
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.
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

Page 1 of 1
Special Act Charter Drafting Committee Minutes of January 9, 2012
NORTHAMPTON SPECIAL ACT DRAFTING COMMITTEE

DECISION TOPICS

City Council
Composition: SAME
Term: 2 YR WARD, 4 YR AT-LARGE
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
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ARTICLE 2

LEGISLATIVE BRANCH

COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a city council of 9 members which shall exercise the legislative powers of the city. 2 of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. 1 of these members, to be known as ward 1 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 5 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 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 2 year terms. The method

---

1 Or "district"

2 Or some other day
of election of the president and vice-president shall be prescribed within the
rules of the city council.
(b) Powers and Duties - The president shall preside at all meetings of the
city council, regulate its proceedings and shall decide all questions of order.
The president shall appoint all members of all committees of the city council,
whether special or standing. The president shall have the same powers to
vote upon all measures coming before the city council as any other member
of the city council. The president shall perform any other duties consistent
with the office that may be provided by charter, by ordinance or by other
vote of the city council. The vice-president shall preside in the absence of
the president.

PROHIBITIONS
(a) Holding Other City Position - No member of the city council shall hold
any other city position. No former member of the city council shall hold any
compensated city position until 1 year following the date on which the
former member's service on the city council has terminated. This provision
shall not prevent a city employee who vacated a position in order to serve as
a member of the city council from returning to the same position upon the
expiration of the term for which he was elected.
(b) Interference with Administration - No city council or any member of the
city council shall give orders or directions to any employee of the city
appointed by the mayor, either publicly or privately.
(c) Felony Conviction - Any person who has been finally convicted of a state
or federal felony shall not be eligible to petition for or serve in any elective
or appointive office or position under the city. Any councilor who has been
finally convicted of a state or federal felony shall be deemed to have vacated
said office and shall be disqualified from serving in any other elective or
appointive office or position under the city.
COMPENSATION; EXPENSES

(a) Compensation - The members of the city council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing or reducing the salary of the members of the city council shall be effective unless it shall have been adopted by a 2/3 vote of the full city council. No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted during the first 18 months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election. Subject to appropriation, members of the city council shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

EXERCISE OF POWERS: QUORUM; RULES

(a) Exercise of Powers - Except as otherwise provided by general law or by this charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) Quorum - The presence of members shall constitute a quorum for the transaction of business. Except as otherwise provided by general law or by this charter, the affirmative vote, taken by roll call vote, of members shall be required to adopt an appropriation order. Except as otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a majority of the full city council shall be required to adopt any ordinance.

(c) Rules of Procedure - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
(i) Regular meetings of the city council shall be held at a time and place
fixed by ordinance. All regular meetings of the city council shall provide for a
period of public comment, provided however, the city council may
promulgate rules that regulate such period of public comment as deemed
appropriate.

(ii) Special meetings of the city council shall be held at the call of the
president or at the call of any or more members, for any purpose, by
causing a notice of the meeting to be delivered in hand to each member of
the city council. This notice shall, except in an emergency of which the
president shall be the sole judge, be delivered at least 48 weekday hours in
advance of the time set and shall specify the purpose or purposes for which
the meeting is to be held. A copy of each such notice shall immediately be
posted in accordance with applicable laws.

(iii) All sessions of the city council and of every committee or subcommittee
of the council shall at all times be open to the public unless another
provision is made by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council
shall be kept by the city clerk, which shall include a record of each vote
taken, and which shall be made available with reasonable promptness
following each meeting. Unless otherwise provided by law, the minutes of
any executive session shall be made available as soon as their publication
would not defeat the lawful purposes of the executive session.

**ACCESS TO INFORMATION**

(a) *In General* - The city council may make investigations into the affairs of
the city and into the conduct and performance of any city agency.

(b) *Information Requests* - The city council may require any member of an
appointed multiple-member body or any city employee to appear before it to
give any information that the city council may require in relation to the
municipal services, functions, powers, or duties which are within the scope
of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayor - The city council at any time may request from the mayor specific information on any municipal matter and may request the mayor to be present to answer written questions relating thereto at a meeting to be held not earlier than 7 days from the date of the receipt by the mayor of said questions. The mayor shall personally, or through any designated city employee, attend such meeting and respond to said questions. The mayor or the person so designated to attend shall not be obliged to answer questions relating to any other matter.

