

# SENATE . . . . . No. 2510

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Senate, August 9, 2021 -- Text of the Senate amendment (Senator Comerford) to the House Bill amending the charter of the city of Northampton (House, No. 3995)

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
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1           SECTION 1. The first sentence of subsection (b) of section 2-2 of article 2 of section 1 of  
2 chapter 277 of the acts of 2012 is hereby amended by striking out the following words:- in  
3 consultation with the mayor and the city clerk.

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

8           SECTION 3. Section 3-6 of article 3 of said section 1 of said chapter 277 is hereby  
9 amended by striking out the first sentence and inserting in place thereof the following sentence:-  
10 Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the  
11 city, except non-binding resolutions, the confirmation of city officers by the city council and any  
12 matters relating to the internal affairs of the city council, shall be presented to the mayor for  
13 approval within 3 business days of such adoption or passage.

14           SECTION 4. Said section 3-6 of said article 3 of said section 1 of said chapter 277 is  
15 hereby further amended by striking out the fourth sentence and inserting in place thereof

16 following sentence:- If the city council, notwithstanding such disapproval by the mayor, shall  
17 again pass the order, ordinance or vote by a two-thirds vote of the full council, it shall then be  
18 deemed in force, notwithstanding the failure of the mayor to approve the same.

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

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

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

25 (a) Acting Mayor—The mayor shall, by a letter filed with the city council and a copy  
26 filed with the city clerk, delegate authority pursuant to section 3-8 to a qualified city officer or  
27 employee to exercise the powers and perform the duties of the office of mayor during the  
28 temporary absence of the mayor for periods totaling not more than 10 business days; provided,  
29 however, that the temporary mayor shall serve only when required by the needs of the city and  
30 only to the extent necessary under the circumstances. If the temporary absence of the mayor  
31 exceeds 10 consecutive business days, the president of the city council shall be the acting mayor.  
32 If at any time the city council determines that the mayor is incapacitated and unable to perform  
33 the duties of the office, the city council may appoint its president to serve as acting mayor by the  
34 affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the  
35 vote shall be taken in public session by a roll call vote.

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

38 SECTION 3-9: VACANCY IN OFFICE OF MAYOR

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

45 (b) Upon a vacancy in the office of mayor, the city council shall, in accordance with  
46 clause (ii) of subsection (c) of section 2-6, call a special meeting of the city council within 7 days  
47 at which the city council shall, pursuant to section 8-1, order a special election to be held within  
48 120 days following the date the vacancy is created to fill that vacancy until the next regular city  
49 election. The person elected at a special city election shall be sworn to office immediately upon  
50 certification of the results of the election.

51 (c) Upon the adoption of an order for a special election pursuant to subsection (b), the  
52 city clerk shall set the special election calendar as follows: (i) nomination papers shall be made  
53 available within 10 days of the vacancy; (ii) nomination papers shall be filed with the board of  
54 registrars of voters within 33 days of the vacancy; (iii) the candidate shall file such certified  
55 nomination papers with the city clerk within 47 days of the vacancy; (iv) a preliminary election  
56 shall be held within 92 days of the vacancy, if required; and (v) a special election shall be held  
57 within 120 days of the vacancy.

58 (d) Notwithstanding subsection (b), no special election shall be ordered if the vacancy  
59 occurs in month 15, 16, 17, 18, 39, 40, 41 or 42 of the term for which the mayor was elected. If

60 such a vacancy occurs, the city council president or other councilor elected by the city council  
61 shall serve as mayor until a person is elected mayor at the next regular city election and is sworn  
62 to the office. The person elected at such regular city election shall be sworn to office  
63 immediately upon certification of the results of the election and shall serve a 4-year term in  
64 accordance with subsection (b) of section 3-1.

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

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

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

74 SECTION 4-6: FILLING OF VACANCIES

75 Whenever a vacancy occurs on the school committee, the president of the city council  
76 shall, within 30 days following the date of the vacancy, call a joint meeting of the city council  
77 and the school committee to fill the vacancy. The city council and school committee shall  
78 appoint, by majority vote of those present, a person to fill the vacancy from among the voters  
79 entitled to vote for the office. Persons appointed to fill a vacancy by the city council and school  
80 committee shall serve only until a candidate is elected to the office at the next regular city  
81 election and is sworn to the office. The candidate elected to an office filled by appointment prior

82 to the election shall be sworn to the office immediately upon certification of the results of the  
83 election to complete the then unexpired term in addition to the term for which elected. No  
84 vacancy shall be filled under this section if a regular city election is to be held within 120 days  
85 following the date the vacancy is declared to exist.

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

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

89 Five members shall be elected by and from the voters of the city at large for a term of 4  
90 years, so arranged that all members are not elected at the same time. Whenever a vacancy occurs  
91 on the board of trustees under the will of Charles E. Forbes, the president of the board shall  
92 declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the  
93 trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from  
94 among the voters entitled to vote for the office. Persons appointed by the trustees to fill a  
95 vacancy shall serve only until a candidate is elected to the office at the next regular city election  
96 and is sworn to the office. The candidate elected to an office filled prior to the election shall be  
97 sworn to the office immediately upon certification of the results of the election and shall serve  
98 for the unexpired term of the seat to which the candidate was elected. If the seat to which the  
99 candidate was elected would have been on the ballot for the next regular city election  
100 notwithstanding the vacancy, the candidate shall also be elected for a full 4-year term. No  
101 vacancy shall be filled pursuant to this section if a regular city election is to be held within 120  
102 days following the date the vacancy is declared to exist.

103 SECTION 5-2: ELECTOR UNDER THE OLIVER SMITH WILL

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

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

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

117 SECTION 5-4: COMMUNITY PRESERVATION COMMITTEE

118 Two members shall be elected by and from the voters of the city at large for a term of 4  
119 years. Whenever a vacancy occurs on the Community Preservation Committee, the city council  
120 shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person  
121 appointed to fill a vacancy by the city council shall serve only until a person is elected at the next  
122 regular city election and is sworn to the office. The person elected at the regular city election  
123 shall take office immediately upon certification of the results of the election. No vacancy shall be  
124 filled pursuant to this section if a regular city election is to be held within 120 days following the

125 date of the vacancy. The process and procedure by which the city council shall fill vacancies  
126 shall be established by ordinance.

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

131 SECTION 11. Section 7-6 of said article 7 of said section 1 of said chapter 277 is hereby  
132 amended by striking out the third sentence and inserting in place thereof the following sentence:-  
133 The award of a 3-year contract to audit shall be made by the city council on or before September  
134 15 of every third year.

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

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

147 Agricultural High School or the Community Preservation Committee, not less than 50 certified  
148 signatures.

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

151 SECTION 8-7: CANDIDATES FOR REELECTION

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

154 SECTION 8-8: APPLICATION OF STATE GENERAL LAWS

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

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

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