



Northampton Special Act Charter
Drafting Committee

David P. Stevens, Chair
Gail L. Perlman
Madeline Weaver Blanchette
Marc Warner
Richard Greene

Todd Thompson
William Scher
Thomas Miranda
Megan Murphy Wolf

Stephen McGoldrick, Deputy Director, Edward J. Collins, Jr. Center for Public Management, University of Massachusetts

Monday, January 9, 2012
5:00 p.m. – 8:00 p.m.
City Council Chambers
Wallace J. Puchalski Municipal Building,
212 Main Street, Northampton, MA

Agenda:

Working Sessions of the Special Act Charter Drafting Committee

Chair David Stevens called the meeting to order at 5:00 p.m.

Members present: David Stevens, Madeline Weaver Blanchette, Megan Murphy Wolf, Todd Thompson, Richard Greene, Gail Perlman, Thomas Miranda, Stephen McGoldrick, and William Scher.

Absent: Marc Warner

The meeting was audio-taped; Emily Odgers, North Street Association videotaped the meeting.

Public Comment:

Councilor Gene Tacy stated that the water and sewer rates *should be set by BPW*, as the current practice.

Councilor Marianne LaBarge stated that 50 signatures should be comfortable for Councilors, but Mayor's race should require 500 signatures.

The Committee began general discussions regarding Charter language. Discussion of the Mayor's role as "actively" and full-time position, with no other business interests allowed. Chair Stevens polled the members, with 5 endorsements and 3 stand aside. Further discussion centered on a 4-year term for Mayor, compensation for elected officials, vacancies of offices, special elections, powers of the City Council and Mayor. Agreement that the Mayor should not chair the City Council meetings but be present for questions. Consensus was made for no term limits; voters will decide term limits by the vote. Consensus was made to keep appointments to boards as is, with Mayor appointing and City Council confirming appointments. The role of Vice-President of City Council was added to line 21 of page 1. Use of the gradients of agreement was made for specific changes to language as noted on attached pages of proposed Charter.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,
Mary L. Midura
Executive Secretary

NORTHAMPTON SPECIAL ACT DRAFTING COMMITTEE

DECISION TOPICS

City Council

Composition SAME
Term 2 YR WARD 4 YR AT LARGE VICE PRESIDENT
Term Limit NO
Vacancies
Confirmation Powers
Multiple Member Bodies
Employees

Mayor

Term 4 YR
Term Limit NO
Vacancies
Appointing Authority - MAYOR SUBMIT, CC CONFIRMS