(d) Notice - The city council shall give a minimum of 7 days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing.

**APPOINTMENTS OF THE CITY COUNCIL**

To be determined.

**ORDINANCES AND OTHER MEASURES**

(a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 10 days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements
after the enacting clause declaring that an emergency exists and describing
its scope and nature in clear and specific terms. A preamble which declares
and defines the emergency shall be separately voted on and shall require
the affirmative vote of 2/3 of the full city council. An emergency measure
may be passed with or without amendment or rejected at the meeting at
which it is introduced. No measure making a grant, renewal or extension,
whatever its kind or nature, or a franchise or special privilege shall be
passed as an emergency measure, and except as provided by the laws of the
Commonwealth, no such grant, renewal or extension shall be made
otherwise than by ordinance. An emergency measure shall become effective
upon adoption or at such later time as it may specify.

(c) Charter Objection- On the first occasion that the question on adoption of
a measure is put to the city council, if a single member present objects to
the taking of the vote, the vote shall be postponed until the next meeting of
the city council whether regular or special. If 2 members present shall
object, such postponement shall be until the next regular meeting; but for
an emergency measure at least 4 members present, in all, must object. This
procedure shall not be used more than once for any specific matter
notwithstanding any amendment to the original matter. A charter objection
shall have privilege over all motions but must be raised prior to or at the call
for a vote by the presiding officer and all debate shall cease.

CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

The mayor shall submit to the city council the name of each person the
mayor desires to appoint as a department head or as a member of a
multiple-member body, but not including any position which is subject to the
civil service law. The city council may refer each name submitted to it to a
standing committee of the council which shall review each candidate for
appointment and may make a recommendation to the full city council not
less than 7 nor more than 45 days after the referral. The committee may
require any person whose name has been referred to it to appear before the
committee, or before the city council, to give any information relevant to the
appointment that the committee, or the city council, may require.

Appointments made by the mayor shall become effective on the forty-fifth
day after the date on which notice of the proposed appointment was filed
with the city clerk unless approved or rejected by the city council within the
45 days.

**FILLING OF VACANCIES**

(a) Councilor-at-Large - If a vacancy shall occur in the office of councilor-at-
large during the first 12\(^3\) months of the term for which councilors are
elected, the vacancy shall be filled in descending order of votes received by
the candidate for the office of councilor-at-large at the preceding city
election who received the highest number of votes without being elected,
provided such person remains eligible and willing to serve and provided such
person received votes equal to at least X percent of the vote total received
by the person receiving the highest number of votes for the office of
councilor-at-large at that election. The city clerk shall certify this candidate
to the office of councilor-at-large to serve for the balance of the then
unexpired term. If a vacancy shall occur in the office of councilor-at-large
during the last 12 months of the term for which councilors-at-large are
elected, the vacancy shall be filled by the person at the biennial city election
who receives the highest number of votes for the office of councilor-at-large
and who is not then serving as a member of the city council. This person
shall immediately be certified and shall serve for the remaining 2 months of
the current term in addition to the term for which the person was elected.

(b) Ward Councilor - If a vacancy shall occur in the office of ward councilor,
it shall be filled in the same manner as provided in section 2-11(a) for the

\(^3\) Assumes a 2-year term
office of councilor-at-large except that the list shall be of the candidates for
the office of ward councilor in the ward in which the vacancy occurs, but if
there be no candidate on such list who remains eligible and willing to serve,
the next highest ranking candidate from among the candidates for election
to the councilor-at-large who is a resident of the ward in which the vacancy
exists shall be certified and shall serve until the next regular election
provided such candidate remains a resident of the ward, is willing to serve
as a ward councilor and received votes in the ward equal to at least X per
cent of the vote total received by the person receiving the highest number of
votes for the office of ward councilor at that election. The city clerk shall
certify this candidate to the office of ward councilor to serve for the balance
of the then unexpired term.

