

## Charter and Rules Meeting

Monday, January 9, 2023

Video of meeting can be found at <https://youtu.be/ec-oz3Jfgyw>

Members present in person: Chairman Jose Maldonado Velez, Vice Chairwoman Tessa Murphy-Romboletti

Members present on Zoom: Todd McGee (joined in person later)

Other councilors present: Will Puello, Joseph McGiverin, Israel Rivera, Kocayne Givner, Linda Vacon

Chairman Maldonado Velez called the meeting to order at 6:32 PM

Councilor Murphy-Romboletti made a motion to take a roll call vote that for the purposes of this meeting would be applicable to all motions to remove an item from the table, package items, or suspend the rules, unless there is an objection. Chairman Maldonado Velez seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 3--Nays 0--Absent 0.

Councilor Murphy-Romboletti made a motion to suspend the necessary rules to remove items 5 through 7 from the table out of order as a package. Councilor McGee seconded the motion. Motion passed.

Item 5: 4-19-22 VACON -- Ordered, that our city solicitor draft a ballot question for the next eligible election for voters to decide if the CPA tax should be reduced from 1.5% to 0.5% in light of current financial hardship of our taxpayers.

--->Complied with 3-0.

Item 6: 4-19-22 VACON -- Ordered, That our city solicitor draft a ballot question to revoke the CPA tax and that it be placed on the next eligible election ballot for the voters to decide if they want to keep the CPA tax after 5 years.

--->Leave to withdraw 2-0-1.

Item 7: 12-20-22 VACON, PUELLO — that our City Solicitor draft a ballot question for the next eligible election for voters to decide if the CPA tax should be reduced from 1.5% to 0.5% in light of the current financial hardship of our taxpayers.  
Taxes will increase by over \$200.00 per year for a house valued at \$236,262 due to repeated inability to achieve 7 votes of the City Council for lower taxes for homeowners. This increase is

taking place along with significant increases in sewer, gas, electricity, food & heating prices. Voters should have the right to decide the rate. City Council initiated the CPA tax here originally, so needs to vote to place it on the ballot again for voters to decide.

---> Complied with 3-0.

#### DISCUSSION:

Chairman Maldonado Velez stated that there would be legal questions around putting this matter on the ballot. He then stated that asked City Clerk, Brenna Councilor McGee, about the process for putting items on the ballot. Reading from an email from her, he stated: "per our conversation, a non-binding ballot question is the only way for citizens to have a question placed on the ballot absent local approval. A non-binding question requires a petition of 10 registered voters be presented to the City Council and the Mayor, it must be filed 132 days prior to the date of election, which would be June 28th, 2023. The city has 90 days to approve the petition, which would be September 26th if they waited until the last day. If they fail to approve it, another petition must be filed with signatures of 10% of the registered voters. It has to be filed within 42 days of the election which would be September 26th. If you as a councilors would like to see a question added, you can file an order that would go to Charter and Rules and a public hearing would need to happen." Noting that one of the orders was also referred to Finance, he added there were questions over if it could go there or if it needed to go to Charter and Rules.

Atty Bissonnette stated that the ballot question would be non-binding, and advisory only, falling within the parameters of the authority of the City Council, seeking guidance from the community. He then stated that there were specific provisions in the Community Perseveration Act law detailing how to reduce, revoke, or amend the prior ballot question ballot authorizing the use. He further stated that whatever Holyoke would put on the ballot would be subject to those restrictions. He then emphasized the importance of the timing laid out by the City Clerk, which likely coincided with the primary election date.

Chairman Maldonado Velez suggested that a copy of the specific process be provided the next time this matter is discussed in either committee.

Councilor Vacon stated that she refiled the order because it had not yet been taken up. She then emphasized that it was taken up at the last Finance Committee meeting and tabled there to allow the Law Department to look at the initial ballot language. She added that she sent that to them after receiving it herself. She further stated that because the City Council initially put the question on the ballot, the City Council would have to be the ones to initiate putting a new question on the ballot, requiring a majority of the body to approve it going onto the ballot. She noted that if the CPA had initially been put on the ballot through voter petition, it would have required a petition to amend or revoke it. She then stated that she had been receiving a lot of feedback about increased costs of food, water, and energy costs, and that residents were looking for relief. She then suggested giving the order about revoking the CPA a leave to withdraw as it could create confusion to ask two questions at the same time.

Councilor Murphy-Romboletti noted that Megan Magrath Smith from the CPA was in attendance. She then made a motion to suspend the necessary rules to allow Ms. Magrath to address the committee.

M. Magrath Smith noted that the order requested that the Law Department draft the legal language. She then emphasized the importance of making sure it was clear what a yes vote meant and what a no vote meant. She then noted that at the state level, there was a great booklet explaining what a yes or a no would mean. She then inquired how information like that would go out to the city.

