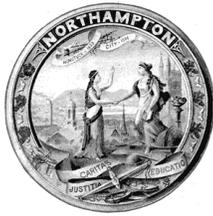


1. Agenda And Minutes For January 9 - January 12, 2012.

Documents: JANUARY 9-12, 2012 CHARTER AGENDA.DOC, JANUARY 9, 2012 SCD MINUTES.PDF, JANUARY 10, 2012 SCD MINUTES.PDF, JANUARY 11, 2012 SCD MINUTES.PDF, JANUARY 12, 2012 SCD MINUTES.PDF



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

*Todd Thompson
William Scher
Thomas Miranda
Megan Murphy Wolf*

**Northampton Special Act Charter
Drafting Committee**

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

**Monday, January 9, 2012
Tuesday, January 10, 2012
Wednesday, January 11, 2012
Thursday, January 12, 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

Please visit http://www.northamptonma.gov/citycouncil/Special_Act_Charter_Drafting_Committee/ for more information.

To submit questions and/or comments regarding the Charter, please email mmidura@northamptonma.gov or deliver or mail written comments to Mary L. Midura, Executive Secretary, City Council office, 210 Main Street, Room 16, Northampton, MA 01060.



Northampton Special Act Charter
Drafting Committee

David P. Stevens, Chair
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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

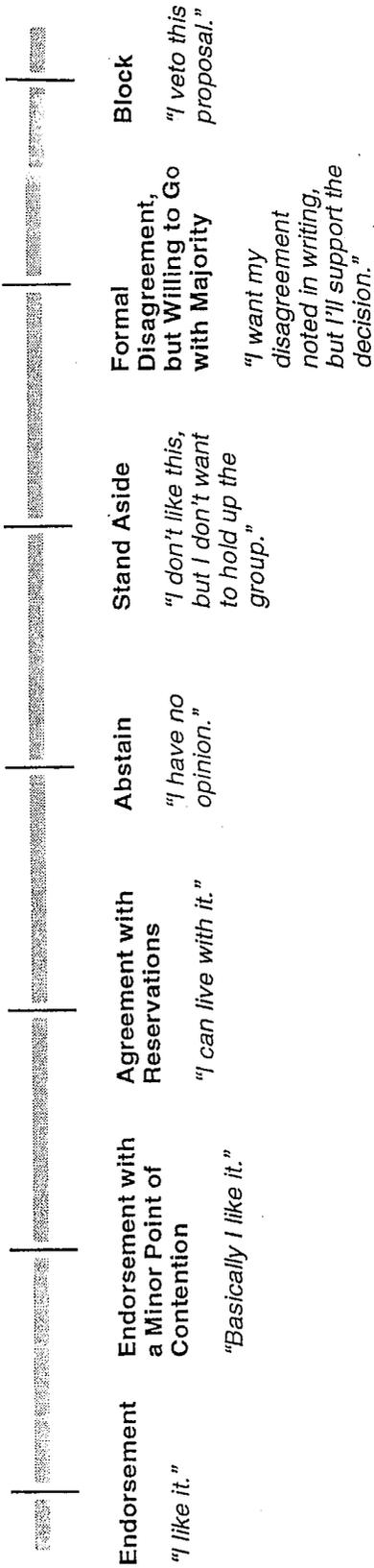
Preliminary
Signature Requirements

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 ^{WHILE IN OFFICE} 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 ³⁰X 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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SUGGESTED

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



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

Tuesday, January 10, 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.

The Committee began general discussions regarding Charter language. Use of the gradients of agreement was made for specific changes to language as noted on attached pages of proposed Charter. Stephen McGoldrick explained that he would work with the City Solicitor and City Clerk to go through the 100+ Special Acts to determine which should be retained in the Charter. Thomas Miranda noted that all Committee members should read through emails sent from citizens. Gail Perlman recommended that each Committee member have a role in the narrative, with notice to those citizens' suggestions, so that people feel responded to. Discussion included City Council agendas and establishment of collaborative effort of City Council and Mayor, assuming Mayor is not Chair of City Council meeting per proposed Charter. Mr. McGoldrick stated that some issues, such as a full-time staff for City Council, are not considered issues to be addressed in the Charter. There was further discussion as to whether the Mayor should Chair the School Committee meetings. Mr. Greene noted that three Mayors at the December 6, 2012 forum were in favor of the Mayor not chairing the City Council meeting, but generally thought that Mayor brings additional City viewpoint to School Committee meetings. Consensus was that the City Clerk position should remain as elected to 2-year term. This Committee will recommend that the City Council set up a Commission to study preliminary elections, Instant Runoff Voting (IRV) and other means of elections, including signature requirements. This Committee will not recommend changes in the current process in this proposed Charter. Mr. McGoldrick noted that a Special Act will be needed to get the Charter question on the State ballot for November 2012 elections.

