

Northampton Charter Review Committee

Draft Summary of Recommendations 2019

(Revised Nov. 13)

This document summarizes the recommendations of the Charter Review Committee resulting from its study of the current City Charter, enacted in 2012 by special act of the Legislature, St. 2012, c. 277, and ratified by the voters of Northampton on Nov. 6, 2012. The Committee was established in January 2019 to provide for a review of the charter pursuant to Section 10-6 of the City Charter and Chapter 9 of the Northampton Code of Ordinances. The committee was composed of a representative from the executive branch, one member of the City Council and seven citizen members, one resident from each ward, appointed by the mayor in consultation with the ward councilor with confirmation by the City Council. Upon submission of this report to the city clerk, the Committee is dissolved.

The Committee held 18 public meetings, including forums on April 30 on election issues, on June 18 on the issue of appointing rather than electing the city clerk, and on Oct. 29 to review its recommendations. There was an opportunity for public comment at all meetings. The Committee's work was guided by consideration of outstanding issues carried over from its most recent predecessor committee; issues and suggestions presented by the mayor, other elected officials and department heads; written and verbal testimony from the community; and its own review of the existing charter. An annotated copy of the current City Charter also is provided, detailing all the changes recommended by the Committee. The approved minutes of all meetings as well as written testimony received by the Committee are available in the city clerk's office and on the city's website.

Where dates of meetings appear in this document, readers desiring background on recommendations approved by the Committee are encouraged to refer to the corresponding minutes for more information.

Major recommendations made by the Committee are organized in the following categories: expanding the electorate; changing the city clerk from an elected to an appointed position; providing for addressing temporary vacancies in the office of the mayor; filling vacancies on the School Committee and Forbes Library Trustees; and extending to Smith Agricultural School certain provisions pertaining to the School Committee.

More minor recommendations of a "housekeeping" nature are found in the attached annotated copy of the current City Charter.

Finally, the Committee considered several other issues, primarily related to the city's commitment to equity and transparency in government, which did not result in recommended changes to the charter. Nevertheless, we regard them as important and urge further study by city officials for inclusion in this or future amendments to the charter. Those appear at the end of this summary under the categories of under-represented communities, access to information and access to elections.

Expanding the Electorate

1. **The motion to approve lowering the municipal voting age to 16 was approved 8-0 by roll call vote.** *Motion approved May 21. Discussed Feb. 7 and April 30.* The Committee endorsed the recommendation of the Mayor's Youth Commission made at the public forum on election issues April 30. Leaders of the commission cited benefits including increasing voter turnout and encouraging civic engagement at a younger age. They also advocated for high school students having the right to vote for candidates who will make decisions about issues directly affecting them, such as the school budget. Commission leaders also pointed out that many high school students already are activists on issues ranging from March for Our Lives and the Green New Deal, and have the maturity and interest to be responsible voters.
2. **The motion to adopt ranked-choice voting for municipal elections was approved 8-0 by roll call vote.** *Motion approved May 21. Discussed Feb. 19, March 19, April 30 and May 7.* This recommendation has received overwhelming community support as evidenced by testimony at the April 30 forum. Benefits include eliminating the need of costly preliminary elections which are a scheduling challenge; preventing the negative effect of "vote-splitting" and "bullet voting"; and encouraging more positive campaigning that potentially results in more candidates and increased voter participation.
3. **The motion to approve mailing ballots for municipal elections to all registered voters passed 7-0-1 by roll call vote.** *Motion approved May 21. Discussed March 19, April 2 and April 30.* The Committee concurs with the recommendation of the city clerk that mailing ballots to all registered voters remedies numerous problems associated with "absentee voting" and would very likely increase voter participation.
4. **The motion to approve removing the need to cite a specific reason to receive an absentee ballot for municipal elections passed unanimously 8-0 by roll call vote.** *Motion approved May 21. Discussed March 19, April 2 and April 30.* This charter change is recommended in the eventuality that motion #3 (approve mailing ballots) is not enacted. The current requirement to specify a need to receive an absentee ballot is viewed as restrictive, and the Committee concurs with the recommendation of the city clerk that should not be a requirement to receive an absentee ballot.
5. **The motion to recommend removing the designation "candidate for re-election" from the names of incumbents on municipal ballots passed unanimously 8-0 by roll call vote.** *Motion approved June 18. Discussed May 7 and June 4.* This recommendation is made to encourage more candidates to run for elective office by leveling the playing field on municipal ballots.
6. **The motion to approve extending voting rights in municipal elections to non-citizens was approved unanimously 9-0 by roll call vote.** *Motion approved Oct. 29. Discussed July 16 and Oct. 15.* The Committee endorsed this recommendation after favorable testimony by 15 speakers at the Oct. 29 public forum. The Committee believes that this is consistent with the city's commitment to equity, fostering an open and welcome community, embracing diversity and promoting a sense of inclusion for all.

