



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

Wednesday, January 11, 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 5:03 p.m.

Members present: David Stevens, Madeline Weaver Blanchette, Megan Murphy Wolf, Todd Thompson, Richard Greene, Gail Perlman, Thomas Miranda, Stephen McGoldrick, William Scher, and Marc Warner. The meeting was audio-taped; Emily Odgers, North Street Association videotaped the meeting.

Wendy Mazza, City Clerk, was present to discuss information regarding voting. Ms. Mazza noted that the maximum time is 42 days, with mechanical issues for ballots and voting machines to be considered. Voters have 20 days to register to vote, and issues such as absentee ballots or permanent disability are all controlled by the State. The City Clerk office staff is doing more. A runoff vote would put an administrative burden on staff. Ms. Mazza noted her opinion that the preliminary elections should be done away with, and a general election is sufficient as low voter trend often is the case.

Thomas Miranda moved to formally recognize Ms. Mazza; Todd Thompson seconded. The motion passed unanimously (9-0).

Ms. Mazza noted the work and expense of elections, regardless of voter turnout; there is not a huge voter turnout, unless a money issue is on the ballot. Ms. Mazza stated her opinion that elections run well in Northampton. Ms. Mazza usually hires 350 election workers, with 42 days minimum preparation time, and all candidates must submit papers with required signatures. Instant Runoff Voting (IRV) is not allowed in Massachusetts at this time. If new machines or retrofitted were certified by the State, IRV could be considered in the future. Candidates must make themselves known, whether their campaign spends \$0 or \$10,000, all have the opportunity to be part of the process.

Chair Stevens again noted that this Committee will formally request that the City Council form a Commission to look at issues of elections, but not to change current process with the proposed Charter.

Public Comment:

Emily Odgers stated her support to eliminate preliminary elections. Ms. Odgers stated that preliminary elections limit candidates to the public, most citizens do not look at elections until September, the Declaration

of Human Rights promotes equal access to public service of citizens' country, and campaigns are often decided by the dollars spent. The recent Councilor-At-Large race was beneficial as the citizens heard from 4 candidates. Ms. Odgers also supported free petition as it can be hard for certain minorities to be represented by City Council.

The Committee continued discussion of election procedures. Madeline Weaver Blanchette stated that preliminary elections give the incumbent an advantage and the concept of majority winner is naïve as so few vote. Voters will increase by allowing increase in candidates in general election. After a lengthy discussion, the Committee again noted that this Committee will strongly recommend an "Elections Commission" to the City Council, for further study of this issue with time taken to study all legal options.

Thomas Miranda moved approval to recommend to City Council to form an "Elections Commission" to study preliminary elections, general elections, IRV, or other options, with regard to State law, emerging technology, with the goal to expand voter and candidate participation, with State guidelines taken into consideration. Todd Thompson seconded. The motion passed unanimously (9-0).

The Committee discussed required signatures for election candidates for City Council and School Committee and other positions. Consensus was that City Council and School Committee for Wards should have 50 required signatures. Consensus for Mayor was 150 required signatures, for At-Large City Council, At-Large School Committee, and City Clerk required should be 100 signatures. Required signatures for Smith Vocational, Trust Fund, and Forbes Library trustees should be 50.

Gail Perlman submitted handouts for discussion of Initiative Petition, Referendum, Free Petition, and Recall. Ms. Perlman asked of this Committee, "What is Best Practice?" and "Is this a Charter issue?" The Committee will discuss these options in next meetings.

Todd Thompson brought up the issue of compensation. Under the current Charter, review of salaries and compensation required only every ten years. Marc Warner noted that this Committee has not done research on this issue. Megan Murphy Wolf noted that COLA should be considered. Thomas Miranda suggested that this Committee not specify compensation, and ask City Council for a Committee to review Mayor, City Council, School Committee, and City Clerk's salaries.

Chair Stevens reviewed tonight's discussion and decisions. Committee members took on topics for narrative papers: Bill Scher – City Council, Madeline Weaver Blanchette – Mayoral pros and cons, Marc Warner – Elections and signatures, Gail Perlman– citizen access, Gail Perlman and Thomas Miranda – Election Commission, Richard Greene – Absence of Mayor, Megan Murphy Wolf – 2/4 year term and term limits, Thomas Miranda – City Clerk elected/appointed. Todd Thompson will assist Bill Scher.