The meeting adjourned at 8:05 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 ✓
- Meeting Chair ✓
- Presidency ✓
- Vice Presidency
- ~~BPW Fee setting~~
- How Committee Appointments are set
- Agenda
- Term Limits for Committee Members
- Housing Authority/Smith Voc, etc.
- STAFFING

Mayor

- Term
- Term Limit
- Vacancies
- Appointing Authority

School Committee

- Composition
- Term/Staggering Issue
- Vacancies
- Term Limit — NO
- Meeting Chair —

Other Elected Officials

- City Clerk

Elections

- Preliminary
- Signature Requirements
- IRV

Citizen Participation

Inclusion/Signature Thresholds

Free Petition

Initiative

Referendum

Recall

Elected Official Compensation

NORTHAMPTON SPECIAL ACT DRAFTING COMMITTEE

DECISION TOPICS

City Council

Composition

Term

Term Limit

Vacancies

Confirmation Powers

Multiple Member Bodies

Employees

Mayor

Term

Term Limit

Vacancies

Appointing Authority

ROLE OF MAYOR CHAIRING CC/SC

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

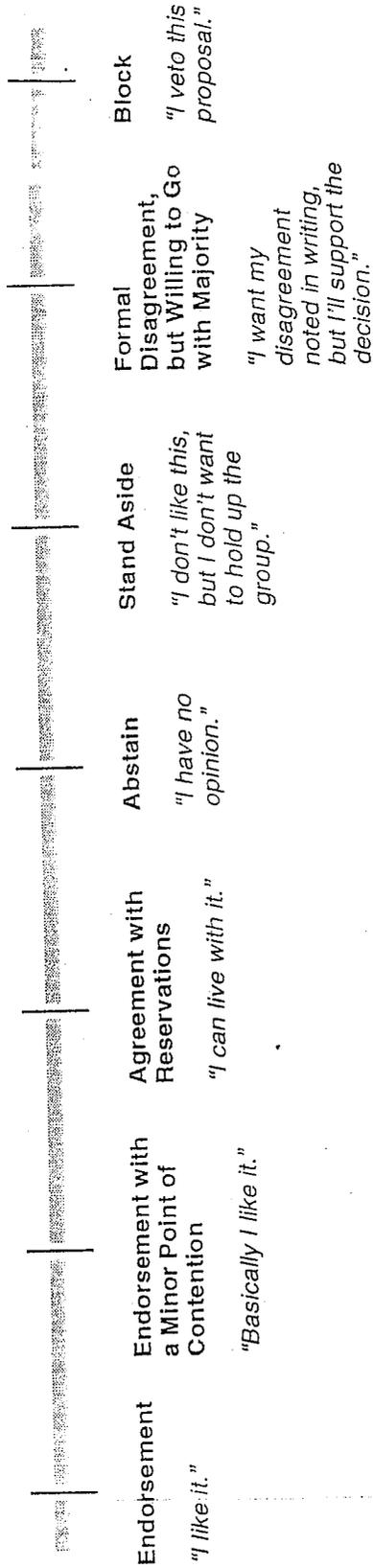
Initiative

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 X members which shall exercise the legislative powers of the city. X of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. X 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 X wards into which the city is divided under section X-X.

(b) *Term of Office* - The term of office for all councilors shall be for X 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 X 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 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 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.

→ Clerk, B of AL, TR FUND, ASSESSORS

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 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 the president of the city council shall become the mayor. Upon the
2 qualification of the president of the city council as the mayor, under this
3 section, a vacancy shall exist in that seat on the city council which shall be
4 filled in the manner provided in section X-X. A president serving as mayor
5 under this sub-section shall not be subject to the restrictions contained in
6 the third sentence of section 3-1(a), nor shall such person be entitled to
7 have the words "candidate for re-election" printed against their name on the
8 election ballot.

9 (c) Powers, Term of Office – The mayor elected under Section 3-10(a) or (b)
10 shall have all the powers of the mayor. A person elected pursuant to
11 subsection (a), above, shall serve for the balance of the term unexpired at
12 the time of election to the office. A person chosen pursuant to subsection
13 (b), above, shall serve until the time of the next regular election at which
14 time the person elected to fill the office for the ensuing term of office shall
15 serve, in addition, for the balance of the then unexpired term.

ARTICLE 4

SCHOOL COMMITTEE

SECTION 4-1: SCHOOL COMMITTEE

20 (a) Composition, Term of Office – There shall be a school committee which
21 shall consist of X members. X of these members shall be nominated and
22 elected by and from the voters of the city at large and ~~X~~⁷ of these members
23 shall be nominated and elected by ward. The mayor shall serve, by virtue of
24 office, as the ~~seventh~~^{TENTH} member of the school committee with all of the same
25 powers and duties as the members elected by the voters as school
26 committee members.⁶

⁶ Assumes mayor is on the school committee

1 (b) Term of Office – The term of office for the ⁹~~X~~ school committee members
2 elected by the voters as school committee members shall be for ~~four~~² years
3 each, beginning on the first Monday after the first Tuesday in January in the
4 year following their election, and until their successors have been qualified.

5 (c) Eligibility – A school committee member shall at the time of election be a
6 voter. If a school committee member removes from the city ⁷during the
7 term for which elected such office shall immediately be deemed vacant and
8 filled in the manner provided in section 4-6.

