HOUSE DOCKET, NO. 4452 FILED ON: 7/5/2012

HOUSE . . . . . No. 4388

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga and James T. Welch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

AN ACT RELATIVE TO THE LEADERSHIP AND GOVERNANCE OF THE CITY KNOWN AS THE TOWN OF AGAWAM.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Nicholas A. Boldyga	*3rd Hampden*
James T. Welch	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 4388

By Representative Boldyga of Southwick and Senator Welch, a joint petition (accompanied by bill, House, No. 4388) of Nicholas A. Boldyga and James T. Welch (with the approval of the mayor and city council) relative to the charter of the city known as the town of Agawam. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

AN ACT RELATIVE TO THE LEADERSHIP AND GOVERNANCE OF THE CITY KNOWN AS THE TOWN OF AGAWAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding chapters 43 and 43B of the General Laws or any other general or special law to the contrary, the charter of the Town of Agawam shall hereby be amended to establish four year terms for the mayor, city councilors and school committee members.

SECTION 2. Section 2-1(c) of said charter shall be amended by deleting the word “two” and inserting in place thereof the following:- four.

SECTION 3. Section 2-6(a) of said charter shall be amended by re-numbering said section as Section 2-6, and further, by deleting the first sentence and inserting in place thereof the following:- If a vacancy shall occur, by failure to elect or otherwise, in the office of councilor during the term for which councilors are elected, no special election shall be held.

SECTION 4. Section 2-6(b) of said charter shall be deleted in its entirety.

SECTION 5. Section 3-1(b) of said charter shall be amended by deleting the word “two” and inserting in place thereof the following:- four.

SECTION 6. Section 3-8(a) of said charter shall be amended by deleting the word “fifteen” and inserting in place thereof the following:- thirty-nine.

SECTION 7. Section 4-1(c) of said charter shall be amended by deleting the word “two” and inserting in place thereof the following:- four.

SECTION 8. Section 4-6 of said charter shall be deleted in its entirety and inserting in place thereof the following:- If a vacancy shall occur, by failure to elect or otherwise, in the

office of school committeeperson during the term for which school committeepersons are elected, no special election shall be held. The City Clerk shall notify the school committee forthwith of such vacancy. The school committee shall, within fifteen (15) days of such notification, choose as school committeeperson for the vacancy, whichever of the defeated candidates for the office of school committeeperson at the regular municipal election at which school committeepersons were last elected, who is eligible and willing to serve, and who received the highest number of votes at such election. If the defeated candidate who received the highest number of votes is ineligible or unwilling to serve, the school committee shall choose the defeated candidate with the next highest number of votes, as so on, until such vacancy is filled, provided such person remains eligible and willing to serve. If there is a tie in the election the City Clerk shall conduct an automatic recount of the election. If the recount does not break the tie a toss of the coin shall determine the outcome. The Clerk will then list the order of the candidates. If no defeated candidate is eligible and willing to serve, the school committee shall by majority vote of the full committee select a registered voter of the Town of Agawam to fill such vacancy.

SECTION 9. This act shall be submitted for acceptance to the qualified voters of the town of Agawam at the 2013 regular election in the form of the following question:

"Shall an act passed by the General Court in the year 2013, entitled 'An Act Relative to the Leadership and Governance of the city known as the Town of Agawam' be accepted?"

Below the question shall appear a fair and concise summary of the proposed charter amendments prepared by the city solicitor.

If a majority of votes cast in answer to this question is in the affirmative, sections 1 through 8 shall be applicable in the town of Agawam and the charter shall be amended as set forth herein, but not otherwise. Further, if a majority of votes cast in answer to this question are in the affirmative, persons elected to the positions of mayor, town councilor, and school committeeperson at said 2013 regular election shall be deemed to have been elected for the four-year terms authorized herein notwithstanding that said offices appeared on the ballot for two-year terms.

SECTION 10. The city solicitor shall prepare the summary required under section 7 not later than sixty (60) days before the election under section 58A of chapter 54 of the General Laws.

SECTION 11. This act shall take effect upon passage.