Chairman Maldonado Velez suggested that it would depend on city councilors to assure residents receive the information and determine who was leading the education around it. He noted that one of the orders was being taken up in Finance. He agreed that it should be very clear what a yes vote or no vote would mean. He added that City Clerk Councilor McGee informed him that there would need to be a public hearing before the Council approved putting in the ballot.

Councilor McGiverin stated that the Finance Committee had one meeting to discuss the topic. He then stated that they were hoping to come up with a simple ballot question if the City Council chose to go forward with it. He then emphasized that governing by ballot is often difficult and that it is usually the job of city councilors to educate themselves and make the right decisions for the people they represent. He then encouraged an effort to have an educational component if they did move forward with a ballot question. He added that there should be some historical information on what the CPA Committee had done. He suggested that voters will often check no if they don't understand a ballot question.

Chairman Maldonado Velez asked to clarify if it was correct that a public hearing needed to happen as part of the process.

Councilor McGiverin stated that he had never heard that and asked who the source was.

Chairman Maldonado Velez stated that it came from the City Clerk.

Atty Bissonnette stated that he did not believe so, noting it was not an ordinance and was not involving zoning. He then stated that nothing would prohibit the City Council from holding a public hearing to take testimony. He added that he was not certain a public hearing was required for the City Council to consider placing an amendment before the voters. He also added that he did not see it in the statute from the original vote.

Councilor Murphy-Romboletti stated that she did not believe they had invited the CPA chair and other representatives to give an overview of the last few years of the city having the CPA. She suggested filing an order to give an update as part of the educational component. She then expressed her understanding that the current 1.5% was lower than percentages in other communities. She then expressed a curiosity of how many other communities were at 0.5%, suggesting that only one other community may have been at that rate. She also emphasized the importance of assuring that people understood that the tax was after the first \$100,000 of property value.

Councilor Vacon emphasized that voters had a fundamental right to weigh in on the taxes they pay to support programs of the city. She added that while 1.5% may be common for the CPA, it should not be lost that peoples' home values had increased, as well as fees, utilities, food bills, and gas as examples. She also emphasized that Holyoke had the lowest income and the highest tax rates. She further stated that she had received feedback that people felt they were being squeezed from their homes, adding that those on fixed incomes were the most negatively impacted. She suggested that it was a matter of fairness to check in with residents to see how they feel about it. She emphasized that this was not meant to say anything negative about projects that had gone through the CPA.

M. Magrath Smith stated that there were 194 CPA communities across the Commonwealth with 2 having a 0.5% CPA surcharge. She then stated that this rate would create funding difficulties around the way the legislation created categories. She noted that they had to have 10% for housing, 10% towards historic preservation, 10% toward open spaces and recreation, and only up to 5% can be used for administrative costs. She added that with a 5% surcharge, it would bring difficulties in funding projects because they may not be able to afford larger projects in a single year, requiring them to build funds over a few years in any single category. She added that it would require them to move offsets, noting that they would only be able to pay staff up to \$13,000 while they were currently costing a little over \$16,000. She suggested that this would likely require them to cover staffing needs with other city departments.

Chairman Maldonado Velez, noting that the conversation was expected to continue in Finance, he stated that part of the goal of bringing this up in this committee was to determine where the discussion should take place.

Councilor Rivera\_I spoke in favor of the CPA, adding that it was helping the city move in a direction that they had been moving toward over several years. He noted several park improvements had been done and several others were in the pipeline, such as Anniversary Hill. He emphasized that many improvements did not fall in the CDBG zone. He suggested that it would hurt more than help to bring it down to 0.5%, adding that he respected the concerns of homeowners being taxed.

Councilor Vacon stated that one question to address when the conversation returned to Finance was how much money was in each of the categories.

Councilor Murphy-Romboletti made a motion to give item 6 a leave to withdraw. Chairman Maldonado Velez seconded the motion. Motion passed 2-0-1 (Councilor McGee).

Councilor Murphy-Romboletti asked if the others should be tabled.

Chairman Maldonado Velez suggested that they could be complied with since the topic was already being discussed in Finance. He noted item 5 was one of the original orders filed last April.

Councilor Vacon suggested that item 5 could be complied with since it was being taken up in Finance.

Councilor Murphy-Romboletti asked if 7 could be complied with as well.

Councilor Vacon stated that item 7 was copied to keep track of it.

Councilor McGiverin recalled that at the full City Council meeting, it was copied to Charter and Rules because there was a question of if it had to go to that committee. He added that Admin Asst Anderson-Burgos checked the minutes of the original order and found it had gone through Finance.

Chairman Maldonado Velez noted that was brought up at the beginning of the meeting. He noted that Admin Asst Anderson-Burgos found that it was brought up through DGR.

Councilor McGiverin clarified that DGR was correct. He then stated that as long as City Council put it in Finance this time, it was fine.

Councilor Murphy-Romboletti made a motion that items 5 and 7 were complied with. Chairman Maldonado Velez seconded the motion. Motion passed 3-0.