9 **SECTION 4-2: SCHOOL COMMITTEE CHAIR**

10 (a) Election and Term – As soon as practicable after the school committee
11 members-elect have been qualified following each biennial city election, as
12 provided in section X-X, the school committee shall organize by electing one
13 of the persons elected to the office of school committee member to serve as
14 school committee chair.⁸

15 (b) Powers and Duties – The school committee chair shall preside at all
16 meetings of the school committee, regulate its proceedings and shall decide
17 all questions of order. The school committee chair shall appoint all members
18 of all committees of the school committee, whether special or standing. The
19 school committee chair shall have the same powers to vote upon all
20 measures coming before the school committee as any other member of the
21 school committee. The school committee chair shall perform such other
22 duties consistent with the office as may be provided by this charter or by
23 vote of the school committee.

24 **SECTION 4-3: PROHIBITIONS**

25 No member of the school committee shall hold any other city office or city
26 employment for which a salary is payable from the city treasury. No former

⁷ Or a ward, if elected by ward

⁸ Assumes if mayor is on school committee, he is not chair

1 member of the school committee shall hold any compensated appointed city
2 office or city employment until one year following the date on which such
3 member's service on the school committee has terminated. This provision
4 shall not prevent a city officer or other city employee who has vacated a
5 position in order to serve as a member of the school committee from
6 returning to the same office or other position of city employment held at the
7 time such position was vacated; provided, however, no such person shall be
8 eligible for any other municipal position until at least one year following the
9 termination of service as a member of the school committee.

10 **SECTION 4-4: COMPENSATION**

11 The city council may, by ordinance, establish an annual salary for members
12 of the school committee. No vote increasing the salary of school committee
13 members shall be effective unless it shall have been adopted during the first
14 eighteen months of the term for which school committee members are
15 elected and it provides that such salary is to take effect upon the
16 organization of the city government following the next municipal election.

17 **SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES**

18 The school committee shall have all powers which are conferred on school
19 committees by general laws and such additional powers and duties as may
20 be provided by the charter, by ordinance, or otherwise and not inconsistent
21 with said grant of powers conferred by general laws. The powers and duties
22 of the school committee shall include the following:

23 1) To elect a superintendent of the schools who shall be charged with the
24 administration of the school system, subject only to policy guidelines and
25 directives adopted by the school committee and, upon the recommendation
26 of said superintendent, to establish and appoint assistant or associate
27 superintendents as provided in section fifty-nine of chapter seventy-one of
28 the General Laws;

1 2) To make all reasonable rules and regulations for the management of the
2 public school system and for conducting the business of the school
3 committee as may be deemed necessary or desirable;

4 3) To adopt and to oversee the administration of an annual operating budget
5 for the school department, subject to appropriation by the board of
6 aldermen. The school committee shall have general charge and
7 superintendence of all school buildings and grounds and shall furnish all
8 school buildings with proper fixtures, furniture and equipment. The school
9 committee shall provide ordinary maintenance of all school buildings and
10 grounds; unless a central municipal maintenance department which may
11 include maintenance of school buildings and grounds is established in
12 accordance with law. Whenever the school committee shall determine that
13 additional classrooms are necessary to meet the educational needs of the
14 community, at least one member of the school committee, or a designee of
15 the school committee, shall serve on the agency, board or committee to
16 which the planning or construction of such new, remodeled or renovated
17 school building is delegated.

18 **SECTION 4-6: FILLING OF VACANCIES**

19 (a) Runner-Up to Succeed to Office - If a vacancy shall occur in the office of
20 school committee member the vacancy shall be filled in descending order of
21 votes received by the candidate for the office of school committee member
22 at the preceding city election who received the highest number of votes
23 without being elected, provided such person remains eligible and willing to
24 serve and provided such person received votes at least equal to thirty
25 percent⁹ of the vote total received by the person receiving the highest
26 number of votes for the office of school committee member at the said
27 election. The city clerk shall certify such candidate to the office of school

⁹ Or another percentage

1 committee member to serve for the balance of the then unexpired term,
2 provided, however, if the vacancy occurs during the first twelve months of
3 the term for which school committee members are elected the person so
4 chosen shall serve only until the next biennial election at which election the
5 remainder of the term shall be filled by the voters. If a vacancy shall occur in
6 the office of school committee member during the last six months of the
7 term for which school committee members are elected, such vacancy shall
8 be filled by the person at the biennial city election who receives the highest
9 number of votes for the office of school committee member and who is not
10 then serving as a member of the school committee. Such person shall
11 forthwith be certified and shall serve for the remaining two months of the
12 current term in addition to the term for which such person was elected.

