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## **GLOUCESTER CITY COUNCIL**

9 Dale Avenue, Gloucester, MA 01930  
Office (978) 281-9720 Fax (978) 282-3051

**Budget & Finance Committee**  
Thursday, May 5, 2011 – 6:00 p.m.  
1<sup>st</sup> Fl. Council Conference Rm. – City Hall

### **AGENDA ADDENDUM**

1. **CONSIDER THE LAYOFF/DISMISSAL OF THE ASSISTANT CITY AUDITOR**
2. **EXECUTIVE SESSION UNDER MGL c. 30A§21(a)(1) of Agenda Item #1**

#### **COMMITTEE**

**Councilor Steven Curcuru, Chair**  
**Councilor Paul McGeary, Vice Chair**  
**Councilor Jacqueline Hardy**

**Committee members – Please bring relevant documentation**

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk  
Jim Duggan  
Kenny Costa  
Jeffrey Towne  
Police Chief Michael Lane  
Mike Hale  
Pauline Doody  
Gregg Cademartori

## Dana Jorgensson

**From:** jackie hardy [jackieahardy@verizon.net]  
**Sent:** Monday, May 02, 2011 8:02 PM  
**To:** Councillor Joe Ciolino; Councillor Steve Curcuru; Councillor Jackie Hardy; Councillor Paul McGeary; Councillor Ann Mulcahey; Councillor Sefatia Romeo; Councillor Bruce . Tobey; Councillor Greg Verga; Councillor Bob Whynott  
**Cc:** Mary Richardson; Kenny Costa; Linda .Lowe, City Clerk; Dana .Jorgensson Clerk of Cmtes; Joanne .Senos, Asst. City Clerk  
**Subject:** Special Council meeting May 5

Councillors,

I am in receipt of an email from Mary Richardson, our Assistant City Auditor who has requested an appeal of her recent lay off. Her appeal is to the City Council and is copied below.

Additionally, we have all received the email below from Mary's department head, Kenny Costa, our City Auditor.

I believe that time is of the essence in this matter therefore, I will be calling a special City Council meeting on Thursday, May 5, 2011 at 5:55 PM so that the matter may be referred from Council to the Budget and Finance Committee meeting to be held immediately thereafter.

I have also requested that this matter be added to the Budget and Finance agenda for May 5, 2011.

Councillors, please acknowledge by return email whether or not you are able to attend this special meeting.

Please do NOT respond to this email related to the merits of the matter - ***only*** if you are or are not able to attend.

Respectfully,  
Jackie Hardy  
Council President

----- Original Message -----

**From:** [Kenny Costa](#)  
**To:** '[Steven A Curcuru](#)'; '[jackie hardy](#)'; '[Paul McGeary](#)'; '[Bruce Tobey](#)'; [weather.vane@verizon.net](mailto:weather.vane@verizon.net); [greg@gregverga.com](mailto:greg@gregverga.com); [sefatiar@nhs-healthlink.org](mailto:sefatiar@nhs-healthlink.org); [acmulcahey@comcast.net](mailto:acmulcahey@comcast.net); [rwhynott@gloucester-ma.gov](mailto:rwhynott@gloucester-ma.gov)  
**Sent:** Monday, May 02, 2011 6:13 PM  
**Subject:** Code of Ordinances - Sec 2-109 Assistant Auditor

Good evening Councilors,

I want to inform you that Mary Richardson, Assistant Auditor was part of the City layoffs that occurred last Thursday that was effective immediately.

In reviewing the City's Code of Ordinances under Sec 2-109, Assistant Auditor. The Assistant Auditor position is appointed by the Auditor and confirmed by the City Council. I believe the Auditor or the City

5/3/2011

Council would terminate or layoff the Assistant Auditor as the appointing authority. I don't believe the Mayor's Office has the authority to terminate or layoff the Assistant Auditor. The Assistant Auditor reports to the Auditor and City Council and not to the Mayor's Office. I respectfully ask you to please review the Code of Ordinances Sec. 2-109, Assistant. See below.

**Below are my points:**

1. The Assistant Auditor is appointed by the Auditor and confirmed by the City Council.
2. I believe the Assistant Auditor should send an appeals notice to Jackie Hardy, City Council President.
3. I have advised Mary to write the appeals notice and she has agreed to do so.
4. There's available funding in the Auditor's Budget for Fiscal 2011. That is not an issue.

Thanks,

Kenny

**Sec. 2-109. Assistant.**

(a) The office of assistant city auditor is hereby established. The assistant city auditor shall be appointed by the city auditor subject to the confirmation of the city council, and shall hold office for the remainder of the term for which the city auditor making the appointment was appointed and until his successor is chosen and qualified.

(b) The assistant city auditor shall be sworn to the faithful discharge of the duties thereof.

(c) The assistant city auditor shall perform such duties as the city auditor may from time to time assign. If by reason of illness, absence or other cause, the city auditor is temporarily unable or ceases to perform the duties of his office, the assistant city auditor shall perform the same duties until such disability ceases, and if a vacancy occurs in the office of city auditor, the assistant city auditor shall perform the duties of such office until such vacancy is filled.

(Code 1970, § 2-150)

**State law reference(s)**--Assistant auditors, M.G.L.A. c. 41, § 49A.

Kenny Costa  
City Auditor  
City of Gloucester  
9 Dale Avenue  
Gloucester, MA 01930  
Phone: 978-281-9730 X4137  
Fax: 978-281-8472  
e-mail: [kcosta@gloucester-ma.gov](mailto:kcosta@gloucester-ma.gov)

Email from Mary Richardson copied below:  
Dear Councilor Hardy,

I am writing to formally request an appeal of my recent lay off from the position of Assistant Auditor which was effective April 28, 2011. I have spoken to the City Auditor, Kenny Costa, and he is in agreement that a request for an appeal is warranted. It appears that the Administration may not have referred to and/or followed City Ordinances when implementing this lay off of my position. Since the lay off was not a reflection of my work performance I would like to formally request that the Council review and reconsider this action that was imposed.

Please let me know if you need any additional information from me or if there are any other steps that I should pursue in this endeavor.

Thank you in advance.

Mary S. Richardson  
6 Will Sawyer St.  
Peabody, MA 01960

978-317-2068