(32:05)

Councilor Murphy-Romboletti made a motion to suspend the necessary rules to remove items 1 through 4 from the table as a package. Councilor McGee seconded the motion. Motion passed.

Item 1: 2-1-22 MALDONADO-VELEZ -- relook at committee responsibilities and restructure. Refer to Charter & Rules

---> Complied with 3-0.

DISCUSSION:

Chairman Maldonado Velez stated that the item could be complied with, noting that it was one of the first orders he filed.

Councilor Murphy-Romboletti made a motion that item 1 was complied with. Councilor McGee seconded the motion. Motion passed 3-0.

Item 2: 5-3-22 MALDONADO-VELEZ -- that we add the following committees to the City Council:  
Zoning Committee - dealing with zoning changes and language  
Public Way Committee - dealing with handicap spots, parking, and traffic ordinances  
Development Committee - focusing on grants and economic development

--->Leave to withdraw 2-0-1

Item 3: 5-3-22 RIVERA\_I -- Order that the honorable city council add the following committee:  
Communications Committee  
Senior citizen quality of life Committee

--->Laid on the table 2-0-1.

DISCUSSION:

Councilor Murphy-Romboletti stated that at the last meeting, the Admin Asst was asked to invite Matt Mainville from Holyoke Housing Authority and Mike Moriarty from OneHolyoke CDC for discussion of the senior citizen quality of life committee.

Chairman Maldonado Velez noted they were both in attendance. He then welcoming them to offer their thoughts.

M. Mainville stated that he was excited to receive the invitation but was looking to hear more about the scope of the discussion. He added that he believed it was a great idea. He also thought a communication committee would make sense.

Councilor McGee stated that he believed Navae Rodriguez from the Senior Center was also invited.

Councilor Rivera\_I stated that he spoke with Navae that day and understood that she could not make it. He then stated that she explained to him that they had a senior citizen advisory council, with a scope of work similar to what he laid out. He added that the idea was for the City Council to focus on this aspect of the community, similar to the intent to create a youth committee. He then stated that it would be a way to engage and inform them of opportunities in the community. He suggested that there could be a collaboration with that advisory committee. He suggested that it would be helpful to hear from Mr. Mainville and Mr. Moriarty on the types of things they would like to see with regarding to community engagement and outreach. He recalled another order from Councilor Jourdain the previous year focusing on seniors getting tax breaks. He then stated that there could be more outreach for that and other programs.

Chairman Maldonado Velez stated for clarification to the invited guests that the orders were filed to consider adding subcommittees to the City Council. He suggested that they could help councilors do their job better. He further stated that a communications committee to help make sure that what the Council was doing was being communicated properly.

M. Moriarty expressed an interest in seeing what the government could do to communicate better, noting that there were often challenges with civic engagement. He added that it can be difficult to know what is happening and that it should be constantly studies and acted on.

Chairman Maldonado Velez suggested having the Law Department put together language to be considered at the next meeting.

Councilor Puello asked if there were orders that could not be filed and handled through any of the existing committees.

Chairman Maldonado Velez stated that the committee would focus on communication to constituents.

Councilor Puello asked what kind of orders would be taken up in a communications committee or senior citizens committee rather than any of the other committees.

Councilor Murphy-Romboletti stated that a communications committee would be useful in addressing how information is put out, which partners the City Council works with, and what methods are used to communicate with the public. She suggested that there needed to be more transparency in how the City Council gets the word out. Noting that people often don't tune into meetings or know they're going on, she saw the point as being about how that information is communicated.

Chairman Maldonado Velez stated that this was the point of working with the Law Department to create the language. He noted that many cities have many more committees. He then stated that he was trying to be intentional with what committees the Council has.

Councilor Rivera\_I stated that he filed the order as a result of discussion in his Information Management class as part of his Masters program. He further stated that one book explained that most municipalities were moving toward focusing more on communications, mostly because of how websites and social media were evolving. He added that the ways governments were serving their constituencies was evolving. He emphasized that this was about helping Holyoke be ready for the future. He suggested that the city could be doing more in the way of E-government services.

Councilor Vacon stated that while she understood the rationale behind the order, she was looking for an example of an order that would go to a Communications Committee. She noted that committees don't run day-to-day operations but respond to orders filed.

Councilor Rivera\_I stated that one example would be reviewing the city's IT contract to assure everything was falling in line with a strategic plan. He added that it was about putting information out to the people so that they are better informed how the city was spending their tax dollars.

Chairman Maldonado Velez suggested that there could be more transparency and clarity around the orders. He added that there were many platforms that the city was not utilizing to their full extent. He suggested that even among 13 councilors, they likely did not have access to all 40,000 people in the city. He added that it was about working to assure the city finds ways to access and communicate with all of the people it serves.