13 ~~(b)~~ Filling of Vacancies By City Council and School Committee - Whenever a
14 vacancy shall occur in the office of school committee member and there is
15 no available candidate to fill such vacancy in the manner provided in section
16 4-6 (a), the president of the city council shall, within thirty days following
17 the date of such vacancy, call a joint meeting of the city council and the
18 school committee to act to fill said vacancy. Persons elected to fill a vacancy
19 by the city council and school committee shall serve only until the next
20 regular election at which time the vacancy shall be filled by the voters and
21 the person chosen to fill such vacancy shall forthwith be sworn and shall
22 serve for the remainder of the unexpired term in addition to the term for
23 which elected. Persons serving as school committee members under this
24 section shall not be entitled to have the words "candidate for reelection"
25 printed against their names on the election ballot.

26
27
28
29

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides. The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

1 ARTICLE 7

2 ELECTIONS

3 SECTION 7-1: PRELIMINARY ELECTIONS¹⁰

4 A preliminary election for the purpose of nominating candidates for mayor,
5 city councilors and school committee members shall be held on the third
6 Tuesday in September in each odd-numbered year in which a mayor is to be
7 elected, but the city clerk may, with the approval of the city council,
8 reschedule this election to the fourth Tuesday to avoid a conflict with any
9 civil or religious holiday. Whenever a special election to fill a vacancy in the
10 office of mayor is to be held, a preliminary election shall be conducted, if
11 necessary, 28 days before the date established for the special election.

12 SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

13 (a) *Signature Requirements* - The number of signatures of voters required to
14 place the name of a candidate on the official ballot to be used at a
15 preliminary election shall be as follows: for the office of mayor not less than
16 500 such certified signatures, provided, however, that at least 25 signatures
17 must be certified from each ward; for the office of councilor-at-large, ward
18 councilor, school committee member at large or ward school committee
19 member, ^{CITY CLERK} not less than 250 such certified signatures. Signatures of voters
20 shall be made on a form prescribed by the registrars of voters and shall be
21 made available no earlier than April 2 in each preliminary election year. Said
22 forms must be submitted to the city clerk on or before 4 o'clock in the
23 afternoon on the forty-fifth day prior to the declared date of such preliminary
24 election. An individual may appear on the ballot for only one office at
25 any preliminary, regular or special election.

26 (b) *Ballot Position* - The order in which names of candidates for each office
27 appear on the ballot shall be determined by a drawing, by lot, conducted by

¹⁰ Preliminary elections are not required.

1 the city clerk at least 40 days before the preliminary election. Such drawing
2 shall be open to the public.

3 *(c) Determination of Candidates* - The 2 persons receiving at a preliminary
4 election the highest number of votes for nomination for an office shall,
5 except as provided by subsection (d) of this section, be the sole candidates
6 for that office whose names shall be printed on the official ballot to be used
7 at the regular or special election at which such office is to be voted upon,
8 and no acceptance of a nomination shall be necessary to its validity. If 2 or
9 more persons are to be elected to the same office at such regular or special
10 city election, the several persons equal in number to twice the number so to
11 be elected receiving at such preliminary election the highest number of votes
12 for nomination for that office shall, except as provided by subsection (d) of
13 this section, be the sole candidates for that office whose names shall be
14 printed on the official ballot. If the preliminary election results in a tie vote
15 among candidates for nomination receiving the lowest number of votes
16 which, but for said tie vote, would entitle a person receiving the same to
17 have their name printed on the official ballot for the election, all candidates
18 participating in said tie vote shall have their names printed on the official
19 ballots, although in consequence thereof there shall be printed on such
20 ballots the names of candidates exceeding twice the number to be elected.

21 *(d) Condition Making Preliminary Unnecessary* - If at the expiration of the
22 time for filing statements of candidates to be voted for at any preliminary
23 election not more than twice as many such statements have been filed with
24 the city clerk for an office as are to be elected to such office, the candidates
25 whose statements have thus been filed shall be deemed to have been
26 nominated to said office, and their names shall be voted on for such office at
27 the succeeding regular or special election, as the case may be, and the city
28 clerk shall not print said names upon the ballot to be used at said
29 preliminary election and no other nomination to said office shall be made. If

Mary Midura

To: Special Act Charter Drafting Committee
Subject: Answers

Committee Members – I was asked to get some information:

Those officials appointed/elected by City Council:

Council Clerk – appointed at beginning of each 2 year Council

Board of Almoners – elected or re-elected in February

Trust Fund Committee – elected or re-elected in February

Assessors – elected or re-elected in February

Board of Health – elected or re-elected in February



Board of Almoners.doc Assessors.doc Board of Health.doc Trust Fund Committee.doc

City Councilors have not had a budget for expenses, MMA membership or fees, or mileage for at least 5 years. This was in some early City budgets years ago, but were eliminated under budget constraints.

Mary L. Midura, Executive Secretary
Northampton, MA City Council & License Commission
210 Main Street
Northampton, MA 01060
413-587-1210
413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm
Friday 8:30 am - 12:00 pm

Updated 3/31/2011-mlm

TRUST FUND COMMITTEE

Elected by the City Council in February, term expires first Monday in March. Northampton City Charter Section 29, Code of Ordinances section 2-208. 3 members for 3-year terms.

