

Holyoke ordinance preventing city workers from serving on City Council remains

Updated: Dec. 08, 2021, 2:02 p.m. | Published: Dec. 08, 2021, [Story source: MassLive.com](#)

By **Dennis Hohenberger** | **Special to The Republican**

HOLYOKE – In an 8-5 vote, the City Council kept an ordinance that prevents city employees from serving simultaneously on the body. An order to strike down the ordinance fell one vote short.

Councilors-elect Jenny Rivera and Israel Rivera, no relation, are currently Holyoke School Department employees affected by the 2017 ordinance.

However, Jenny Rivera announced she plans to resign as a paraprofessional with the School Department effective Jan. 2, one day before the City Hall inauguration. She accepted a position with Enlace de Familia, a Holyoke nonprofit.

“We should have unity, and I understand we have to follow the rules. I agreed to that, but it’s also time for a change,” Jenny Rivera said. She added that the people who insisted on enforcing the ordinance were the same ones who invited her to a candidate meet and greet in the summer.

“They said, ‘Anything you need, you can count on us,’” Jenny Rivera said. “Councilor-elect Jourdain sent me a message the day before (the election) hoping to be a winner just like me. Then, all of a sudden, this changed.”

Jenny Rivera added the new council better represents the community-at-large, with more Latinos and women serving. “We should not be looked at because of our color. We should be here for our city. It’s all about our city,” she said.

Israel Rivera had stated several times he was willing to tender his resignation with the public schools, basically making Tuesday’s vote moot.

Incoming Councilor At-large Kevin Jourdain pressed for the ordinance’s enforcement, citing ethical concerns and the 1896 City Charter. Councilors Linda Vacon, James Leahy, Michael J. Sullivan, Howard Greaney and David Bartley cast “no” votes.

Israel Rivera, who spoke during public comment, thanked supporters who favored eliminating the ordinance. “That’s truly democracy and not coming in grandstanding and bully people,” Israel Rivera said, a reference to Jourdain. “If you guys think that OK, then you can vote against striking the language.”

The animosity between Israel Rivera and Jourdain was displayed Tuesday night in the City Council Chambers. Jourdain finished first in the City Council At-large races, only 21 votes ahead of Israel Rivera.

“Either way, I’m going to be here come Jan. 3, believe it or not. I’m coming with a force. I’m coming with the people,” Israel Rivera said.

In public comment, Jourdain said the rules were “crystal clear” before the election, and he “tipped off” the School Department in August about the ordinance. “The School Department, perhaps, should have done more research and should have advised their people a little better,” he said.

Jourdain said “they” are trying to change the rules after the election and allowing Mayor Joshua Garcia and department heads to recruit council candidates and councilors-elect and “planting them in city jobs” was a “recipe for big trouble.”

Jourdain warned that the city would be flooded with more city employees on the council if the rules were lifted. Jourdain was notified his speaking time was up. However, he continued as councilors shouted “time,” and McGee slammed the gavel.

“On January 3 you won’t be able to shut my mic off, Jourdain said.” Ward 6 Councilor Juan Anderson-Burgos told Jourdain to “get out of here,” waving at him to go. McGee attempted to restore order.

Jourdain’s booming voice could be heard from the hallway, drawing the attention of some councilors.

Ordinance Committee Chair Rebecca Lisi said, “Regardless of any heads up given to the School Department, these are citizens of our community. It’s not the School Department’s responsibility to reign in their people or notify their people. They have no control over these individuals.”

Lisi said Jenny and Israel Rivera stepped up to serve in the public schools and once again as duly-elected city councilors.

Vacon, who offered the committee’s minority report, said local ordinances “are not suggestions” but passed by the supermajority. She said the laws on the book were not done “out of knee-jerk reaction” to a police officer serving on the City Council, a reference to former councilor and retired police officer Donald Welch.

The 2017 ordinance supplemented the charter and was approved when no elections occurred or put councilors in an ethical bind, Vacon noted.

“For us to create a law for one or two people is wrong as it is to exclude the people who might have run had we changed the law in a timely and transparent manner for the entire community,” she said.

Vacon argued that nothing prevents Jenny and Israel Rivera from sitting on the council, but they needed to choose whether to serve on the board or keep their day jobs.

Councilor Joseph M. McGiverin said the ethics ordinance went too far and “speaks too loud” on the issue. He added that no one questioned the ethics of the newly-elected councilors and that the “voters spoke” Nov. 2.

McGiverin recalled Welch recusing himself from discussions or votes tied to the police department. “I hang my hat on Massachusetts General Law that allowed Donald Welch as a police officer to serve on this board, and it worked out well,” he said.

Resident Richard Purcell said, “I think we need elected champions and not obstructed Trumpians. This is not Stop the Steal in Holyoke. These people were duly elected. He added that not allowing Jenny and Israel Rivera from collecting the City Council stipend was a form of “economic sanctioning.”

Ward 4 Councilor-elect Kocayne Givner said, “They deserve to serve, and I don’t think there’s a conflict of interest,” Givner said. “Ordinances are suggestions made by this council, and the actual law that is 125 years old, and came in when school houses existed.”