Appointed vs. Elected City Clerk

The motion to recommend that the city clerk be an appointed position by the mayor with confirmation by the city council passed unanimously 9-0 by roll call vote. *Motion approved Sept. 3. Discussed Feb. 19, June 4, June 18, July 16, and Aug. 20.* This recommendation recognizes the professionalism inherent in the position of

city clerk due to the complex nature of the job, and to remove the perception of possible conflict involving a city clerk presiding over an election with their name on the ballot. The most recent prior charter review committee had taken no action on this change due to opposition from the then-city clerk (who was elected), who now testified that she supports the change to an appointed position. The mayor supported this recommendation to bring the city clerk in line with other department heads who are appointed. The current city clerk did not take a public position on the recommendation, but said she would not oppose the change. Several other city clerks were surveyed and testimony was heard from the secretary of the Massachusetts City Clerks Association. It was noted that 43 of 48 cities in Massachusetts now have an appointed city clerk.

Temporary Absences and Vacancies in the Office of Mayor

1. **The motion to approve amended language to Section 3-7 (Temporary Absence of the Mayor) passed unanimously 7-0 by roll call vote. (“The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of 10 business days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances. If the temporary absence of the mayor exceeds 10 business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.”) Motion approved July 16. Discussed Feb. 19, March 19 and June 18.** This recommendation clarifies that if the mayor is absent for 10 business days or less, he or she will delegate authority to the appropriate city official. Only if the temporary absence exceeds 10 business days or if the mayor is incapacitated does the city council president then serve as acting mayor.
2. **The motion to approve the amended version of Section 3-9 (Vacancy in Office of Mayor) passed unanimously 9-0 by roll call vote. (“a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified under this section. In the event that the city council president is unable to serve as mayor under this subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon such vacancy.**
 - b) **Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a special meeting of the city council, and the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately.**
 - c) **Upon the adoption of an order for a special election under subsection b, the city clerk shall set the special election calendar as follows: nomination papers shall be made available within 7 days of the vacancy; nomination papers shall be filed with the board of registrars of voters within 28**

days of the vacancy; the board of registrars shall certify such nomination papers within 30 days of the vacancy and the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall be held within 65 days of the vacancy, if required; a special election shall be held within 90 days of the vacancy.

d) Notwithstanding the provisions of subsection b, no special election shall be ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-two of the term for which the mayor was elected. In such case, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a four-year term.

e) Notwithstanding the provisions of subsection b, no special election shall be ordered if the vacancy occurs in month forty-seven or forty-eight of the term for which the mayor was elected and the mayor will not be serving another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the four-year term for which such person was elected.

f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor.”) *Motion approved Sept. 3. Discussed July 16, Aug. 20 and Sept. 3.* This recommendation is intended to ensure an orderly transition of power by making clarifications and correcting deficiencies in the prior language.

Filling Vacancies on the School Committee and Trustees of Forbes Library

1. The motion to change wording of Section 4-6 (School Committee Filing of Vacancies) was passed 8-0 by roll call vote. (“Whenever a vacancy occurs on the school committee, the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to fill the vacancy. The city council and school committee shall appoint, by majority vote of those present, a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed to fill a vacancy by the city council and school committee shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot. The process and procedures by which the city council and school committee shall jointly fill vacancies under this section shall be established by ordinance.”) *Motion approved May 21.* The changes are recommended to avoid confusion and to align the language with how the joint committee conducts its selection.
2. The motion to change the language of Section 5-2 (Trustees under the will of Charles E. Forbes) passed 6-0-1. (“Five members shall be elected by and from the voters of the city at large for a term of four years, so arranged that all members are not elected at the same time. Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the president of the board

shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately and shall serve for the unexpired term of the seat to which such candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, such candidate shall be elected for a full four-year term. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons appointed by the trustees to fill a vacancy under this section shall not be entitled to have the words "candidate for re-election" printed with that person's name on the election ballot.") *Motion approved May 21. Discussed Feb. 19, April 2, April 16, and May 7.* This recommendation replaces language specifying that "Vacancies shall be filled in a like manner as a city clerk vacancy." Officials of Forbes Library testified that the remaining members of the trustees best understand the skills needed to fill the vacancy on the board. The recommendation adopts language agreed to by the mayor and trustees of the library.