(c) Filling of Vacancies By Board of Aldermen - If a vacancy shall occur in the
office of councilor-at-large or in that of ward councilor and there is no
available candidate to fill the vacancy in the manner provided in section 2-11
(a) or (b), the vacancy shall be filled by the remaining members of the city
council. Persons elected to fill a vacancy by the city council shall serve only
until the next regular election at which time the vacancy shall be filled by the
voters and the person chosen to fill the vacancy shall immediately be sworn
and shall serve for the remainder of the unexpired term in addition to the
term for which elected. Persons serving as councilors under this section shall
not be entitled to have the words "candidate for re-election" printed against
their names on the election ballot.

ARTICLE 3
EXECUTIVE BRANCH
Section 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;
COMPENSATION; PROHIBITIONS
(a) Mayor, Qualifications – The chief executive officer of the city shall be a
mayor, elected by and from the voters of the city at large. Any voter shall be
eligible to hold the office of mayor. The mayor shall devote full time to the
office and shall not hold any other elective public office, nor shall the mayor
be engaged in any other business, occupation or profession during the
period of service as mayor.

(b) Term of Office – The term of office of the mayor shall be *2* years
beginning on the first Monday after the first Tuesday in January following the
biennial city election at which chosen and until a successor is qualified.

(c) Compensation – The city council shall, by ordinance, establish an annual
salary for the mayor. No ordinance altering the salary of the mayor shall be
effective unless it shall have been adopted in the first eighteen months of
the term for which councilors are elected and it provides that such salary is
to become effective in January of the year following the next biennial city
election.

(d) Prohibitions – The mayor shall hold no other city office or city
employment for which a salary is payable from the city treasury. No former
mayor shall hold any compensated appointed city office or city employment
until one year following the date on which such former mayor’s city service
has terminated. This provision shall not prevent a city officer or other city
employee who has vacated a position in order to serve as mayor from
returning to the same office or other position of city employment held at the
time such position was vacated; provided, however, no such person shall be
eligible for any other municipal position until at least one year following the
termination of service as mayor. This prohibition shall not apply to persons
covered under the leave of absence provisions of section thirty-seven of
chapter thirty-one of the General Laws.

**SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

The executive powers of the city shall be vested solely in the mayor, and
may be exercised by the mayor either personally or through the several city
agencies under the general supervision and control of the office of the
mayor. The mayor shall cause the charter, the laws, the ordinances and
other orders for the government of the city to be enforced, and shall cause a
record of all official acts of the executive branch of the city government to be
kept. The mayor shall exercise general supervision and direction over all city
agencies, unless otherwise provided by law, or by this charter. Each city
agency shall furnish to the mayor, forthwith upon request, any information,
materials or otherwise as the mayor may request and as the needs of the
office of mayor and the interest of the city may require. The mayor shall
supervise, direct and be responsible for the efficient administration of all city
activities and functions placed under the control of the mayor by law or by
this charter. The mayor shall be responsible for the efficient and effective
coordination of the activities of all agencies of the city and for this purpose
shall have authority consistent with law, to call together for consultation,
conference and discussion at reasonable times all persons serving the city,
whether elected directly by the voters, chosen by persons elected directly by
the voters, or otherwise. The mayor shall be, by virtue of the office, a
member of every appointed multiple member body of the city. The mayor
shall have a right, as such ex officio member, to attend any meeting of any
appointed multiple member body of the city, at any time, including, so
called, executive sessions, to participate in the discussions, to make motions
and to exercise every other right of a regular member of such body, but not
including the right to vote.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to the review of such appointments by the
city council as provided in section X-X, 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, excepting only persons
serving under the school committee, and persons serving under the city
council. All appointments to multiple-member bodies shall be for terms
established in accordance with the provisions of section X-X. Upon the
expiration of the term of any member of a multiple-member body, a
successor shall be appointed in like manner. The mayor shall fill any vacancy
for the remainder of the unexpired term of any member of a multiple-
member body. All persons classified as department heads shall, subject to
the consent of the mayor, appoint, promote and discipline all assistants,
subordinates and other employees of the agency for which such person is
responsible. All appointments and promotions made by the mayor shall be
made on the basis of merit and fitness demonstrated by examination, past
performance, or by other evidence of competence and suitability. Each
person appointed to fill an office or position shall be a person especially
fitted by education, training and previous work experience to perform the
duties of the office or position for which chosen.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES
Whenever a vacancy, either temporary or permanent, occurs in a city office
and the needs of the city require that such office be filled, the mayor may
designate the head of another city agency or a city officer or city employee,
or some other person to perform the duties of the office on a temporary
basis until such time as the position can be filled as otherwise provided by
law or by this charter. The mayor shall file a certificate in substantially the
following form, with the city clerk, whenever a person is designated under
this section:
I designate (name of person) to perform the duties of the office of
(desinate office in which vacancy exists) on a temporary basis until the
office can be filled by (here set out the regular procedure for filling the
vacancy, or when the regular officer shall return). I certify that said person
is qualified to perform the duties which will be required and that I make this
designation solely in the interests of the city of Northampton.
(signed)
Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than ninety days, provided, however, not more than two thirty day extensions of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The mayor shall, from time to time, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from time to time, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight weekday hours in advance of the time set and shall specify the date, time, and location of the meeting and the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, immediately be posted as the general laws relative to such postings shall require.

