

HOUSE No. 2202

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Joanne M. Comerford

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 adoption of the accompanying bill:

An Act amending the special act charter of the city of Northampton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/27/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/27/2021</i>

HOUSE No. 2202

By Representative Sabadosa of Northampton and Senator Comerford, a joint petition (accompanied by bill, House, No. 2202) of Lindsay N. Sabadosa and Joanne M. Comerford (with the approval of the mayor and city council) relative to amending the charter of the city of Northampton. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act amending the special act charter of the city of Northampton.

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

1 Chapter 277 of the Acts of 2012, shall be amended as follows:

2 SECTION 1. Amend section 2-2 (b) by deleting in the first sentence the words “in
3 consultation with the mayor and the city clerk”.

4 SECTION 2. Amend section 2-6 (c) (1) by deleting the word “ordinance” and insert in its
5 place the word “order”.

6 SECTION 3. Amend section 3-6 by deleting in the first sentence the word “, resolution”;
7 by deleting in the first sentence the word “memorial” and inserting in its place the words “non-
8 binding”; by deleting in the first sentence the word “selection” and inserting in its place the word
9 “confirmation”, by deleting in the fourth sentence the word “resolution”.

10 SECTION 4. Amend section 3-7 by inserting in the title after the words “TEMPORARY
11 ABSENCE” the words “OR INCAPACITATION”, amend subsection (a) by deleting the

12 subsection in its entirety and inserting in its place the following: “The mayor shall, by a letter
13 filed with the city council and a copy filed with the city clerk, delegate authority pursuant to
14 Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties
15 of the office during the temporary absence of the mayor for periods of 10 business days or less
16 and to serve only when the needs of the city require and only to the extent necessary under the
17 then circumstances. If the temporary absence of the mayor exceeds 10 business days, the
18 president of the city council shall be the acting mayor. If at any time the city council determines
19 that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its
20 president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any
21 general or special law to the contrary, the vote shall be taken in public session by a roll call
22 vote.”

23 SECTION 5. Amend section 3-9 by deleting in its entirety and inserting in its place the
24 following: “a) If a vacancy in the office of mayor occurs, the city council president shall serve
25 as mayor until a mayor is elected and qualified under this section. In the event that the city
26 council president is unable to serve as mayor under this subsection, the city council shall elect,
27 from among its membership, a person to serve as mayor. The city council president or other
28 councilor elected by the city council hereunder shall take office immediately upon such vacancy.
29 b) Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a
30 special meeting of the city council, and the city council shall, under section 8-1, order a special
31 election to be held within 90 days following the date the vacancy is created to fill that vacancy
32 until the next regular city election. The person elected at a special city election shall be sworn to
33 office immediately. c) Upon the adoption of an order for a special election under subsection b,
34 the city clerk shall set the special election calendar as follows: nomination papers shall be made

35 available within 7 days of the vacancy; nomination papers shall be filed with the board of
36 registrars of voters within 28 days of the vacancy; the board of registrars shall certify such
37 nomination papers within 30 days of the vacancy and the candidate shall file such certified
38 nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall
39 be held within 65 days of the vacancy, if required; a special election shall be held within 90 days
40 of the vacancy. d) Notwithstanding the provisions of subsection b), no special election shall be
41 ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-
42 two of the term for which the mayor was elected. In such case, the city council president or other
43 councilor elected by the city council shall serve as mayor until the next regular city election. The
44 person elected at such regular city election shall be sworn to office immediately and shall serve a
45 four-year term in accordance with section 3-1 (b). e) Notwithstanding the provisions of
46 subsection b), no special election shall be ordered if the vacancy occurs in month forty-seven or
47 forty-eight of the term for which the mayor was elected and the mayor will not be serving
48 another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve
49 the remainder of the mayoral term and the four-year term for which such person was elected. f)
50 Any person serving as mayor under this section shall receive the compensation then in effect for
51 the office of mayor.”