The meeting adjourned at 8:30 p.m.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

NORTHAMPTON SPECIAL ACT DRAFTING COMMITTEE

DECISION TOPICS

City Council

Composition

Term

Term Limit

Vacancies

Confirmation Powers

Multiple Member Bodies

Employees

Mayor

ROLE OF MAYOR CHAIRING CC/SC

Term

Term Limit

Vacancies

Appointing Authority

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

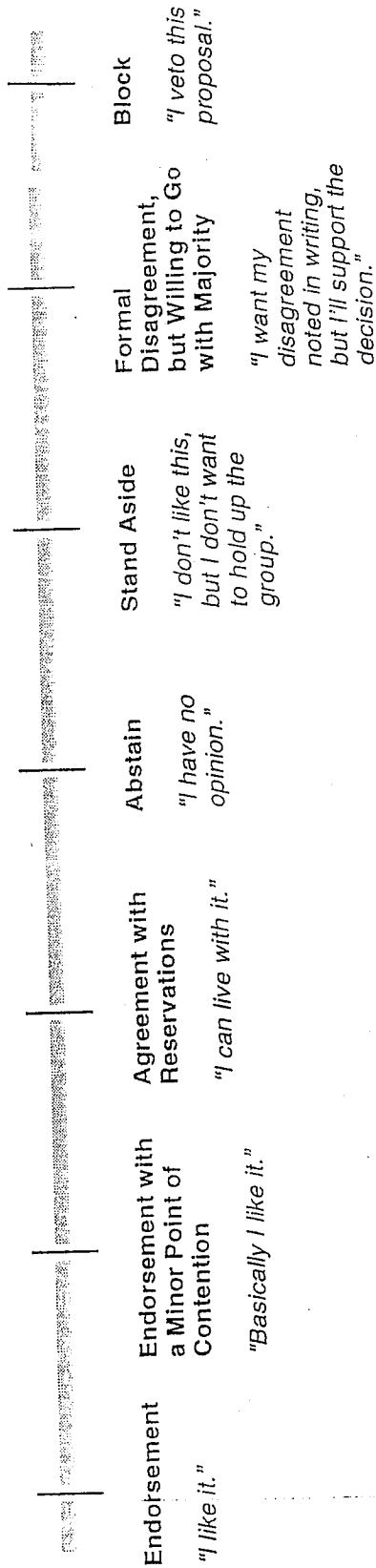
Initiative

Referendum

Recall

Elected Official Compensation

GRADIENTS OF AGREEMENT



CURRENT CHARTER

INITIATIVE PETITION
(REQUEST TO PASS A MEASURE **EXCEPT AS IN C. 164, SEC. 70 OR
71 OR C. 166**)

'MEASURE' IS DEFINED: ORDINANCE, RESOLUTION, ORDER OR
VOTE BY CC OR SC

SIGNATURES NOT ALL ON ONE PAGE/CLIPPED TOGETHER/ 3 PERSONS
DESIGNATED AS FILERS + RESIDENTIAL ADDRESS

WITHIN **5 DAYS OF FILING**, REGISTRARS OF VOTERS CERTIFY
NUMBER OF SIGS AND % OF REGISTERED VOTERS

CITY CLERK TRANSMITS TO CC OR SC + 1X TO ONE OR MORE FILERS

IF PETITION IS SIGNED BY AT LEAST **20%** OF REGISTERED VOTERS,
CC OR SC **SHALL WITHIN 20 DAYS:**

- 1 PASS AS IS (SUBJECT TO REFERENDUM); OR
- 2 CALL SPECIAL ELECTION NOT LESS THAN 30 OR MORE
THAN 45 DAYS FROM DATE OF CERTIFICATION OR IF CITY
ELECTION SCHEDULED W/IN 90 DAYS FF CERTIFICATION,
CC OR SC MAY OMIT SPECIAL ELECTION. (**EFFECTIVE
UPON MAJORITY VOTE**).

IF PETITION IS SIGNED BY AT **LEAST 8%(SEE INCONSISTENCY
WITH "MORE THAN") BUT LESS THAN 20%** OF REGISTERED
VOTERS AND NOT PASSED WITHIN 20 DAYS AS IS, CC OR SC MUST
PUT IT TO A VOTE AT NEXT REGULAR MUNICIPAL ELECTION.

MEASURE BECOMES EFFECTIVE IF APPROVED BY 1/3 OF ALL
REGISTERED VOTERS AND A MAJORITY OF VOTERS VOTING.
(**HIGHER REQUIREMENTS THAN IF 20% SIGNED PET'N**).

BALLOTS FOR IP OR FOR REFERENDUM SHALL STATE THE ISSUE IN
TERMS SUFFICIENT TO SHOW ITS SUBSTANCE.

PROPOSED DRAFT
INITIATIVE PETITION

**ARE THE NAMED EXCEPTIONS THE CONTENT OF THE STATUTES RECITED IN
THE CURRENT CHARTER?**

IS "MEASURE" DEFINED IN THE DEFINITIONS SECTION?