Councilor McGiverin stated that the proposal made a lot of sense, specifically issues of transparency and how the city communicates with people in the present and the future. He then emphasized that creation of new committees needed to be thought about carefully. He recalled that when he first joined the Council, there were 23 subcommittees and it was a mess. He stated that things often got lost, meetings were difficult to schedule, and councilors often served on 5 or 6 different committees. He then stated that a long discussion resulted in 5 standing committees, since expanding with others such as the Joint Committee. He suggested that if committees get added for every topic, you run out of nights to have meetings. He recommended caution while recognizing it was a great idea. He suggested that the topic could be handled under one of the existing committees.

Chairman Maldonado Velez stated that another discussion would be planned and that the Law Department would be asked to help with language.

M. Moriarty recalled an experience with the School Committee many years ago in which they had many subcommittees. He added that it was structured to assure every member had a committee to chair. He then stated that when they reduced the number of committees, the schedule became more manageable. He recognized that communicating with the city was an unending challenge, especially without the city having had a daily newspaper in over 20 years.

Chairman Maldonado Velez made a motion to request that the Law Department come back with language for the next meeting. He then asked Atty Bissonnette if that would be possible. Councilor Murphy-Romboletti seconded the motion.

Atty Bissonnette stated that he could have something ready.

Councilor Murphy-Romboletti made a motion to lay item 3 on the table. Chairman Maldonado Velez seconded the motion. Motion passed 2-0-1 (Councilor McGee).

Motion

Item 4: 4-5-22 MALDONADO-VELEZ -- Ordered, Order that we create a Cannabis Committee to strictly deal with Marijuana special permits and ordinance changes related to cannabis.

--->Laid on the table 2-0-1

DISCUSSION:

Chairman Maldonado Velez stated that he was okay with withdrawing item 2.

Councilor Murphy-Romboletti made a motion to give item 2 a leave to withdraw. Chairman Maldonado Velez seconded the motion. Motion passed 2-0-1 (Councilor McGee).

Chairman Maldonado Velez recalled that at the last meeting, language to form a cannabis committee was requested. He then stated that it had not yet been received.

Atty Bissonnette stated that he did not have anything specific.

Councilor Vacon stated that at that time, they only had 2 applications before the Ordinance Committee which would be taken up on January 24th. She then suggested that the number, volume, and frequency of applications had slowed significantly. She added that it had become more manageable in terms of time to accomplish that work and they were likely in good shape.

Chairman Maldonado Velez recognized that while it had slowed down, marijuana laws were changing quickly. He suggested that the one committee would have that as their focus. Noting an earlier Scrivener's error, he suggested that while a dedicated committee may have avoided it, it was possible it could have. He added that the committee could also discuss the topic of impact fees. He further stated that he believed it still had a place.

Councilor Puello suggested that orders could be filed and sent to any committee to keep track of and follow up appropriately. He suggested avoiding unnecessarily adding more layers and chairmanships and different positions.

Chairman Maldonado Velez noted that with the numbers of orders in the Ordinance Committee, no matter who is the chair, it was not possible to take up all of the orders. He emphasized that this was about trying to alleviate some of the conversations. He noted that special permits often had 30-45 minute presentations and having a couple permits on one agenda can take 2 1/2 hours on those topics.

Councilor Vacon expressed disagreement, adding that there did not need to be one separate committee for one type of business, noting that many businesses have regulation changes, and many considerations and concerns. She noted that the Scrivener's error happened at a time when many changes were taking place with a complex ordinance. She suggested that it was not a function of how many items were in the committee. She further suggested that the committee was now at a place where they could manage it.



Chairman Maldonado Velez reiterated that language was needed on the communications committee and on the cannabis committee. He suggested that they could vote them out of committee at the next meeting.

Chairman Maldonado Velez made a motion to request that the Law Department create language establishing a cannabis committee, and lay item 4 on the table. Councilor Murphy-Romboletti seconded the motion. Motion passed 2-0-1 (Councilor McGee).

(1:03:55)

Councilor Murphy-Romboletti made a motion to remove item 8 from the table. Chairman Maldonado Velez seconded the motion. Motion passed.

Item 8: 5-3-22 RIVERA\_I -- Order that the city solicitors office begin drafting a ballot question for next election cycle around marijuana Social consumption sites such as bars and cafes for residents to vote on next election cycle similar to the language below. "The sale of marijuana products, as those terms are defined in G.L. c.94G, 1, for consumption on the premises where sold, is permitted when the sale occurs at Restaurants, Bars, Cafes, or any establishment in which food or beverages are served."

--->Laid on the table 3-0.

#### DISCUSSION:

Chairman Maldonado Velez noted that Sean Gonsalves, Board of Health Director, was in attendance.

Councilor Rivera\_I stated that the intention was to get ahead of the curve, noting that when social consumption was to open up, many businesses would be trying to get the permits and licenses. He added that it would be a new booming situation.