ROLE OF MAYOR CHAIRING CC/SC
NOT CHAIR CC

School Committee

Composition
Term/Staggering Issue
Vacancies
Term Limit

Other Elected Officials

City Clerk

Elections

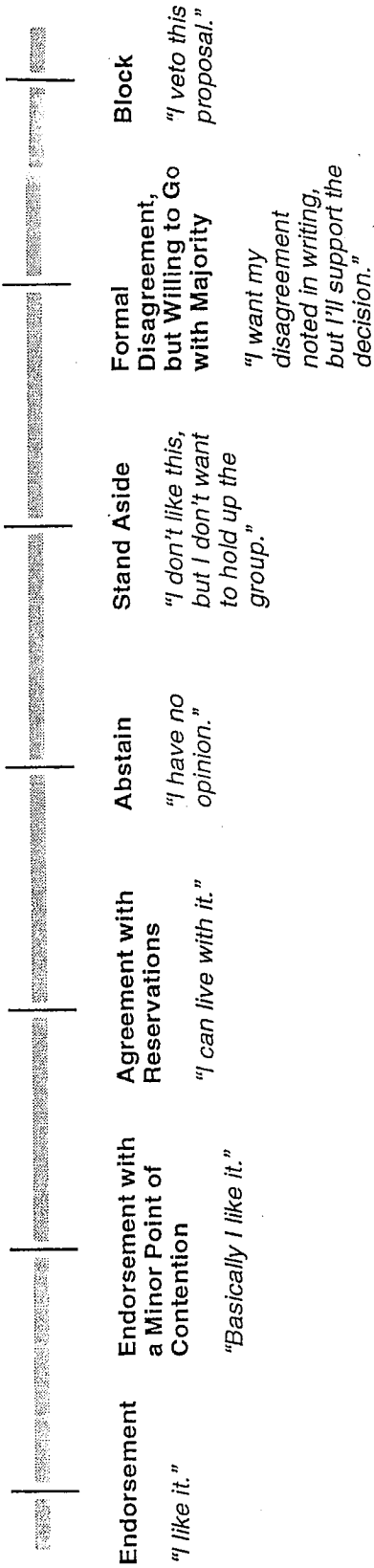
Preliminary
Signature Requirements

Citizen Participation

Inclusion/Signature Thresholds
Free Petition
Initiative
Referendum
Recall

Elected Official Compensation

GRADIENTS OF AGREEMENT



ARTICLE 2

LEGISLATIVE BRANCH

COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) *Composition* - There shall be a city council of ~~9~~⁹ members which shall exercise the legislative powers of the city. ~~2~~² of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. ~~7~~⁷ of these members, to be known as ward¹ councilors, shall be nominated and elected by and from the voters from each ward; 1 such ward councilor to be elected from each of the ~~7~~⁷ wards into which the city is divided under section (X-X.) DIVISION OF WARDS

(b) *Term of Office* - The term of office for all councilors shall be for ~~X~~² years each, beginning on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event the term shall begin on the following day, and until their successors have been qualified. ²

(c) *Eligibility* - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor must be a voter in the ward from which election is sought. If a ward councilor or a councilor-at-large removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section X-X.

PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS

(a) *Election and Term* - As soon as practicable after the councilors-elect have been qualified following each municipal election, as provided in section X-X, the members of the city council shall elect from among its members a president and vice-president who shall serve for ~~X~~² year terms. The method

¹ Or "district"

² Or some other day

1 of election of the president and vice-president shall be prescribed within the
2 rules of the city council.

3 *(b) Powers and Duties* - The president shall preside at all meetings of the
4 city council, regulate its proceedings and shall decide all questions of order.
5 The president shall appoint all members of all committees of the city council,
6 whether special or standing. The president shall have the same powers to
7 vote upon all measures coming before the city council as any other member
8 of the city council. The president shall perform any other duties consistent
9 with the office that may be provided by charter, by ordinance or by other
10 vote of the city council. The vice-president shall preside in the absence of
11 the president.

12 **PROHIBITIONS**

13 *(a) Holding Other City Position* - No member of the city council shall hold
14 any other city position. No former member of the city council shall hold any
15 compensated city position until 1 year following the date on which the
16 former member's service on the city council has terminated. This provision
17 shall not prevent a city employee who vacated a position in order to serve as
18 a member of the city council from returning to the same position upon the
19 expiration of the term for which he was elected.

20 *(b) Interference with Administration* - No city council or any member of the
21 city council shall give orders or directions to any employee of the city
22 appointed by the mayor, either publicly or privately.

23 *(c) Felony Conviction* - ~~Any person who has been finally convicted of a state~~
24 ~~or federal felony shall not be eligible to petition for or serve in any elective~~
25 ~~or appointive office or position under the city. Any councilor who has been~~
26 ~~finally convicted of a state or federal felony shall be deemed to have vacated~~
27 ~~said office and shall be disqualified from serving in any other elective or~~
28 ~~appointive office or position under the city.~~
29

1 **COMPENSATION; EXPENSES**

2 (a) *Compensation* - The members of the city council shall receive such salary
3 for their services as may from time to time be set by ordinance. No
4 ordinance increasing or reducing the salary of the members of the city
5 council shall be effective unless it shall have been adopted by a 2/3 vote of
6 the full city council. No ordinance increasing the salary of councilors shall be
7 effective unless it shall have been adopted during the first 18 months of the
8 term for which the city council is elected and unless it provides that the
9 salary increase is to take effect upon the organization of the city government
10 following the next municipal election. Subject to appropriation, members of
11 the city council shall be entitled to reimbursement of their actual and
12 necessary expenses incurred in the performance of their duties.