**SIGNATURES NOT ALL ON ONE PAGE, BUT REQUIRES 250 SIGNATURES, 25
FROM EACH WARD + AFFIDAVIT BY 10 WHO WILL BE THE PETITIONS
COMMITTEE. ALSO NEED SENTENCE REQUIRING PETITIONS COMMITTEE TO
DESIGNATE A CLERK AND TELL CITY CLERK**

PETN GOES TO CITY SOLICITOR: 15 Days to tell city clerk w/n it presents a proper
issue as to form and substance. Then to city clerk who issues a form setting out the
issue + the 10 committee members. The committee members have to get **15% of
voters per last election** and return petn to city clerk within 30 days.

THEN CITY CLERK TRANSMITS TO CC OR SC AND TO ONE OR MORE OF PETITIONS
COMMITTEE.

THEN IT'S PUBLISHED PER SEC. (f) of proposed draft.

Then sc or cc shall

- (a) pass it as is
- (b) pass a measure in lieu of the proposal; or
- (c) reject the proposal. If rejected, the city clerk notifies the committee
clerk.

If cc or sc fails to act within 30 days of getting the measure, the measure is deemed
rejected on 30th day. CC OR SC GIVES NOTICE BY CERTIFIED MAIL TO COMMITTEE
CLERK.

WITHIN 60 DAYS OF REJECTION, ORIGINAL PETITIONERS MAY FILE SUPPLEMENTAL
IP IF SIGNED **BY 5% OF REGISTERED VOTERS ADDITIONAL TO THE
ORIGINAL 15%.**

THEN CITY CLERK (**NOT REGISTRAR OF VOTERS?**) DETERMINES W/N SIGS ARE
SUFFICIENT.

THEN SPECIAL ELECTION NOT LESS THAN 35 OR MORE THAN 90 DAYS FF
CERTIFICATION, BUT IF REGULAR ELECTION IN 120 DAYS, OMIT SPECIAL
ELECTION.

PUBLISH FULL TEXT IN NEWSPAPER NOT LESS THAN 7 NOR MORE THAN 14 days
prior to election.

**A MAJORITY OF PERSONS VOTING PASSES THE MEASURE (SEE (H)). BUT
SEE SECTION 8-6 WHICH PROVIDES THAT THERE MUST BE 20% OF THE
VOTERS AS OF THE MOST RECENT REGULAR CITY ELECTION VOTING AT THE
IP ELECTION. THEREFORE, SEC. (h) should be amended to say "Except as
provided in Sec. 8-6 below. . ."**

CURRENT CHARTER
REFERENDUM
TO REPEAL AN EXISTING MEASURE OF CC OR SC

MUST BE FILED WITHIN 20 DAYS FOLLOWING THE PASSAGE OF A
PROTESTED MEASURE.

PETITION MUST HAVE SIGS OF **AT LEAST 12% OF REGISTERED
VOTERS.**

UPON FILING THE PROTESTED MEASURE IS SUSPENDED.

CC OR SC MUST IMMEDIATELY RECONSIDER THE PROTESTED
MEASURE.

IF NOT RESCINDED, CC OR SC MUST SCHEDULE SPECIAL ELECTION
**OR WAIT TIL NEXT CITY ELECTION AT DISCRETION OF CC OR
SC!!**

PROPOSED REPEAL BECOMES VOID UNLESS A MAJORITY OF VOTERS
VOTE IN FAVOR OF REPEAL.

SAME PETITION REQUIREMENTS AS FOR IP - SIGS NOT ALL ON 1
PAGE/ 3 SIGNATURES DESIGNATED AS FILERS/5 DAYS FOR
CERTIFICATION BY REGISTRAR OF VOTERS.

SAME ELECTION PROCEDURES AS IN IP.

SC OR CC MAY THEMSELVES SUBMIT TO VOTE ANY PROPOSAL OR
REFERENDUM.

IF 2 CONFLICTING MEASURES PASS, THE ONE WITH MORE VOTES
WINS.

PROPOSED DRAFT

REFERENDUM

MUST BE FILED WITHIN **21 DAYS** FOLLOWING THE PASSAGE OF A PROTESTED MEASURE. (**DELETE "OF" AT BEG OF LINE 4**).

PETITION SIGNED **BY 15% OF VOTERS** AS OF THE DATE OF THE MOST RECENT REGULAR CITY ELECTION.

UPON FILING, THE PROTESTED MEASURE IS SUSPENDED.

CC OR SC MUST IMMEDIATELY RECONSIDER THE PROTESTED MEASURE.