Name	Address	Original Appointment Date	Expiration	Who Replaced/Comments
David Herships	22 Warburton Way, Northampton	3/15/07, 4/8/2010	March 2013	Jim Dostal
Gerald Budgar	127 Bridge Street	3/16/06, 4/2/09	2012	Daryl G. LaFleur
Staunton Williams, Jr.	11 Barrett Place	3/20/08	2011	John F. Fortier, Jr.
Daryl G. LaFleur	244 South Street	4/5/01, 3/6/03	2006	
James M. Dostal	624 Ryan Road	1/1/01, 2/19/04	2007	John E. Fitzgerald, Jr.
John F. Fortier, Jr.	42 Platinum Circle	2/20/92, 2/18/93, 3/13/96, 3/2/00, 2/21/02, 3/3/05	2008	

Updated 4/13/2010 - mlm

ASSESSORS

Ordinance amended 12/15/05

- a) The Finance Director of the City of Northampton shall appoint the Principal Assessor. The Principal Assessor shall be given performance evaluations by the Finance Director and shall otherwise be subject to the Rules and Regulations of the City of Northampton Personnel Department as the same may be amended from time to time.
- b) The City Council shall annually in the month of February, in accordance with the provisions of the City Charter and the Laws of the Commonwealth, elect two Assessors of Taxes to serve for the term of three (3) years from the first Monday in March next ensuing. The Assessors shall be appointed for a term of three (3) years and any vacancy in this position shall be filled within 60 days of termination of the incumbent. In the event of a temporary vacancy or a vacancy not filled by the City Council within 30 days, the Finance Director of the City of Northampton may fill this vacancy on a temporary basis until the same is filled by the City Council on a permanent basis. Members of the Board of Assessors shall be required to attend the Massachusetts Association of Assessing Officers (MAAO) Assessor's School and receive the MAAO certification as a Massachusetts accredited assessor.

<u>Name</u>	<u>Address</u>	<u>Original Appt. Date</u>	<u>Expiration</u>	<u>Who Replaced/Comments</u>
Mrs. Joan C. Sarafin Principal Assessor	1051 Chesterfield Road	5/1/80, 2/18/93, 3/13/96, 3/4/99, 2/21/02, 3/3/05		This Position is now appointed by Finance Director
Margo Welch	56 Longfellow Drive	3/16/06, 4/2/09	2012	Joe Cross
Timothy Fullam	80 Damon Road	3/16/06, 3/15/07, 4/8/2010	March 2013	Replaced David Murphy
David A. Murphy Resigned when elected to City Council —	78 North Elm Street	8/20/98, 4/5/01; 2/19/04	2007	
Joseph G. Cross	181 Main Street	9/4/97, 3/2/00, 3/6/03	2006	

Updated 12/5/2011 - mlm

BOARD OF ALMONERS UNDER WILL OF WHITING STREET

Elected by City Council in February - Term expires first Monday in March, Northampton City Charter Section 26 (6 members - 3 year terms)

<u>Name</u>	<u>Address</u>	<u>Original Appt Date</u>	<u>Expiration</u>	<u>Who Replaced/Comments</u>
Patricia Ahearn	20 Fort Street	2/16/84, 2/20/92, 3/25/95, 3/2/00, 2/15/01, 2/19/04, 3/15/07, 4/8/2010	March 2013	
Susan L. Stubbs	13 Trumbull Road	4/2/09	2012	Replaces Helen Bourque
Andrea M. Murray	54 Day Avenue	4/2/09	2012	Replaces Heidi Sawicki
Helen M. Bourque	372B Hatfield St.	9/20/62, 2/17/94, 3/20/97, 3/3/00, 3/6/03, 3/16/06	2009	
Heidi S. Sawicki	565 Riverside Dr.	2/16/01, 3/6/03, 3/16/06	2009	
John W. Helems	54 Upland Road	2/17/77, 2/20/92, 3/2/95, 3/2/2000, 2/15/01, 2/19/04, 3/15/07	2010	
Michael L. Shaughnessy	153 Bridge Street	3/3/83, 2/18/93, 3/13/96, 3/2/00, 2/21/02, 3/3/05, 3/20/08	2011	
Mary E. Griffin	154 Crescent Street	3/2/00, 2/21/02, 3/3/05, 3/20/08	2011	
Joseph P. Misterka	312 Chesterfield Road, Leeds	12/1/2011	2013	To fill unexpired term of John Helems (death)

Updated 3/31/2011 - mhm

BOARD OF HEALTH

Elected by City Council in February - Term expires first Monday in March- 3 Year Term

<u>Name</u>	<u>Address</u>	<u>Original Appointment Date</u>	<u>Expiration</u>	<u>Who Replaced/Comments</u>
Dr. Suzanne Smith	134 State Street	3/20/08	2011	Rosemarie Karparis
Dr. Joanne Levin	40 Columbus Ave, Northampton	4/8/2010	March 2013	Replaces Jay Fleitman
Donna Clarke Saloom, Chairperson	83 Pomeroy Terrace	7/10/2008, 4/2/09	2012	Replaces Xanthi Scringeur
Dr. Richard Brunswick	74 Maynard Road	5/3/2001		Resigned 3/1/04
Rosemarie Karparis	68 Florence Road	3/4/99, 2/21/02, 3/3/05	2008	Re-Elected
Jay Fleitman	15 High Meadow Road	11/7/2002, 5/6/04, 3/15/07	2010	Replaced Cindy Deurnashkin



