apply to any after-created positions. Thus, any jobs, commissioners, boards or appointments created after adoption of the charter would not be subject to the rule.

As the Planning Board was the result of both a state legislative enactment and a city ordinance created after the city charter, it follows that the two-year charter rule would not apply to the eligibility of its members.

It should be noted that the Council may also add this requirement to ordinances creating new positions or committees or to positions created since the charter was adopted.

The Council may also eliminate this charter rule by the adoption of a home rule petition addressing eliminating the two-year language.

I hope that I have answered your questions concerning this appointment to the Planning Board. Please feel free to contact me if I can be of any further assistance.

Respectfully,

Michael D. Bissonnette
Associate City Solicitor