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HOUSE . . . . . No. 3995

Substituted by the House, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 2202) [Local Approval Received]. July 26, 2021.

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:

SECTION 1. The first sentence of subsection (b) of section 2-2 of article 2 of section 1 of chapter 277 of the acts of 2012 is hereby amended by striking out the following words:- in consultation with the mayor and the city clerk.

SECTION 2. Clause (i) of subsection (c) of section 2-6 of said article 2 of said section 1 of said chapter 277 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Regular meetings of the city council shall be held at a time and place fixed by order.

SECTION 3. Section 3-6 of article 3 of said section 1 of said chapter 277 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except non-binding resolutions, the confirmation of city officers by the city council and any

matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage

SECTION 4. Said section 3-6 of said article 3 of said section 1 of said chapter 277 is hereby further amended by striking out the fourth sentence and inserting in place thereof following sentence:- If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same.

SECTION 5. Section 3-7 of said article 3 of said section 1 of said chapter 277 is hereby amended by striking out the title and inserting in place thereof the following title:-

SECTION 3-7: TEMPORARY ABSENCE OR INCAPACITATION OF THE MAYOR.

SECTION 6. Said section 3-7 of said article 3 of said section 1 of said chapter 277 is hereby further amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Acting Mayor—The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office of mayor during the temporary absence of the mayor for periods totaling 10 business days or less; provided, however, that the temporary mayor shall serve only when the needs of the city require and only to the extent necessary under the circumstances. If the temporary absence of the mayor exceeds 10 consecutive business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, the city council may appoint its president to serve as acting mayor by the

affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

SECTION 7. Said article 3 of said section 1 of said chapter 277 is hereby amended by striking out section 3-9 and inserting in place thereof the following section:-

SECTION 3-9: VACANCY IN OFFICE OF MAYOR

(a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified pursuant to this section. In the event that the city council president is unable to serve as mayor pursuant to this subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon the vacancy.

(b) Upon a vacancy in the office of mayor, the city council shall, in accordance with clause (ii) of subsection (c) of section 2-6, call a special meeting of the city council and the city council shall, pursuant to section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately.

(c) Upon the adoption of an order for a special election pursuant to subsection (b), the city clerk shall set the special election calendar as follows: (1) nomination papers shall be made available within 7 days of the vacancy; (2) nomination papers shall be filed with the board of registrars of voters within 28 days of the vacancy; (3) the board of registrars shall certify such nomination papers within 30 days of the vacancy; (4) the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; (5) a preliminary election

shall be held within 65 days of the vacancy, if required; and (6) a special election shall be held within 90 days of the vacancy.

(d) Notwithstanding subsection (b), no special election shall be ordered if the vacancy occurs in month 16, 17, 18, 40, 41 or 42 of the term for which the mayor was elected. If such a vacancy occurs, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a 4-year term in accordance with subsection (b) of section 3-1.

(e) Notwithstanding subsection (b), no special election shall be ordered if the vacancy occurs in month 47 or 48 of the term for which the mayor was elected and the mayor will not be serving another term. If such a vacancy occurs, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the 4-year term for which the mayor-elect was elected.

(f) Any person serving as mayor pursuant to this section shall receive the compensation then in effect for the office of mayor.

SECTION 8. Article 4 of said section 1 of said chapter 277 is hereby amended by striking out section 4-6 and inserting in place thereof the following section:-

SECTION 4–6: FILLING OF VACANCIES

Whenever a vacancy occurs on the school committee, the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to fill the vacancy. The city council and school committee shall

appoint, by majority vote of those present, a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed to fill a vacancy by the city council and school committee shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist.

SECTION 9. Article 5 of said section 1 of said chapter 277 is hereby amended by striking out sections 5-1 to 5-5, inclusive, and inserting in place thereof the following 4 sections:-

SECTION 5-1: TRUSTEES UNDER THE WILL OF CHARLES E. FORBES

Five members shall be elected by and from the voters of the city at large for a term of 4 years, so arranged that all members are not elected at the same time. Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the president of the board shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled prior to the election shall be sworn to the office immediately and shall serve for the unexpired term of the seat to which the candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, the candidate shall be elected for a full 4-year

term. No vacancy shall be filled pursuant to this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist.

SECTION 5-2: ELECTOR UNDER THE OLIVER SMITH WILL

One member shall be elected by and from the voters of the city at large for a term of 2 years. Whenever a vacancy occurs in the office of elector under the Oliver Smith Will, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at the regular city election shall take office immediately. No vacancy shall be filled pursuant to this section if a regular city election is to be held within 120 days following the date of the vacancy. The process and procedure by which the city council shall fill vacancies shall be established by ordinance.

SECTION 5-3: TRUSTEES OF SMITH VOCATIONAL AND AGRICULTURAL HIGH SCHOOL

Three members shall be elected by and from the voters of the city at large for a term of 2 years. Vacancies shall be filled in a like manner as a school committee vacancy.

SECTION 5-4: COMMUNITY PRESERVATION COMMITTEE

Two members shall be elected by and from the voters of the city at large for a term of 4 years. Whenever a vacancy occurs on the Community Preservation Committee, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at the regular city election shall

take office immediately. No vacancy shall be filled pursuant to this section if a regular city election is to be held within 120 days following the date of the vacancy. The process and procedure by which the city council shall fill vacancies shall be established by ordinance.

SECTION 10. Section 7-2 of article 7 of said section 1 of said chapter 277 is hereby amended by striking out the words ", including the superintendent of schools", and inserting in place thereof the following words:- and trustees of the Smith Vocational and Agricultural High School and the superintendents of both school districts.

SECTION 11. Section 7-6 of said article 7 of said section 1 of said chapter 277 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The award of a 3-year contract to audit shall be made by the city council on or before September 15 of each year.

SECTION 12. The first paragraph of section 8-1 of article 8 of said section 1 of said chapter 277 is hereby amended by striking out the words "superintendents of Smith's Agricultural School" and inserting in place thereof the following words:- trustees of Smith Vocational and Agricultural High School.

SECTION 13. Subsection (a) of section 8-2 of said article 8 of said section 1 of said chapter 277 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than 150 certified signatures; for the office of councilor-at-large or school committee member-at-large, not less than 100 certified signatures; and for the office of ward city councilor, ward school committee member, trustees under the will of Charles

E. Forbes, elector under the Oliver Smith will, trustees of Smith Vocational and Agricultural High School or the Community Preservation Committee, not less than 50 certified signatures.

SECTION 14. Said article 8 of said section 1 of said chapter 277 is hereby amended by striking out section 8-7 and inserting in place thereof the following 2 sections:-

SECTION 8-7: CANDIDATES FOR REELECTION

No candidate shall have the words “candidate for reelection” printed next to that candidate’s name on the election ballot.

SECTION 8-8: APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

SECTION 15. The second sentence of subsection (a) of section 10-7 of article 10 of said section 1 of said chapter 277 is hereby amended by striking out the word “chairman” and inserting in place thereof the following word:- chair.

SECTION 16. This act shall take effect upon its passage.