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

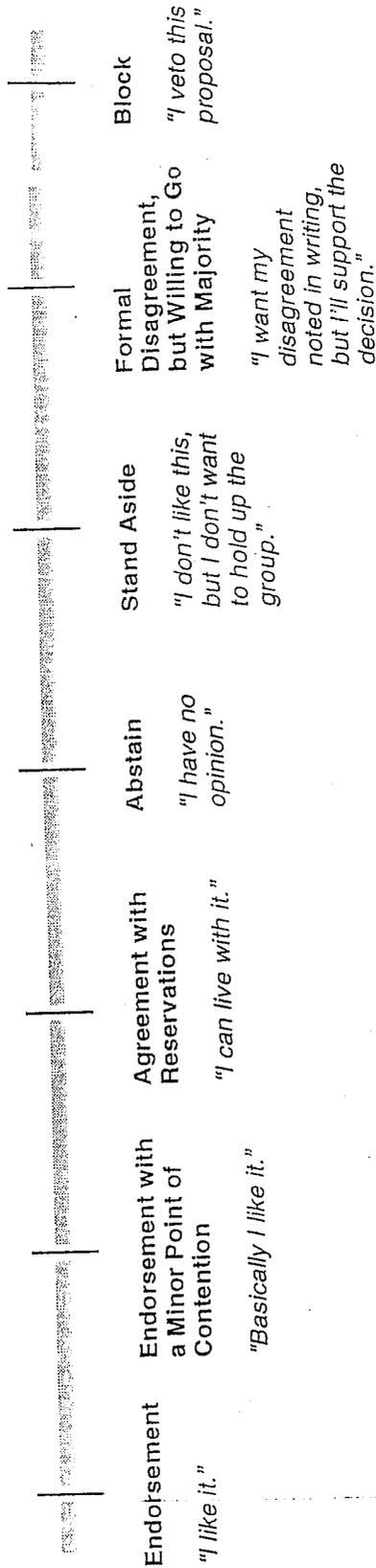
Initiative

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).



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

Thursday, January 12, 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, William Scher, and Marc Warner. Clerk Mary Midura was absent. Emily Odgers, North Street Association videotaped the meeting.

Public Comment:

Emily Odgers stated that the Charter should have safeguards that if the Mayor is not able to perform duties. Ms. Odgers stated she is passionate about free petition. In future, help minorities for racial, religious, transgender – free petition open for groups not represented by City Council.

Marc Warner stated that previous Charter proposals suggested City Clerk be appointed position; do not want to sink this Charter. Issue is not about Ms. Mazza, incumbent would serve out term.

Todd Thompson stated the wisdom to recommend a Commission to study compensation issue; conflicts of interest or confusion, some can be complicated. Thomas Miranda stated that compensation starts with the Mayor – some subject to City Council, but benefits, pension, health mandated by State. Bill Scher stated that transparency is valuable; a Commission could give City Council good public reasons if recommend any increases. Consensus was not reached.

There was discussion regarding proposal by Councilor Freeman-Daniels for Water and Sewer fees to be set by City Council. There was further discussion regarding City Boards and Committees' appointments made at City Council meetings.

The Committee recognized Barry Roth, citizen (9-0).

Mr. Roth stated that issues are often decided before they appear before City Council; views of citizens often not heard. The "pro" position is presented at City Council. If the "cons" are not part of the Charter, some would feel they are not heard. Look at the records, need minority reports and need to see that "cons" are presented.

David Stevens noted that the City Council can disagree, but this Committee does not recommend this issue be placed in the proposed Charter.

Members reviewed their narratives to be completed by Sunday, January 15, 2012 to be sent to Chair. Comments should not be discussed in email. Next meeting is scheduled for January 17, 2012 to prepare for January 19, 2012 City Council presentation of proposed Charter.

The meeting adjourned at 7:08 p.m.

*Minutes by Viewing of Videotape
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