IF NOT RESCINDED, CC SCHEDULES SPECIAL ELECTION AT ITS CONVENIENCE OR AT A TIME REQUESTED BY THE SC OR AT NEXT REGULAR CITY ELECTION (BUT PROTESTED MEASURE REMAINS SUSPENDED TIL ELECTION).

PROCEDURES ARE AS IN IP PROCEDURES.

NOTE: SECTION 8-4 OF NEW DRAFT:

ARE THE 9 LISTED ISSUES THE SAME AS ISSUES LISTED IN C. 164 AND 166 OF MGL?

IS THE 7TH LISTED ISSUE JUST SO WE DON'T KEEP CIRCLING BACK WITH REPEATED REFERENDA?

IN THE 8TH LISTED ISSUE, DO WE NEED ANY LANGUAGE AFTER "REFERRAL" -- E.G. "OF A MEASURE"?

PROPOSED DRAFT

FREE PETITION

(NOT IN CURRENT CHARTER)

PETITION TO BE SIGNED BY AT LEAST **100 VOTERS (ADD LANG RE AS OF THE LAST MUNICIPAL ELECTION)** SEEKING PASSAGE OF ANY MEASURE.

CC OR SC TO HOLD A PUBLIC HEARING AND TAKE ACTION (BOTH) NO LATER THAN 6 WEEKS AFTER THE PETITION IS FILED WITH THE CITY CLERK OR THE SECRETARY OF THE SC.

THE CITY CLERK OR SECRETARY OF THE SC SHALL, AT LEAST 7 DAYS PRIOR TO THE HEARING, MAIL NOTICE OF THE HEARING TO THE FIRST 10 PEOPLE NAMED ON THE PETITION.

NOTICE BY PUBLICATION OF ALL SUCH HEARINGS SHALL BE AT PUBLIC EXPENSE. **(BUT THE DRAFT DOES NOT MANDATE PUBLICATION NOR GIVE A TIME FRAME FOR IT).**

PROPOSED DRAFT

RECALL
(NOT IN CURRENT CHARTER)

RECALL AVAILABLE FOR ANY ELECTED OFFICIAL WHO HAS SERVED FOR MORE THAN 6 MONTHS AND WHO HAS MORE THAN 6 MONTHS REMAINING IN THE TERM.
(THEREFORE, THE LONGEST TERM A 4 YEAR MAYOR WOULD SERVE WITH RECALL IS 3 YEARS).

PETITION INITIATED BY AFFIDAVIT STATING NAME AND GROUNDS FOR RECALL.

FOR AT LARGE OFFICER, AFFIDAVIT TO BE SIGNED **BY 500 VOTERS OF WHICH 50 ARE FROM EACH WARD.**

FOR WARD OFFICER, AFFIDAVIT TO BE SIGNED BY **300 VOTERS FROM THAT WARD.**

CITY CLERK CERTIFIES SIGNATURES, ISSUES BLANK FORMS TO THE AFFIDAVIT SIGNERS WHO THEN HAVE **28 DAYS TO GET 20% OF THE VOTERS OF THE CITY (DO WE NEED LANGUAGE REFERRING TO THE LAST ELECTION?)** TO SIGN THE PETITION AND RETURN IT TO CITY CLERK.

THEN THE CITY CLERK SUBMITS IT TO CC WITHIN 5 WORKING DAYS AND CC GIVES WRITTEN NOTICE TO THE OFFICER. IF THE OFFICER DOES NOT RESIGN WITHIN 5 DAYS OF RECEIVING NOTICE, THE CC ORDERS AN ELECION FOR NOT LESS THAN 64 AND NOT MORE THAN 90 DAYS AFTER THE DATE OF THE CITY CLERK'S CERTIFICATE. THEY CAN SKIP RECALL ELECTION IF A REGULAR ELECTION IS SCHEDULED WITHIN 150 DAYS OF THE DATE OF THE CERTIFICATE. THE ELECTION IS CANCELLED IF A VACANCY OCCURS IN THE POSITION BEFORE THE ELECTION TAKES PLACE.

THE INCUMBENT CONTINUES TO PERFORM PENDING THE ELECTION. IF NOT RECALLED, CONTINUES TO END OF TERM. IF RECALLED, THE POSITION IS IMMEDIATELY VACANT AND IS FILLED BY CHARTER PROVISIONS RE VACANCIES. THE PERSON FILLING THE POSITION SERVICES "UNTIL NEXT REGULAR CITY ELECTION" **(DOES THAT MEAN THE NEXT GENERAL CITY ELECTION OR THE ELECTION FOR THAT POSITION)?**

IN RECALL ELECTION, A MAJORITY WINS, BUT ONLY IF 20% OF THE VOTERS AS OF THE MOST RECENT REGULAR CITY ELECTION HAVE VOTED. (SEE SEC. 8-6).