13 **GENERAL POWERS**

14 Except as otherwise provided by general law or by this charter, all powers of
15 the city shall be vested in the city council which shall provide for their
16 exercise and for the performance of all duties and obligations imposed upon
17 the city by law.

18 **EXERCISE OF POWERS; QUORUM; RULES**

19 (a) *Exercise of Powers* - Except as otherwise provided by general law or by
20 this charter, the legislative powers of the city council may be exercised in a
21 manner determined by it.

22 (b) *Quorum* - The presence of ⁵X members shall constitute a quorum for the
23 transaction of business. Except as otherwise provided by general law or by
24 this charter, the affirmative vote, taken by roll call vote, of ~~X~~³⁰ members shall
25 be required to adopt an appropriation order. Except as otherwise provided
26 by law or this charter, the affirmative vote, taken by roll call vote, of a
27 majority of the full city council shall be required to adopt any ordinance.

28 (c) *Rules of Procedure* - The city council shall from time to time adopt rules
29 regulating its procedures, which shall be in addition to the following:

1 (i) Regular meetings of the city council shall be held at a time and place
2 fixed by ordinance. All regular meetings of the city council shall provide for a
3 period of public comment, provided however, the city council may
4 promulgate rules that regulate such period of public comment as deemed
5 appropriate.

6 (ii) Special meetings of the city council shall be held at the call of the
7 president or at the call of any ³ or more members, for any purpose, by
8 causing a notice ~~of the meeting to be delivered in hand~~ ^{given} to each member of
9 the city council. This notice shall, except in an emergency of which the
10 president shall be the sole judge, be delivered at least 48 weekday hours in
11 advance of the time set and shall specify the purpose or purposes for which
12 the meeting is to be held. A copy of each such notice shall immediately be
13 posted in accordance with applicable laws.

14 (iii) All sessions of the city council and of every committee or subcommittee
15 of the council shall at all times be open to the public unless another
16 provision is made by law.

17 (iv) A full, accurate, up-to-date account of the proceedings of the city council
18 shall be kept by the city clerk, which shall include a record of each vote
19 taken, and which shall be made available with reasonable promptness
20 following each meeting. Unless otherwise provided by law, the minutes of
21 any executive session shall be made available as soon as their publication
22 would not defeat the lawful purposes of the executive session.

23 **ACCESS TO INFORMATION**

24 (a) *In General* - The city council may make investigations into the affairs of
25 the city and into the conduct and performance of any city agency.

26 (b) *Information Requests* - The city council may require any member of an
27 appointed multiple-member body or any city employee to appear before it to
28 give any information that the city council may require in relation to the
29 municipal services, functions, powers, or duties which are within the scope

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1 of responsibility of that person and not within the jurisdiction of the school
2 committee.

3 *(c) Mayor* - The city council at any time may request from the mayor specific
4 information on any municipal matter and may request the mayor to be
5 present to answer written questions relating thereto at a meeting to be held
6 not earlier than 7 days from the date of the receipt by the mayor of said
7 questions. The mayor shall personally, or through any designated city
8 employee, attend such meeting and respond to said questions. The mayor or
9 the person so designated to attend shall not be obliged to answer questions
10 relating to any other matter.

11 *(d) Notice* - The city council shall give a minimum of 7 days notice to any
12 person it may require to appear before it under the provisions of this
13 section. The notice shall include specific questions on which the city council
14 seeks information, and no person called to appear before the city council
15 under this section shall be required to respond to any question not relevant
16 or related to those presented in advance and in writing.

17 **APPOINTMENTS OF THE CITY COUNCIL**

18 To be determined.

19 **ORDINANCES AND OTHER MEASURES**

20 *(a) Measures*- No measure shall be passed finally on the date on which it is
21 introduced, except in the case of an emergency. Except as otherwise
22 provided by the charter, every adopted measure shall become effective at
23 the expiration of 10 days after adoption or upon the signature of the mayor,
24 whichever occurs first. No ordinance shall be amended or repealed except by
25 another ordinance adopted in accordance with the charter, or as provided in
26 the initiative and referendum procedures.