Term

Term Limit

Vacancies

Appointing Authority

ROLE OF MAYOR CHAIRING CC/SC

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

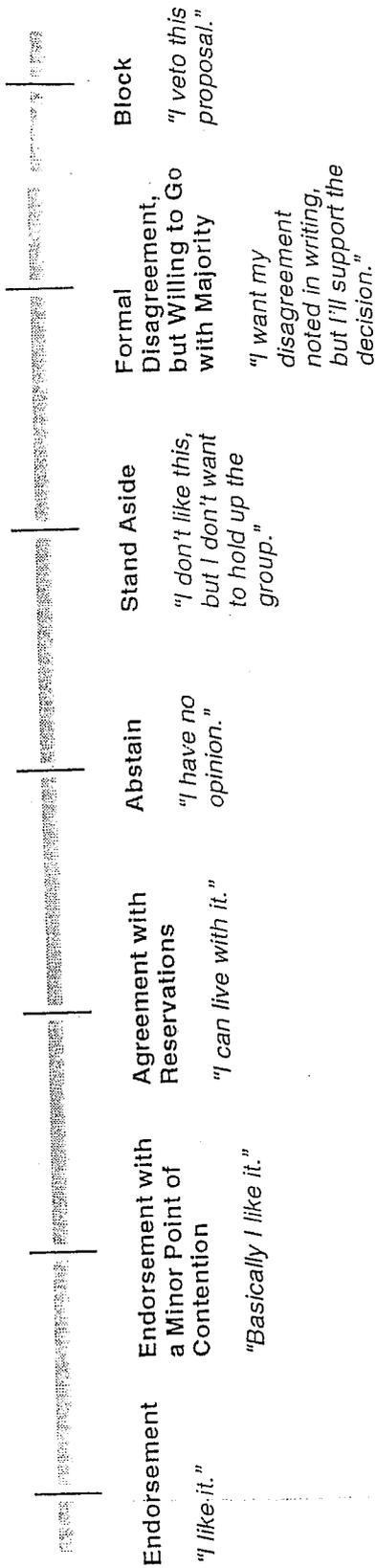
Initiative

Referendum

Recall

Elected Official Compensation

GRADIENTS OF AGREEMENT



Mary Midura

From: Todd Thompson [tkthompson@yahoo.com]
Sent: Thursday, January 12, 2012 9:30 AM
To: Bill Scher; Mary Midura; dpsjkr@comcast.net; gperlman@comcast.net; mwblanchette.law@gmail.com; marc@warnertransportation.com; meganmurphy.wolf@gmail.com; egreene20@comcast.net; stephen.mcgoldrick@umb.edu; tommiranda@comcast.net
Cc: Todd Thompson
Subject: proposed compensation language

Again, to allow for more thoughtful discussion this evening, I thought I'd circulate some language for a friendly amendment to David "compensation commission" language.

Given the Council's historical reluctance to address this inherently conflicted and politically charged issue in a forthright and transparent manner, I would propose a simple default clause that would restrict the ability of the Council to defer and obfuscate by requiring each new Council to publicly vote on fully-detailed compensation packages for ALL elected officials. Something to the effect of:

Proposed language: *"The first order of business of each newly seated Council shall be the approval by a simple majority of the compensation of all the City's elected officials following a full public reading of the salaries, benefits, and other forms of remuneration being proposed for each class of elected officials."*

With comments in [brackets]: *"The first order of business [objective: fix a time & date to ensure transparency] of each newly seated Council [each new council has to take this vote], the council shall be the approval [not defer discussion] by a simple majority vote of the compensation [no restrictions] of all the City's elected officials following a full public reading [no waving of reading] of the salaries, benefits, and other forms of remuneration [comprehensive disclosure] being proposed for each class of elected officials [no names; only offices]."*

Followed by David's commission wording: *"Every ten years prior to the city's debate of the fiscal year budget ending in '5' [confusing: not clear when "city's debate" of FYx5 begins; could we just say "Every ten years beginning in 2014"?:], an independent commission comprised of a representative from each ward and two at large appointed by the mayor and approved by the CC, shall review the salary and compensation package of all elected officials. Any recommendation for change recording a two third majority [why a restrictive supermajority requirement for citizen's commission?] vote will be sent to the CC for enactment by a simple majority. (This is subject to referendum)" [Q: is pay currently subject to referendum?]*

I anticipate there may be objections that such overly prescriptive language does not belong in a Charter. My concern is that compensation, as Gail pointed out, is an inherently conflicted issue. In my opinion it warrants precise language that ensures the utmost transparency and constrains the ability of the Council to fudge this vote without restricting the Council's ability *in any way whatsoever* to set compensation as it sees fit.

Look forward to our discussion tonite.

Todd

David's proposal:

Every ten years prior to the city's debate of the fiscal year budget ending in '5' an independent commission comprised of a representative from each ward and two at large appointed by the mayor and approved by the CC, shall review the salary and compensation package of all elected officials. Any recommendation for change recording a two third majority vote will be sent to the CC for enactment by a simple majority. (This is subject to referendum or is not)

Somerville Ordinance:

There is hereby created a municipal **compensation** advisory board, to consist of five members, three of whom shall be appointed by the mayor and two of whom shall be appointed by the president of the board of aldermen, to serve for terms coterminous with that of the mayor.

- Municipal compensation advisory board duties.

The municipal **compensation** advisory board shall continuously study the adequacy of the **compensation** and expense allowances of all municipal elected officials, all officials appointed by the mayor subject to the approval of the board of aldermen, and any other officials or employees of the city excluded by law from collective bargaining.

Municipal compensation advisory board composition.

The members of the municipal **compensation** advisory board shall serve without **compensation**, but may be allowed expenses with the approval of the mayor, subject to appropriation.

Municipal compensation advisory board reports.

Each even-numbered year, by the third week of November, the municipal **compensation** advisory board shall report to the mayor and board of aldermen its recommendations and findings relative to **compensation** and allowances for those under its jurisdiction. A copy of said report shall be filed with the city clerk and shall be a public record.

