

IN THE YEAR TWO THOUSAND AND SEVENTEEN

ONE HUNDRED AND FORTY-EIGHTH 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. Article IV entitled “Boards, Commissions, and Councils” 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 the following:

ADDING:

DIVISION 5 – COMMUNITY PRESERVATION COMMITTEE

Sec. 2-467. Establishment and Membership.

There is hereby established a Community Preservation Committee consisting of a total of nine (9) voting members pursuant to M.G.L. c. 44B § 5.

- (a) *Membership.* The membership of said committee shall be composed of the following:
1. One member of the Conservation Commission, as designated by such commission;
 2. One member of the Historical Commission, as designated by such commission;
 3. One member of the Planning Board, as designated by the board;
 4. One member of the Parks & Recreation Commission, as designated by such commission;
 5. One member of the Holyoke Housing Authority, as designated by the authority;
 6. One member of the City Council, as designated by the City Council President;
 7. Three (3) at-large members, as appointed by the City Council.

Unless otherwise addressed in section (b), members of the community preservation committee shall serve a term determined by their designating authority, not to exceed three (3) years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a committee member whose term is expiring, such member may continue to serve until the relevant determining authority names a successor. Members may be removed in a manner determined by their designating authority. A vacancy of the committee shall be filled in a manner prescribed by the relevant designating authority. No member of the community preservation committee shall

serve on said committee for compensation.

- (b) *At-Large Members.* At-large members of the committee shall be residents of the city and shall neither be employees of the city nor serve on any other board or commission. At-large members shall be appointed by a majority vote of the city council. At-large members shall be appointed to the following initial terms: one (1) for a one year term, one (1) for a two-year term, and one (1) for a three-year term. All subsequent terms shall be for three years. No at-large member of the committee shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any at-large member of the committee after serving six consecutive years, if they wish to rejoin the committee. Any at-large member of the committee may be removed by 2/3rds vote of the City Council.
- (c) Within sixty days of the adoption of this ordinance, each designating authority shall make their initial appointments to the committee.

Sec. 2-468. Duties and Responsibilities.

The Community Preservation Committee shall have all the duties and powers as set forth in G.L. c. 44 §5, including, but not limited to the following:

- (a) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the parks and recreation commission, and the housing authority. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the city.
- (b) The community preservation committee shall make recommendations to the city council for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. With respect to community housing, the committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited. Recommendations to the city council shall include anticipated costs. Any member of the public may provide comments to the community preservation committee, submit proposals, and/or submit applications for CPA funds.

- (c) The community preservation committee may include in its recommendation to the city council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

In every fiscal year, the committee shall recommend that the city council either spend, or set aside for later spending, not less than ten percent (10%) of the annual revenues in the community preservation fund for each of the following: open space (including land for recreational use); historic resources; and community housing.

- (d) Prior to making its final recommendations to city council for approval, the committee shall present draft recommendations to the mayor, who shall return any comments to the committee within seven days

Sec. 2-469. Administration and Operation.

- (a) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum.
- (b) The community preservation committee shall approve its actions by majority vote of the quorum.
- (c) Each fiscal year, the committee shall submit to the mayor an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the mayor's annual operating budget submission to the city council.
- (d) The committee shall maintain records of its business and shall submit financial statements to the City Council on a quarterly basis. The committee shall conduct an annual audit of its finances.
- (e) The committee shall annually elect one of its members to serve as chairperson and may elect such other officers as it deems appropriate.
- (f) The committee shall adopt and promulgate rules with the approval of the City Solicitor for the conduct of its business. Such rules shall clearly define and make public the committee's application requirements and evaluation procedures. A copy of said rules shall be filed with the city clerk and made available to the public upon request. The committee may, from time to time, amend said rules by two-thirds vote of the body.

Sec. 2-470. Schedule.

In any given year, the committee shall maintain the following schedule: in February, each designating authority shall appoint members in accordance with Section 2-467; in March, the committee shall develop and submit its operational and administrative budget to the Mayor in accordance with Section 2-469 (c); in November, the committee shall make its recommendation to the City Council in accordance with Section 2-468. The committee shall meet as necessary to fulfill its required duties, except that the committee shall meet no less than four times in any fiscal year.

Sec. 2-471. Construction and Severability.

At all times this division of the code of ordinances shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act. Should any section, paragraph or part of this division be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon passage.

APPROVED AS TO FORM:


Sara J. Carroll
Assistant City Solicitor

4 1



Mayor Alex B. Morse

City of Holyoke

IN CITY COUNCIL

April 4 2017

Veto Override

10Y-5N-0A

Brenna M. McTee CLERK

March 16, 2017

IN CITY COUNCIL

March 21 2017

Laid on the

table

Brenna M. McTee CLERK

Honorable City Councilors
Holyoke City Council
536 Dwight Street
Holyoke, MA 01040

RE: Veto of Ordinance regarding Community Preservation Committee

Dear City Council,

In accordance with Section 24 of the Charter, I hereby veto and return my objections to the City Council's adoption of the above-referenced ordinance.

I share the concerns of many Holyoke residents in objecting to the ordinance crafted by, and created by the Holyoke City Council in regards to the makeup of the Community Preservation Committee. Among my concerns is the provision placing a City Councilor on the CPC itself, as well as the ability of the City Council to remove members mid-term. I stand with "Yes for a Better Holyoke" in wanting two CPC members elected citywide and stronger assurances the CPC would reflect Holyoke's ethnic and socioeconomic complexion.

First, the City Council must approve any projects before the city can receive CPA funds. Therefore, it is unnecessary to have a councilor on the Committee. The residents voted in favor of the CPA, and the residents themselves should have maximum ability and opportunities to serve. To have a councilor on the committee would mean one less new resident engaged and involved in public service.