S. Gonsalves stated that while the topic had not been seriously fielded by the Council, it was referenced in a clause in the language that was initially passed by Massachusetts. He added that it mentioned a pilot for social consumption, but that not it had not yet been acted upon by the state in any capacity. He then stated that his concerns broke down into two parts, one being preexisting legal concerns and the other being base public health issues. He then emphasized that there was the smoke free workplace law which banned smoking in bars and restaurants, passed in 2004 as broad, sweeping language. He further explained that the law banned smoking in "cafeterias, cafes, coffee shops, food courts or concessions, supermarkets, retail food outlets, bars, taverns, or in a place where food or drink is sold to the public and consumed on premises as part of a business required to collect state meals tax on the purchase." He added that when they define smoking, they include "non-tobacco product that can be combusted and inhaled." He also stated that the state website referenced in several places that this included marijuana. He noted that there were some exemptions such as smoking bars that had specific rules and requirements. He further stated that those exemptions were specifically prohibited by Holyoke Board of Health regulations in 2016 and 2017. He noted that there were passed before marijuana was legal in the state. He also suggested that while he was not intimately familiar with licensing, he suspected that any bar selling or allowing marijuana would be out of compliance with their liquor license.

Councilor Rivera\_I suggested that any place would not be able to do both at the same time but would be a separate permit or license. He then stated that he believed constituents had a right to vote on if they want it or not, giving them a change to express their voice whether it could happen or not. He suggested that it would mean the leg work had been done if a new board came along in the future and decided to change the regulations.

S. Gonsalves suggested that tweaking the language may open up possibilities but anchoring it to places that serve food or drink posed an issue with a lot of preexisting language.

Chairman Maldonado Velez expressed his understanding that even if things were to be allowed at the state level, local laws would prohibit it. He also suggested that if it were put to the voters, it should be clear that there would be other things to address.

Councilor Vacon noted that when the local ordinances relative to smoking, it was in the context that Holyoke had one of the higher asthma rates, adding that it was part of a larger green community effort to improve air quality. She further stated that studies showed that marijuana had similar carcinogenic properties as cigarettes. She stated that she would not support this because it was in contradiction to what the city was trying to do in terms of being healthy but if it moved to the ballot, it would have to be clear it was an opinion ballot. She suggested it would be misleading for people to think it could actually happen.

Councilor Murphy-Romboletti noted that the language did not necessarily say anything about smoking, adding that there were other ways to consume cannabis that did not involve smoke inhalation or related concerns. She then asked if there were updates on what was happening at the state level. She noted that there would be a panel about the future of these laws at the Mass Municipal Conference a couple weeks later.

Atty Bissonnette stated that no other communities were doing anything yet. He added that the Cannabis Control Commission (CCC) put out regulations in 2019 but there was a flaw in the referendum law that provided for a municipal petition procedure which did not exist in 2/3rds of the communities in Massachusetts. He then stated that this flaw was corrected in a recent form bill past last November. He also stated that the CCC had identified 15 communities for a pilot program that had since been taken off the table. He further stated that they were not pushing the matter forward at the time, as they were dealing with other issues such as social equity as well as changes in the industry. He suggested that if a question was to be put on the ballot, it would have to be adopted in September, 40 days before the November election. He added that it could be advisory rather than binding, further adding that the legislative body could adopt it rather than through a ballot question.

S. Gonsalves added that his department did request some community impact funding to explore and guide some of the marijuana decisions by hiring an outside consulting firm. He then stated that the resources could be made available through marijuana impact fee funds if the city did want to put something on the ballot in an advisory capacity.

Councilor Rivera\_I offered thanks to Mr. Gonsalves and Atty Bissonnette for their insight into the order. He reiterated that the order was filed to get ahead of the wave but if nothing could be done at that time, it could be tabled in order to have the conversation in the future. He then recognized that certain bridges had to be crossed first.

Chairman Maldonado Velez recalled that non-binding questions had been done in the past, further suggesting that this could be one of those situations even if the state did not allow it at that time.

He also reiterated that there were many ways that marijuana could be consumed besides smoking. He then suggested asking for draft ballot language for discussion at a future meeting.

Chairman Maldonado Velez made a motion to request draft ballot language for the next meeting. Councilor Murphy-Romboletti seconded the motion. Motion passed.

Atty Bissonnette that he could prepare languages for both binding and non-binding questions after checking with the Secretary of State's office to get the right language.

Councilor Murphy-Romboletti made a motion to lay item 8 on the table. Chairman Maldonado Velez seconded the motion. Motion passed 2-0-1 (Councilor McGee).

(1:22:50)

Councilor Murphy-Romboletti made a motion to suspend the necessary rules to remove items 9 through 11 from the table as a package. Chairman Maldonado Velez seconded the motion. Motion passed.

Item 9: 1-3-23 MALDONADO-VELEZ – Order that we create a ballot question asking if there should be a recall process for all elected officials. The question should include a recall process and the decision should be binding.

---> Laid on the table, 3-0, invite City Clerk, Mayor, ask Law Dept for previous version and language update

DISCUSSION:

Item 10: 10-18-22 PUELLO, VACON -- Ordered, That recall provisions be established for every elected official in the city. These provisions should be fair and equitable to allow citizens a path to recall but also protect the system from nuisances.