52 SECTION 6. Amend section 4-6, by deleting in the second sentence the word “choose”
53 and inserting in its place the words “appoint, by majority vote of those present,”; by deleting in
54 the third sentence the word “elected” and insert its place the word “appointed”; by deleting the
55 final sentence in its entirety.

56 SECTION 7. Delete section 5-1 in its entirety.

57 SECTION 8. Amend section 5-2 by renumbering the section to 5-1 and by deleting the
58 second sentence in its entirety and inserting in its place the following: “Whenever a vacancy
59 occurs on the board of trustees under the will of Charles E. Forbes, the president of the board
60 shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of
61 the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy
62 from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a
63 vacancy shall serve only until the next regular city election, when the office shall be filled by the
64 voters. The candidate elected to an office filled prior to the election shall be sworn to the office
65 immediately and shall serve for the unexpired term of the seat to which such candidate was
66 elected. If the seat to which the candidate was elected would have been on the ballot for the next
67 regular city election notwithstanding the vacancy, such candidate shall be elected for a full four-
68 year term. No vacancy shall be filled under this section if a regular city election is to be held
69 within 120 days following the date the vacancy is declared to exist.”

70 SECTION 9. Amend section 5-3 by renumbering the section to 5-2, by deleting the
71 second sentence in its entirety and inserting in its place the following: “Whenever a vacancy
72 occurs in the office of Elector under the Oliver Smith Will, the city council shall, within 30 days
73 following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by
74 the city council shall serve only until the next regular city election, when the office shall be filled
75 by the voters. The person elected at such regular city election shall take office immediately. No
76 vacancy shall be filled under this section if a regular city election is to be held within 120 days
77 following the date of the vacancy.”, and by adding a final sentence as follows: “The process and
78 procedure by which the City Council shall fill vacancies shall be established by ordinance.”

79 SECTION 10. Amend section 5-4 by renumbering the section to 5-3, by deleting the title
80 in its entirety and inserting in its place the words “TRUSTEES OF SMITH VOCATIONAL
81 AND AGRICULTURAL HIGH SCHOOL”, and by deleting the words “city clerk” and inserting
82 in their place the words “school committee”.

83 SECTION 11. Amend section 5-5 by renumbering the section to 5-4, by deleting the
84 second sentence in its entirety and inserting in its place the following: “Whenever a vacancy
85 occurs on the Community Preservation Committee, the city council shall, within 30 days
86 following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by
87 the city council shall serve only until the next regular city election, when the office shall be filled
88 by the voters. The person elected at such regular city election shall take office immediately. No
89 vacancy shall be filled under this section if a regular city election is to be held within 120 days
90 following the date of the vacancy.”, and by adding a final sentence as follows: “The process and
91 procedure by which the City Council shall fill vacancies shall be established by ordinance.”

92 SECTION 11. Amend section 7-2 by deleting the words “, including the superintendent
93 of schools“, and”; by inserting in their place the words “and trustees of the Smith Vocational and
94 Agricultural High School and the superintendents of both districts”.

95 SECTION 12. Amend section 7-6 by inserting in the third sentence after the words “The
96 award of a” the words “three-year”.

97 SECTION 13. Amend section 8-1 by deleting the words “superintendents of Smith's
98 Agricultural School” and inserting in their place the words “trustees of Smith Vocational and
99 Agricultural High School”.

100 SECTION 14. Amend section 8-2 (a) by inserting the word “or” between the phrases
101 “councilor-at-large” and “school committee member-at-large”, by deleting the phrase “or city
102 clerk”, by deleting the words “superintendents of Smith's Agricultural School” and by inserting
103 in their place the words “trustees of Smith Vocational and Agricultural High School” .

104 SECTION 15. Amend article 8 by renumbering section 8-7 to 8-8, and by adding prior
105 thereto a new section 8-7 as follows: “No candidate shall have the words “candidate for re-
106 election” printed next to that person’s name on the election ballot”.

107 SECTION 16. Amend section 10-7 (a) by deleting the word “chairman” and inserting in
108 its place the word “chair”.

109 This act shall take effect upon its passage.