State law already requires one member each from a municipality's parks commission, historical commission, conservation commission, housing authority and planning board. Up to four additional members can be added. According to the Community Preservation Coalition, a statewide umbrella group that works with communities to implement the law, there are few examples of having councilors on the committee, and that the best practice "is for the four at-large appointees to come from the community at-large, with none from elected, appointed, or city staff positions." (<http://www.wmasspi.com/2017/03/council-community-come-together-preserve-holyoke.html>)

Second, not only would there be a Councilor on the CPC under the current ordinance, but the Council would also be able to remove members with a two-thirds majority. Such a provision would wrongfully politicize what is supposed to be a professional, community-driven initiative. We must strive to keep "community" in the community preservation act in any way possible.

I ask that you reconsider the makeup of the CPC, consider sustaining this veto, and redrafting the ordinance in a way that maximizes community involvement.

Alex B. Morse, Mayor

RECEIVED
2017 MAR 17 P 12:46
CITY OF HOLYOKE
CLERK'S OFFICE



City of Holyoke

IN CITY COUNCIL, February 21, 2017

The Committee on Ordinance to whom was referred that City of Holyoke establish the Community Preservation Committee. The purpose of this committee shall be to study community preservation resources, possibilities and needs, and to make annual recommendations to city council on spending of Community Preservation surcharge funds.

Required members of the committee per state statute shall be one representative of the following city boards / commissions:

- Conversation Commission
- Planning Board
- Historical Commission
- Housing Authority
- Board of Park Commissioners

An 3 additional members will be appointed by the Holyoke City Council with a 4th seat being reserved for a member of the City Council, City Council appointment shall be made by the City Council President.

have considered the same and Recommend that the order be adopted as amended .

Vacon _____
 Lisi _____
 Jourdain _____
 Bartley _____
 Lopez _____

IN CITY COUNCIL
Feb. 21 2017
Laid on the
table
Brennan M. McVee CLERK



Jan 10th

Agenda # 33

City of Holyoke

IN CITY COUNCIL

Introduced by Councilor Nelson R. Roman

Ordered, that City of Holyoke establish the Community Preservation Committee. The purpose of this committee shall be to study community preservation resources, possibilities and needs, and to make annual recommendations to city council on spending of Community Preservation surcharge funds.

Required members of the committee per state statute shall be one representative of the following city boards / commissions:

- Conversation Commission
- Planning Board
- Historical Commission
- Housing Authority
- Board of Park Commissioners

Tabled for language next meeting Jan 24 to legal for language for 2/14

An 3 additional members will be appointed by the Holyoke City Council with a 4th seat being reserved for a member of the City Council, ~~who will also serve as Chairman of the Committee~~, City Council appointment shall be made by the City Council President.

<p style="text-align: center;">Presented to the Mayor</p> <p>For Approval _____, 20</p> <p>_____ City Clerk</p>	<p style="text-align: center;">Mayor's Office</p> <p>Holyoke, Mass. _____, 20</p> <p>Approved _____</p> <p style="text-align: center;">Mayor</p>
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adopt 5/0

CITY OF HOLYOKE
 BY CITY COUNCIL
 DATE Nov. 15, 2016
 REFERRED TO COMMITTEE ON
Ordinance
 BRENNAMURPHY McGEE, CLERK

adopt as amended 4/0

IN THE YEAR TWO THOUSAND AND EIGHTEEN

ONE HUNDRED SIXTIETH 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 2-470 entitled "Schedule" of Division 5 entitled "Community Preservation Committee" of Article IV entitled "Boards, Commissions, and Councils" 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 the following:

DELETING in its entirety:

Section 2-470

ADDING in its place:

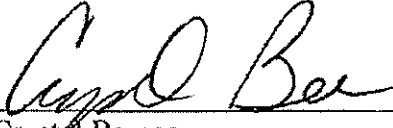
Section 2-470 – Schedule

In any given year, the committee shall maintain the following schedule: in March, the committee shall develop and submit its operational and administrative budget to the mayor in accordance with Section 2-469(c); in April, the committee shall make its final proposal recommendation to the City Council in accordance with Section 2-468; in July, each designating authority shall appoint members in accordance with Section 2-467. The committee shall meet as necessary to fulfill its required duties, except that the committee shall meet no less than four times in any fiscal year.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on the date of passage.


APPROVED AS TO FORM:



Crystal Barnes
Assistant City Solicitor

A True Copy

Attest:


Brenna Murphy McHale
City Clerk



City of Holyoke

IN CITY COUNCIL

Introduced by Councilor Michael J. Sullivan
Ordered, -that Section 2-470 be amended to coincide with the Community Preservation Committee Application Schedule, as follows:

DRAFT Sec. 2-470. - Schedule.

In any given year, the committee shall maintain the following schedule: in March, the committee shall develop and submit its operational and administrative budget to the mayor in accordance with section 2-469(c); in April, the committee shall make its final proposal recommendation to the City Council in accordance with section 2-468; in July, each designating authority shall appoint members in accordance with section 2-467. The committee shall meet as necessary to fulfill its required duties, except that the committee shall meet no less than four times in any fiscal year.

In City Council, August 7, 2018. Received and referred to the Ordinance Committee.
In City Council, on September 19, 2019, the report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --Yeas 9--Nays 0--Absent 4 (Bresnahan, Lisi, Roman, Tallman).

B. McNeil
Clerk

Presented to the Mayor	Mayor's Office
For Approval <u>Sept 20</u> , 2018	Holyoke, Mass. <u>9/25</u> , 20
<u>Brenna M. McNeil</u> City Clerk	Approved <u>[Signature]</u> Mayor

A True Copy

Attest:

Brenna Murphy McNeil
City Clerk