27 *(b) Emergency Measures*- An emergency measure shall be introduced in the
28 form and manner prescribed for measures generally except that it shall be
29 plainly designated as an emergency measure and shall contain statements

1 after the enacting clause declaring that an emergency exists and describing
2 its scope and nature in clear and specific terms. A preamble which declares
3 and defines the emergency shall be separately voted on and shall require
4 the affirmative vote of 2/3 of the full city council. An emergency measure
5 may be passed with or without amendment or rejected at the meeting at
6 which it is introduced. No measure making a grant, renewal or extension,
7 whatever its kind or nature, or a franchise or special privilege shall be
8 passed as an emergency measure, and except as provided by the laws of the
9 Commonwealth, no such grant, renewal or extension shall be made
10 otherwise than by ordinance. An emergency measure shall become effective
11 upon adoption or at such later time as it may specify.

12 (c) *Charter Objection*- On the first occasion that the question on adoption of
13 a measure is put to the city council, if a single member present objects to
14 the taking of the vote, the vote shall be postponed until the next meeting of
15 the city council whether regular or special. If 2 members present shall
16 object, such postponement shall be until the next regular meeting; but for
17 an emergency measure at least 4 members present, in all, must object. This
18 procedure shall not be used more than once for any specific matter
19 notwithstanding any amendment to the original matter. A charter objection
20 shall have privilege over all motions but must be raised prior to or at the call
21 for a vote by the presiding officer and all debate shall cease.

22 **CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS**

23 The mayor shall submit to the city council the name of each person the
24 mayor desires to appoint as a department head or as a member of a
25 multiple-member body, but not including any position which is subject to the
26 civil service law. The city council ^{shall} ~~may~~ refer each name submitted to it to a
27 standing committee of the council which shall review each candidate for
28 appointment and may make a recommendation to the full city council not
29 less than 7 nor more than 45 days after the referral. The committee may

1 require any person whose name has been referred to it to appear before the
2 committee, or before the city council, to give any information relevant to the
3 appointment that the committee, or the city council, may require.

4 Appointments made by the mayor shall become effective on the forty-fifth
5 day after the date on which notice of the proposed appointment was filed
6 with the city clerk unless approved or rejected by the city council within the
7 45 days.

8 **FILLING OF VACANCIES**

9 (a) Councilor-at-Large - If a vacancy shall occur in the office of councilor-at-
10 large during the first 12³ months of the term for which councilors are
11 elected, the vacancy shall be filled in descending order of votes received by
12 the candidate for the office of councilor-at-large at the preceding city
13 election who received the highest number of votes without being elected,
14 provided such person remains eligible and willing to serve and provided such
15 person received votes equal to at least X per cent of the vote total received
16 by the person receiving the highest number of votes for the office of
17 councilor-at-large at that election. The city clerk shall certify this candidate
18 to the office of councilor-at-large to serve for the balance of the then
19 unexpired term. If a vacancy shall occur in the office of councilor-at-large
20 during the last 12 months of the term for which councilors-at-large are
21 elected, the vacancy shall be filled by the person at the biennial city election
22 who receives the highest number of votes for the office of councilor-at-large
23 and who is not then serving as a member of the city council. This person
24 shall immediately be certified and shall serve for the remaining 2 months of
25 the current term in addition to the term for which the person was elected.

26 (b) Ward Councilor - If a vacancy shall occur in the office of ward councilor,
27 it shall be filled in the same manner as provided in section 2-11(a) for the

³ Assumes a 2-year term

1 office of councilor-at-large except that the list shall be of the candidates for
2 the office of ward councilor in the ward in which the vacancy occurs, but if
3 there be no candidate on such list who remains eligible and willing to serve,
4 the next highest ranking candidate from among the candidates for election
5 to the councilor-at-large who is a resident of the ward in which the vacancy
6 exists shall be certified and shall serve until the next regular election
7 provided such candidate remains a resident of the ward, is willing to serve
8 as a ward councilor and received votes in the ward equal to at least X per
9 cent of the vote total received by the person receiving the highest number of
10 votes for the office of ward councilor at that election. The city clerk shall
11 certify this candidate to the office of ward councilor to serve for the balance
12 of the then unexpired term.