How about inserting in the transition article of the proposed charter:

Within ¹⁸⁰~~120~~ days after the approval of this Act by the voters, the city council shall enact an ordinance establishing an Elected Official Compensation Advisory Board. Said ordinance shall contain provisions that the Board shall periodically, but no less frequently than ¹⁰~~5~~ years, study the adequacy and equity of the compensation, benefits and expense allowances of municipal elected officials and report its findings and recommendations to the mayor and city council and said reports shall be filed with the city clerk. Said ordinance shall further specify the composition, term of office and method of appointment of the members of said board and any other provisions deemed appropriate by the city council, ~~provided~~ however, that no member of said Board may be a current or former elected or appointed official of the ~~city.~~

Mary Midura

From: Thomas Miranda [Tmiranda@cooleyshrair.com]
Sent: Friday, January 13, 2012 9:52 AM
To: Mary Midura
Subject: Statement on City Clerk Discussion
Attachments: Should City Clerk be Elected or Appointed (00173852-2).DOC

Mary
Please circulate. I am at work and do not have the mailing list.

Committee members

Here is a draft of my statement outlining our discussion regarding the election or appointment of City Clerk. Feel free to edit at will.

Formatting
Times New Roman
14 point font
Fully justified
1 ½ line spacing

Tom



**Thomas A.
Miranda**
Attorney

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SHOULD CITY CLERK BE AN ELECTED OFFICIAL OR
AN APPOINTED POSITION

The charter commission deliberated extensively regarding the pros and cons of the City Clerk being elected, or being appointed by the Mayor subject to City Council approval, or appointed by City Council. The Committee consensus is that City Clerk should remain an elected official in the City of Northampton. The following is an outline of the concerns raised regarding whether the position should be an appointed position or an elected position.

The City Clerk has responsibilities guided almost entirely by state statutes. Those responsibilities if administered incorrectly have potential for significant impact on the citizens in the documentation of filings, keeping of records, accessibility to official information maintained by the office, etc.

The Committee recognizes that it is critical that the individual serving as City Clerk is effective and efficient in administering the responsibilities of that position and able to effectively communicate with the public and the several city boards which rely upon the City Clerk for filing requirements and other information.

The City Clerk must know the detailed statutory responsibilities, and therefore the Clerk should be someone with the appropriate skills. The position should be filled by a person most competent to administer the duties of the City Clerk and free from potential influence.

We discussed the likelihood that an appointment by either the Mayor or the City Council vetting the field of applicants would result in choosing the professional with the appropriate knowledge and skills needed to administer this very important position. This should decrease the risk of error in conducting public responsibilities required by the position.

Several members of the charter committee stated that in a perfect world the position should be an appointed position and not elected, even though this is a significant change in the way that city government is administered. Several members of the committee believe this significant change is appropriate and a step forward to achieve efficiency in the administration of city government.

After extensive discussion the consensus of the committee is that we do not live in a perfect world. It is a major concern that the appointment would become a political appointment, subject to influence by the appointing body and subject to change with successive administrations, potentially resulting in a lack of continuity in the Office and resulting in a lack of neutrality in the Office of Clerk.

Another concern that many members shared is that if there was a change from election to appointment, this could be a poison pill that would result in significant opposition to the passage of a proposed charter, and we did not want to risk that the proposed charter would not pass in part because of this change.

We discussed a grandfathering provision to allow Ms. Mazza to remain in the position of City Clerk as long as she so desired. Some members of the committee believed that to do so would run the risk of Ms. Mazza enjoying the ability to hold

the position of Clerk without oversight by the public through election, or by the appointing authority whether it be the Mayor or the City Council.

We reviewed the recent 30 to 40 year history of individuals who have held the position of City Clerk. Each held the office for significant periods of time.

Throughout our deliberation issue we discussed and considered the input received from current and former city officials, and several members of the public as was relevant to each of the concerns we discussed.

After considering all of the foregoing we came to the consensus that the City of Northampton would be better served by not changing the method of choosing our City Clerk.

D

A

Mary Midura

From: barry [abenideemail@comcast.net]
Sent: Thursday, January 12, 2012 10:16 PM
To: Mary Midura
Subject: Northampton Special Act Charter Drafting Committee

Barry Roth
1/12/2012

Northampton Special Act Charter Drafting Committee

Dear David, Gail, Madeline, Marc, Richard, Todd, Bill, Thomas, Megan, Stephen --

Sure you are busy art work doing your summations.

I wanted to thank you again for allowing an open discussion on the subject of pros and cons and allowing me to try and clarify.

In light of the discussion on Thursday night, I would go along with a change in the wording of the proposal to take in Dave's practical question and withhold making cons a necessity.

Rather very simply - where a person or group wishes to have a con position made that position be read off along with the pro position and made the basis for the vote and as a record of the vote. It is a small difference between what exists now, but it compels the city council to acknowledge dissenting opinion on record. And it opens the door to assuring that dissident views are heard and put on record.

Thanks for your work,

Barry

