

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:

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 10 business days or less; provided, however,
29 that the temporary mayor shall serve only when the needs of the city require and only to the
30 extent necessary under the circumstances. If the temporary absence of the mayor exceeds 10
31 consecutive business days, the president of the city council shall be the acting mayor. If at any
32 time the city council determines that the mayor is incapacitated and unable to perform the duties
33 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 amended by
37 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 and the city
47 council shall, pursuant to section 8-1, order a special election to be held within 90 days following
48 the date the vacancy is created to fill that vacancy until the next regular city election. The person
49 elected at a special city election shall be sworn to office immediately.

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

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

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

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

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

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

73 SECTION 4-6: FILLING OF VACANCIES

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

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

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

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

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

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

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

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

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

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

113 SECTION 5-4: COMMUNITY PRESERVATION COMMITTEE

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

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

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

126 SECTION 11. Section 7-6 of said article 7 of said section 1 of said chapter 277 is hereby
127 amended by striking out the third sentence and inserting in place thereof the following sentence:-
128 The award of a 3-year contract to audit shall be made by the city council on or before September
129 15 of each year.

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

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

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

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

145 SECTION 8-7: CANDIDATES FOR REELECTION

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

148 SECTION 8-8: APPLICATION OF STATE GENERAL LAWS

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

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

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