

SENATE No. 2397

The Commonwealth of Massachusetts

PRESENTED BY:

Donald F. Humason, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the leadership and governance of the city known as the Town of Agawam.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>

SENATE No. 2397

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2397) of Donald F. Humason, Jr. and Nicholas A. Boldyga (with approval of the mayor and city council) for legislation relative to the leadership and governance of the city known as the Town of Agawam. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the leadership and governance of the city known as the Town of Agawam.

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. Section 4-6 of said charter shall be deleted in its entirety and inserting in
2 place thereof the following:- If a vacancy shall occur, by failure to elect or otherwise, in the
3 office of school committeeperson during the first eighteen (18) months of the term for which
4 school committeepersons are elected, no special election shall be held. The City Clerk shall
5 notify the school committee forthwith of such vacancy. The school committee shall, within
6 fifteen (15) days of such notification, choose as school committeeperson for the vacancy,
7 whichever of the defeated candidates for the office of school committeeperson at the regular
8 municipal election at which school committeepersons were last elected, who is eligible and
9 willing to serve, and who received the highest number of votes at such election. If the defeated
10 candidate who received the highest number of votes is ineligible or unwilling to serve, the school
11 committee shall choose the defeated candidate with the next highest number of votes, as so on,
12 until such vacancy is filled, provided such person remains eligible and willing to serve and

13 provided such person received votes at least equal to thirty percent of the vote received by the
14 person receiving the largest number of votes for the office of school committee at said election.
15 If there is a tie in the election the City Clerk shall conduct an automatic recount of the election. If
16 the recount does not break the tie a toss of the coin shall determine the outcome. The Clerk will
17 then list the order of the candidates. If no defeated candidate is eligible and willing to serve, the
18 school committee shall by majority vote of the full committee select a registered voter of the
19 Town of Agawam to fill such vacancy.

20 If such vacancy shall occur after the eighteen (18) calendar months of the term for which
21 the school committee persons are elected, the preceding shall not apply. The person elected at the
22 next regular town election following the creation of the vacancy who receives the highest
23 number of votes for school committee person and who is not then an incumbent member of the
24 school committee shall immediately be sworn and shall, in addition to the term for which the
25 person was elected, serve for the balance of the then unexpired vacant term.

26 SECTION 2. This act shall be submitted for acceptance to the qualified voters of the
27 town of Agawam at the 2017 regular election in the form of the following question:

28 “Shall an act passed by the General Court in the year 2016, entitled ‘An Act Relative to
29 the Leadership and Governance of the city known as the Town of Agawam’ be accepted?”

30 Below the question shall appear a fair and concise summary of the proposed charter
31 amendments prepared by the city solicitor.

32 If a majority of votes cast in answer to this question is in the affirmative, section 1 shall
33 be applicable in the town of Agawam and the charter shall be amended as set forth herein, but
34 not otherwise.

35 SECTION 3. The city solicitor shall prepare the summary required under section 7 not
36 later than sixty (60) days before the election under section 58A of chapter 54 of the General
37 Laws.

38 SECTION 4. This act shall take effect upon passage.