13 (c) Filling of Vacancies By Board of Aldermen - If a vacancy shall occur in the
14 office of councilor-at-large or in that of ward councilor and there is no
15 available candidate to fill the vacancy in the manner provided in section 2-11
16 (a) or (b), the vacancy shall be filled by the remaining members of the city
17 council. Persons elected to fill a vacancy by the city council shall serve only
18 until the next regular election at which time the vacancy shall be filled by the
19 voters and the person chosen to fill the vacancy shall immediately be sworn
20 and shall serve for the remainder of the unexpired term in addition to the
21 term for which elected. Persons serving as councilors under this section shall
22 not be entitled to have the words "candidate for re-election" printed against
23 their names on the election ballot.

24 ARTICLE 3

25 EXECUTIVE BRANCH

26 **Section 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;**
27 **COMPENSATION; PROHIBITIONS**

28 (a) Mayor, Qualifications – The chief executive officer of the city shall be a
29 mayor, elected by and from the voters of the city at large. Any voter shall be

1 eligible to hold the office of mayor. The mayor shall devote full time to the
2 office and shall not hold any other elective public office, ~~nor shall the mayor~~
3 ~~be engaged in any other business, occupation or profession during the~~
4 ~~period of service as mayor.~~

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5 (b) Term of Office - The term of office of the mayor shall be ⁴~~5~~ years
6 beginning on the first Monday after the first Tuesday in January following the
7 biennial city election at which chosen and until a successor is qualified.

8 (c) Compensation - The city council shall, by ordinance, establish an annual
9 salary for the mayor. No ordinance altering the salary of the mayor shall be
10 effective unless it shall have been adopted in the first eighteen months of
11 the term for which councilors are elected and it provides that such salary is
12 to become effective in January of the year following the next biennial city
13 election.

14 (d) Prohibitions - The mayor shall hold no other city office or city
15 employment for which a salary is payable from the city treasury. No former
16 mayor shall hold any compensated appointed city office or city employment
17 until one year following the date on which such former mayor's city service
18 has terminated. This provision shall not prevent a city officer or other city
19 employee who has vacated a position in order to serve as mayor from
20 returning to the same office or other position of city employment held at the
21 time such position was vacated; provided, however, no such person shall be
22 eligible for any other municipal position until at least one year following the
23 termination of service as mayor. This prohibition shall not apply to persons
24 covered under the leave of absence provisions of section thirty-seven of
25 chapter thirty-one of the General Laws.

26 **SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

27 The executive powers of the city shall be vested solely in the mayor, and
28 may be exercised by the mayor either personally or through the several city
29 agencies under the general supervision and control of the office of the

1 mayor. The mayor shall cause the charter, the laws, the ordinances and
2 other orders for the government of the city to be enforced, and shall cause a
3 record of all official acts of the executive branch of the city government to be
4 kept. The mayor shall exercise general supervision and direction over all city
5 agencies, unless otherwise provided by law, or by this charter. Each city
6 agency shall furnish to the mayor, forthwith upon request, any information,
7 materials or otherwise as the mayor may request and as the needs of the
8 office of mayor and the interest of the city may require. The mayor shall
9 supervise, direct and be responsible for the efficient administration of all city
10 activities and functions placed under the control of the mayor by law or by
11 this charter. The mayor shall be responsible for the efficient and effective
12 coordination of the activities of all agencies of the city and for this purpose
13 shall have authority consistent with law, to call together for consultation,
14 conference and discussion at reasonable times all persons serving the city,
15 whether elected directly by the voters, chosen by persons elected directly by
16 the voters, or otherwise. The mayor shall be, by virtue of the office, a
17 member of every appointed multiple member body of the city. The mayor
18 shall have a right, as such ex officio member, to attend any meeting of any
19 appointed multiple member body of the city, at any time, including, so
20 called, executive sessions, to participate in the discussions, to make motions
21 and to exercise every other right of a regular member of such body, but not
22 including the right to vote.