---> Laid on the table, 3-0, invite City Clerk, Mayor, ask Law Dept for previous version and language update

Item 11: 6-7-22 MALDONADO VELEZ -- Ordered, that we add to our charter that if a councilor is absent from full council meeting for more than 3 consecutive meetings without written notice, their seat is considered open.

---> Laid on the table, 3-0, invite City Clerk, Mayor, ask Law Dept for previous version and language update

## DISCUSSION:

Chairman Maldonado Velez noted that a recall process had been brought up a couple times. He then stated that he believed in a recall process for voters if a councilor was not doing their job or was not available so that they can have someone else step in. He added that communities all over Massachusetts had recall processes for 2 and 4 year appointments, with some requiring signatures of 10% of the voters, and many variations in how they were done.

Councilor Vacon offered agreement on pursuing this idea. She then stated that a challenge was getting the language and having the mayor embrace the concept. She added that her understanding of the law was that regardless of what voters say or what the City Council may say, even unanimously, the mayor must advance the language for it to go anywhere.

Atty Bissonnette stated that the mayor would have the right to veto.

Councilor Vacon reiterated her support, adding that the longer terms made it more necessary that there be some vehicle for recourse on the part of the citizens.

Councilor Murphy-Romboletti stated that she also supported the idea. She noted that when it was discussed in the past, the City Council was left out of the equation and it was good they all agreed there should be a path for recall. She then stated that she would be more comfortable if they established what would happen if someone was successfully recalled, whether the seat was filled by special election or by appointment from the rest of the Council.

Chairman Maldonado Velez suggested that under current law, it would likely be the Council selecting a replacement just as if someone were to choose to leave their seat. He noted that the next items on the agenda did talk about steps after a recall process. He suggested that adding an additional requirement like requiring people to get signatures for filling a vacant seat could be done without needing to go to a ballot question, unless the Council wanted to make it part of the ballot question.

Councilor Puello suggested that they assure the mayor is on board before moving forward with establishing a recall process. He further suggested that he would prefer to leave it as a Council appointment if a councilor was recalled. He then stated that item 11 was going to require broader discussion because it wasn't clear what written notice meant or what was considered an open seat.

Councilor McGiverin expressed concern about a recall, especially with a 2 year term. He suggested that it was not as easy as it may sound. He noted that if there were a recall election, time scheduling was a big factor because there needed to be a certain amount of time for the election to take place, as well as an election to replace them if they chose to recall someone. He suggested that the whole process could be 6-7 months at a minimum. He stated that a recall didn't make sense for a 2 year term, thinking about it mathematically. He then stated that the 4 year terms were the focus of the last effort. He added that it was not just a matter of the mayor's veto but a charter change where if the mayor says no, it doesn't happen. He added a concern that a recall process can become very political for the wrong reasons.

Chairman Maldonado Velez noted that some communities did have recall processes for 2 year terms. He suggested that what it could look like for Holyoke may be different than what it looks like in other communities. He reiterated that he believed there should be a vehicle for voters to remove a

councilor if they are doing something that was negatively impacting the community. He then suggested tabling it to the next meeting.

(Inaudible comments)

Chairman Maldonado Velez stated that they were taking up items 9 through 11 together. He then stated that they could ask for a sample ballot question with a sample recall process. He clarified that one order was about creating a fair and equitable process while another was about a councilor missing 3 consecutive meetings, where they could continue to work on what notice looked like.

Councilor McGiverin noted that it was not just about doing a ballot question but would be a more cumbersome charter change that would require the state legislature's approval. He emphasized that they would require a ballot question.

Chairman Maldonado Velez suggested inviting City Clerk Murphy Councilor McGee to the next meeting.

Councilor Murphy-Romboletti stated that she would do more research on communities that had recall processes for 2 year elected officials. She noted that she was contacted by many people wondering what the process was and why there wasn't a recall process in place for councilors.

Councilor McGee stated that in looking at all 3 orders, while the City Clerk was being invited, he wondered if they would also be referring anything to the Law Department to draft anything.

Chairman Maldonado Velez stated that they did already ask the Law Department for the other questions and that for these matters, they would be looking for more information from the City Clerk first.

Councilor McGee recalled that the Council did a lot of work on recall provisions before without action taking place. He then asked if that version would be brought back up to work on as a group.

Councilor Murphy-Romboletti stated that she was open to looking at that version while recognizing that these orders were calling for all elected officials.

Councilor McGee emphasized that a lot of work was done in prior years which could be tweaked rather than scrapping everything and starting over.

Councilor Vacon emphasized that if the mayor was not warm to the concept, a lot of time and effort would be spend for naught.

Councilor McGee suggested that the mayor be invited in or at least talked to first.

Chairman Maldonado Velez made a motion to invite the Mayor and the City Clerk to the next meeting as well as getting a copy of what was sent to the mayor in the previous recall process and asking the Law Department to review the process and include all elected officials. Councilor Murphy-Romboletti seconded the motion. Motion passed 3-0.

