

SENATE No. 2696

Senate, March 7, 2024 -- Text of the Senate amendment (Senator Velis) to the House Bill amending the charter of the city of Easthampton (House, No. 3959).

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

1 SECTION 1. The second paragraph of section 2-10 of article 2 of the charter of the city
2 of Easthampton, which is on file in the office of the archivist of the commonwealth pursuant to
3 section 12 of chapter 43B of the General Laws, is hereby amended by striking out the first and
4 second sentences and inserting in place thereof the following 2 sentences:- Appointments made
5 by the mayor shall become effective on the forty-fifth day following the date on which notice of
6 the proposed appointment was first received by the city council at a regularly scheduled meeting
7 of the council, unless the city council shall, within that 45-day period, vote to reject such
8 appointment or unless the city council sooner votes to affirm the appointment. For the
9 appointment of a department head appointed by the mayor, the city council shall act upon that
10 appointment at the next regularly scheduled meeting following the meeting at which the
11 appointment was first received by the full council or that appointment shall become effective.

12 SECTION 2. Article 3 of said charter is hereby amended by striking out section 3-9 and
13 inserting in place thereof the following section:-

14 SECTION 3-9. VACANCY IN OFFICE OF MAYOR

15 (a) Special Election – If a vacancy occurs in the office of mayor during the first or third
16 year of the term for which the mayor is elected, whether by reason of death, resignation, removal
17 from office, incapacity or otherwise, the city council shall forthwith order a special mayoral
18 election to be held within 120 days following the date the vacancy occurs to fill the vacancy for
19 the balance of the unexpired term pursuant to article 7. If a vacancy occurs in the second or
20 fourth year of the term for which the mayor is elected, a special mayoral election need not be
21 held, the office of mayor shall be temporarily filled pursuant to subsection (b) and the position
22 shall be filled by the voters at the next regular municipal election.

23 If a vacancy occurs in the 2 months immediately prior to a regular municipal election, the
24 city council shall forthwith order a special mayoral election to be held within 120 days following
25 the date the vacancy occurs to fill such vacancy for the balance of the unexpired term.

26 During the 120-day period immediately prior to a special mayoral election, the city
27 council president shall serve as acting mayor until the office of mayor is filled. If the city
28 council president is unable or unwilling to serve as acting mayor, a special meeting of the city
29 council shall be called by the city council president and the council shall elect, by majority vote,
30 1 of its members to serve as acting mayor. The acting mayor shall remain as a member of the
31 council but shall only vote on council measures in the event of a tie. During the time the city
32 council president is serving as acting mayor under this subsection, the vice-president shall serve
33 as acting city council president. Any person serving as acting mayor under this subsection shall
34 not be subject to the restrictions in the third sentence of subsection (a) of section 3-1.

35 (b) Council Election – If a vacancy occurs in the office of mayor in the second or fourth
36 year of the term for which the mayor is elected, the president of the city council, or another

37 councilor elected by the council in accordance with subsection (a), shall serve as acting mayor
38 until the next regular municipal election at which time the person elected to fill the office of
39 mayor for the ensuing term of office shall be immediately sworn into office and shall thereafter
40 serve, in addition to the term for which they were elected, the balance of the present term.
41 Unless the vacancy occurs in the last 2 months prior to a regular municipal election, upon the
42 qualification of the president of the city council. or another councilor elected to serve as the
43 acting mayor under this section, a vacancy shall exist in that council seat on the city council
44 which shall be filled as provided for in section 2-11 of article 2.

45 If the acting mayor is a candidate for mayor in the ensuing election, such acting mayor
46 shall not have the words “candidate for re-election” used in conjunction with their name on the
47 election ballot.

48 If a vacancy occurs in the office of mayor in the last 2 months of the term for which the
49 mayor was elected, the mayor-elect shall be immediately sworn into office and shall thereafter
50 serve the remainder of the mayoral term in addition to the term of office for which such person
51 was elected.

52 (c) Compensation – A councilor serving as acting mayor under this section shall receive
53 the compensation then in effect for the position of mayor and shall not receive city council
54 compensation.