23 **SECTION 3-3: APPOINTMENTS BY THE MAYOR**

24 The mayor shall appoint, subject to the review of such appointments by the
25 city council as provided in section X-X, all city officers and department heads
26 and the members of multiple-member bodies for whom no other method of
27 appointment or selection is provided by the charter, excepting only persons
28 serving under the school committee, and persons serving under the city
29 council. All appointments to multiple-member bodies shall be for terms

1 established in accordance with the provisions of section X-X. Upon the
2 expiration of the term of any member of a multiple-member body, a
3 successor shall be appointed in like manner. The mayor shall fill any vacancy
4 for the remainder of the unexpired term of any member of a multiple-
5 member body. ~~All persons classified as department heads shall, subject to~~
6 ~~the consent of the mayor, appoint, promote and discipline all assistants,~~
7 ~~subordinates and other employees of the agency for which such person is~~
8 ~~responsible.~~ All appointments and promotions made by the mayor shall be
9 made on the basis of merit and fitness demonstrated by examination, past
10 performance, or by other evidence of competence and suitability. Each
11 person appointed to fill an office or position shall be a person especially
12 fitted by education, training and previous work experience to perform the
13 duties of the office or position for which chosen.

14 **SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES**

15 Whenever a vacancy, either temporary or permanent, occurs in a city office
16 and the needs of the city require that such office be filled, the mayor may
17 designate the head of another city agency or a city officer or city employee,
18 or some other person to perform the duties of the office on a temporary
19 basis until such time as the position can be filled as otherwise provided by
20 law or by this charter. The mayor shall file a certificate in substantially the
21 following form, with the city clerk, whenever a person is designated under
22 this section:

23 I designate (name of person) to perform the duties of the office of
24 (designate office in which vacancy exists) on a temporary basis until the
25 office can be filled by (here set out the regular procedure for filling the
26 vacancy, or when the regular officer shall return). I certify that said person
27 is qualified to perform the duties which will be required and that I make this
28 designation solely in the interests of the city of Northampton.

29 (signed)

1 Mayor

2 Persons serving as temporary officers under the authority of this section
3 shall have only those powers of the office indispensably essential to the
4 performance of the duties of the office during the period of such temporary
5 appointment and no others. Notwithstanding any general or special law to
6 the contrary, no temporary appointment shall be for more than ninety days,
7 provided, however, not more than two thirty day extensions of a temporary
8 appointment may be made when a permanent vacancy exists in the office.

9 **SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS**

10 (a) Communications to the City Council - The mayor shall, from time to
11 time, by written communications, recommend to the city council for its
12 consideration such measures as, in the judgment of the mayor, the needs of
13 the city require. The mayor shall, from time to time, by written
14 communication, keep the city council fully informed of the financial and
15 administrative condition of the city and shall specifically indicate in any such
16 reports any fiscal, financial or administrative issues facing the city.

17 (b) Special Meetings of the City Council - The mayor may at any time call a
18 special meeting of the city council, for any purpose, by causing a notice of
19 such meeting to be delivered in hand or to the place of business or residence
20 of each member of the city council. Such notice shall, except in an
21 emergency of which the mayor shall be the sole judge, be delivered at least
22 forty-eight weekday hours in advance of the time set and shall specify the
23 date, time, and location of the meeting and the purpose or purposes for
24 which the meeting is to be held. A copy of each such notice shall,
25 immediately be posted as the general laws relative to such postings shall
26 require.

27 **SECTION 3-6: APPROVAL OF MAYOR, VETO**

28 Every order, ordinance, resolution or vote adopted or passed by the city
29 council relative to the affairs of the city, except memorial resolutions, the