(1:42:25)

Councilor McGee made a motion to remove item 12 from the table. Councilor Murphy-Romboletti seconded the motion. Motion passed.

Item 12: 6-7-22 MURPHY-ROMBOLETTI -- Ordered, that the City Council establish a rule that requires any resident running to fill a vacant city council seat will need to obtain 50 signatures from eligible residents in order to be considered by the full City Council for appointment.

---> Laid on the table, 3-0, invite City Clerk, ask Law Dept for language

#### DISCUSSION:

Councilor Murphy-Romboletti stated that she filed the order for either a recall of if a City Council seat became vacant, she thought that since councilors had to obtain 50 signatures to get on the ballot, she believed that this would encourage more community involvement and would help make the community aware that a seat is vacant and help to bring more transparency and would demonstrate an extra level of commitment. She added that would also give voters a chance to know who was interested in running rather than just hoping that people would tune into City Council meetings. She suggested that it could lead more people to realize there was an open seat if someone was knocking on doors asking for signatures.

Chairman Maldonado Velez expressed agreement. He then asked if a seat became vacant, what rules dictated who can be appointed into those seats. He further asked, if a ward seat became vacant, would it have to be a resident of that ward.

Councilor Murphy-Romboletti suggested that it would, per the charter.

Chairman Maldonado Velez noted that after the fact, it would not matter based on a recent legal opinion.

Councilor Vacon asked if a person was collecting signatures, would the City Clerk have to provide the papers and provide advice so that they understood the rules and eligibility requirements, or would the person go out just as with a petition and get 50 signatures that way.

Chairman Maldonado Velez stated that it appeared to involve the City Clerk.

Councilor Murphy-Romboletti stated that when she initially filed the order, she envisioned it going through the City Clerk's office to certify, but it could be done without the formal process.

Councilor Vacon suggested not if it was a ward seat.

Councilor Murphy-Romboletti reiterated that it would be just like a normal election where people can pull papers from the City Clerk's office and have a certain amount of time to verify the signatures were eligible.

Councilor Puello stated that while he appreciated the committee's work to dissect the issues and look at different ways of doing things, he did not agree with the order. He suggested that there was not anything wrong with the current process in which they come in and the Council considers who is

going to get appointed. He noted that someone late in the year could be going out for signatures only to have to again when the next elected season started. He also expressed concern about potential election costs.

Councilor McGiverin stated that while it was a good idea, the practicality would be concerning. He suggested that it would trip up into different time phases. He noted that papers for that year's elections had just become available that week, with a specific amount of time to turn the papers in, and then get ready for the election campaign. He suggested that requiring people to take papers out for signatures would delay the residents from having a voice on the Council, especially if it was for a ward. He suggested that it could be at least 30-60 days before the Council could take its vote to appoint. He added that if there was a special election, it would take a lot of time and expense in the City Clerk's office, a need to time all of the deadlines, and likely requiring a minimum of 3-4 months to set up.

Chairman Maldonado Velez clarified that only item 12 was being discussed at the moment, with discussion of a special election coming up in the next order.

Councilor Murphy-Romboletti reiterated that her goal was not about changing the City Council appointment but adding a few extra weeks. She then suggested hearing from the City Clerk at the next meeting to hear what the timeline would look like and if it would be possible. She suggested that language could be put in stipulating a restriction if it was too close to other timelines. She disagreed that there were no problems with the way it was being done at that time, noting that it encouraged the same few folks to throw their name in and that it can get very political. She suggested that making it more democratic was worth exploring.

Chairman Maldonado Velez emphasized that councilors were politicians, and that things were going to get political at times.

Councilor McGiverin reiterated that it would be a charter change as a change to the form of the city's government. He emphasized that the charter made it the City Council's duty to fill a vacancy. He reiterated that if it were a ward vacancy, the voters of that ward would deserve a voice as quickly as possible. He further emphasized that doing this would add more time to getting that done. He also noted that councilors were able to vote for anyone they wanted whether they applied or not.

Chairman Maldonado Velez made a motion to invite City Clerk, Brenna Murphy Councilor McGee, to the next meeting, as well as ask the Law Department to draft language. Councilor McGee seconded the motion. Motion passed, 3-0.

(1:55:40)

Councilor McGee made a motion to remove item 13 from the table. Councilor Murphy-Romboletti seconded the motion. Motion passed.

Item 13: 6-7-22 MALDONADO VELEZ -- Ordered, that when a vacancy open up in city council with more than 6 months left of the term, that a special election is required.

--->Leave to withdraw. 3-0.

DISCUSSION:

Chairman Maldonado Velez stated that he would seek to give this order a leave to withdraw.

Councilor McGee made a motion to give item 13 a leave to withdraw. Councilor Murphy-Romboletti seconded the motion. Motion passed, 3-0.