Extending School Committee provisions to Smith Agricultural School

1. **The motion to replace the words "city clerk" with "school committee" in Section 5-4, (Superintendents of Smith Agricultural School) passed unanimously 8-0 by roll call vote. ("Vacancies shall be filled in a like manner as a school committee vacancy.")** *Motion approved March 19. Discussed Feb. 19.* The recommendation brings the procedure to fill a vacancy on the board of trustees for Smith Agricultural School in line with that used to fill a vacancy on the School Committee.
2. **The motion to include the Smith Agricultural School trustees to the invite list in Section 7-2 (Annual Budget) passed unanimously 8-0 by roll call vote.** *Motion approved March 19.* This motion was passed to remedy an oversight in the current charter. The mayor will include the Smith Agricultural School trustees when he conducts the joint meeting of the city council and the school committee before the commencement of the budget process.
3. **The motion to include the words "persons serving under superintendents of Smith Agricultural School" to language in Section 3-3 (Appointments by the mayor) passed unanimously 8-0 by roll call vote.** *Motion approved March 19.* The amended sentence of Section 3-3 adds the superintendents of Smith Agricultural School to the School Committee and City Council. (**"The mayor shall appoint, subject to review by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided however, this shall not include persons serving under the school committee, persons serving under the superintendents of Smith Agricultural School, and persons serving under the city council."**)

Topics for further study

Under-represented communities

The Charter Review Committee spent a good amount of time considering how to further the goal of better engaging under-represented communities in its own work as well as more broadly throughout municipal government. While the committee ultimately did not recommend any changes to the charter pertaining to this issue, it strongly encourages the City Council, mayor and other officials to continue efforts to reach out to under-represented communities and increase diversity in municipal government.

In particular, we urge continued attention to the “Re-Energizing Democracy” recommendations compiled in 2016 by the City of Northampton Department of Planning & Sustainability with the assistance of the Pioneer Valley Planning Commission. That report notes that while “Northampton has a long commitment of and success in involving and serving all community members and stakeholders and focusing on social equity ... inequitable access to opportunity still exists for African-American, Latino/Hispanic and other residents in Northampton and across the United States because of our country's history of institutionalized racism.”

The “Re-Energizing Democracy” report identifies three major barriers to participation by residents: lack of knowledge/time (including frustration with being unable to efficiently find information on the city's website, and uncertainty over how to gain experience and/or skill sets to serve on city boards); logistics (including residents whose first language is not English, and economically disadvantaged residents who may require transportation to and/or child care at meetings); and lack of trust/faith in government (including residents who report not feeling welcome at meetings and not receiving direct-person invitations to meetings).

We encourage city officials to consider remedies to these barriers including arranging meetings in neighborhoods convenient to members of under-represented communities; providing translation services; and considering incentives to encourage diversity in municipal government such as a tiered system of stipends based on financial need.

Finally, we recommend that the mayor and City Council, in appointing the next Charter Review Committee in 2029, consider how best to achieve a diverse membership by, for example, enlarging its size and/or using criteria reflecting the city's demographics in addition to ward representation.

Access to information

Throughout our deliberations, the committee heard concerns from residents and current and former officials about access to information, including the performance of municipal departments, the roles of public officials, the responsibilities of boards and committees, and the mechanics of running for office. In particular, the concerns dealt with availability of information to the public, particularly those residents without access to computers and online capabilities; the ability of information to present accurate “activity” data describing performance goals and accomplishments for departments; and the timeliness of some of the available information if it is to be used by officials for decision-making. Although the committee voted not to include recommendations in the charter about improved presentation and access to information, we suggested several possible remedies in a separate letter to the mayor included in the appendices.

Access to elections

Consistent with the committee's recommendations to encourage increased participation by voters, we also encourage further study by the city clerk of printing ballots, nomination papers and related election materials in languages other than English. We endorse this as another step to increase access to elections.