(1:56:10)

Chairman Maldonado Velez made a motion to suspend the necessary rules to remove items 13 and 14 from the table as a package. Councilor McGee seconded the motion. Motion passed.

Item 14: 12-6-22 -- Order that we add a rule 9Bviii (Committee) to read "The Youth Services Committee shall have jurisdiction over matters relating to the youth and are the representing body for the Joint Committee of the City Council and School Committee"

--->Laid on the table, ask Law Dept for language, 3-0.

Item 15: 12-6-22 MALDONADO-VELEZ Order that we revert committee name (Council Rule 9Bvii) to read "The Joint Committee of the City Council and School Committee" instead of "Youth Services Committee".

--->Approved, 3-0.

DISCUSSION:

Chairman Maldonado Velez reminded everyone that the Joint Committee of the City Council and School Committee was changed to the Youth Services Committee a few months earlier. He then stated that it did not produce the intended change. He further stated that after the change, the School Committee had concerns that they were not included in the conversation. He added that the larger concern was that the School Committee could not discuss some items because they could only discuss school related issues. He then emphasized that not all youth were part of the school system and youth could be defined up to age 21. He then stated that the intent was having a committee that was focusing on all youth concerns in the city, not just those things that can be discussed with the School Committee.

Councilor Vacon asked if something like that could be taken up by the Public Service Committee regardless of the age of the group that would be served by the activity or programs being discussed.

Chairman Maldonado Velez stated that they could. He added that any order could be taken up by any committee.



Councilor McGee noted that there was a Youth Services Committee, with youths representing the schools and the City Council, but one side stopped attending. He then asked what the intention was.

Chairman Maldonado Velez stated that among the City Council's 7 committees, there was the Joint Committee of the City Council and School Committee - prior to the name change. He then expressed his understanding that the committee could only discuss school related topics. He noted that the Council was supposed to have a youth representative, of which a Youth Services Committee could oversee. He suggested that such a committee could take up youth issues.

Councilor McGee suggested that anyone wanting to discuss youth concerns could come into Public Service or Public Safety.

Councilor Puello suggested having the Law Department weigh in to confirm that understanding about the Joint Committee was correct, and to see if the rules for it can be changed. He noted that he had an order in that committee that had sat there for almost 2 years. He added that they only met once or twice a year and that their workload could be increased.

Chairman Maldonado Velez expressed his understanding that the School Committee could not discuss non School Committee issues.

Councilor Murphy-Romboletti recalled discussion that someone on the Youth Services Committee may not be a Holyoke Public School student.

Atty Bissonnette expressed his understanding that the intent was for the committee to take up matters that were not necessarily related to the schools but to the youths in the city, such as recreation issues, and that they would represent the City Council on the Joint Committee.

Chairman Maldonado Velez confirmed that was accurate.

Councilor McGee stated that when he proposed the name change, there needed to be more, possibly making a new committee.

Councilor Murphy-Romboletti asked if the Joint Committee would be a part of the Youth Services Committee.

Chairman Maldonado Velez stated that the Youth Services Committee could represent the Council on the Joint Committee. He then asked if language could be drafted to make it more clear.

Atty Bissonnette used an analogy of the two conferences of the NFL, with the AFC being representative of the School Committee and the NFC being representative of the City Council.

Chairman Maldonado Velez asked the rest of the committee how they would like to proceed in asking for language.

Councilor McGee suggested having it ready for the next meeting.

Chairman Maldonado Velez asked Atty Bissonnette if it could be ready for the next meeting.

Atty Bissonnette stated that it could.

Admin Asst Anderson-Burgos suggested approving item 15 since it was a straightforward change that he would be fixing on the city website.

Councilor Murphy-Romboletti made a motion to approve item 15. Chairman Maldonado Velez seconded the motion. Motion passed 3-0.

Chairman Maldonado Velez made a motion to lay item 14 on the table. Councilor Murphy-Romboletti seconded the motion. Motion passed 3-0.

(2:08:20)

Councilor McGee made a motion to remove item 16 from the table. Councilor Murphy-Romboletti seconded the motion. Motion passed.

Item 16: 2-1-22 2-1-22 From Councilor Maldonado-Velez, City Council Rules examples with titles and sections. Send to Charter & Rules Amherst(<https://www.amherstma.gov/DocumentCenter/View/46001/Amherst-Town-Council-Rules-and-Procedures?bidId=>) Boston (<https://www.boston.gov/departments/city-council/city-council-rules>)

---> Complied with and archive, 3-0.

#### DISCUSSION:

Chairman Maldonado Velez stated these were examples he submitted when they were looking at redoing the rules, and that it could be kept and archived in the files but not in the jacket.

Councilor McGee made a motion that item 16 is complied with and to be archived. Councilor Murphy-Romboletti seconded the motion. Motion passed, 3-0.

Chairman Maldonado Velez expressed to Atty Bissonnette that the next meeting would likely be in another 2 months.

Meeting adjourned: 8:41 PM