SECTION 3-6: APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the
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

Special Act Charter Drafting Committee Minutes of January 10, 2012
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 ✓
- DPW Fee setting ✓
- How Committee Appointments are set ✓
- Agenda ✓
- Term Limits for Committee Members ✓
- Housing Authority/Smith Voc, etc. ✓

Mayor
- Term ✓
- Term Limit ✓
- Vacancies ✓
- Appointing Authority ✓

School Committee
- Composition ✓
- Term/Staggering Issue ✓
- Vacancies ✓
- Term Limit -
- 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

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ROLE OF MAYOR CHAIRING CC/SC
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ARTICLE 2

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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 ward\(^1\) 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 year terms. The method

\(^1\) Or "district"

\(^2\) Or some other day
of election of the president and vice-president shall be prescribed within the
rules of the city council.

(b) Powers and Duties - The president shall preside at all meetings of the
city council, regulate its proceedings and shall decide all questions of order.
The president shall appoint all members of all committees of the city council,
whether special or standing. The president shall have the same powers to
vote upon all measures coming before the city council as any other member
of the city council. The president shall perform any other duties consistent
with the office that may be provided by charter, by ordinance or by other
vote of the city council. The vice-president shall preside in the absence of
the president.

PROHIBITIONS

(a) Holding Other City Position - No member of the city council shall hold
any other city position. No former member of the city council shall hold any
compensated city position until 1 year following the date on which the
former member's service on the city council has terminated. This provision
shall not prevent a city employee who vacated a position in order to serve as
a member of the city council from returning to the same position upon the
expiration of the term for which he was elected.

(b) Interference with Administration - No city council or any member of the
city council shall give orders or directions to any employee of the city
appointed by the mayor, either publicly or privately.

(c) Felony Conviction – Any person who has been finally convicted of a state
or federal felony shall not be eligible to petition for or serve in any elective
or appointive office or position under the city. Any councilor who has been
finally convicted of a state or federal felony shall be deemed to have vacated
said office and shall be disqualified from serving in any other elective or
appointive office or position under the city.
COMPENSATION; EXPENSES
(a) Compensation - The members of the city council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing or reducing the salary of the members of the city council shall be effective unless it shall have been adopted by a 2/3 vote of the full city council. No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted during the first 18 months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election. Subject to appropriation, members of the city council shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

GENERAL POWERS
Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

EXERCISE OF POWERS; QUORUM; RULES
(a) Exercise of Powers - Except as otherwise provided by general law or by this charter, the legislative powers of the city council may be exercised in a manner determined by it.
(b) Quorum - The presence of X members shall constitute a quorum for the transaction of business. Except as otherwise provided by general law or by this charter, the affirmative vote, taken by roll call vote, of X members shall be required to adopt an appropriation order. Except as otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a majority of the full city council shall be required to adopt any ordinance.
(c) Rules of Procedure - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayor - The city council at any time may request from the mayor specific information on any municipal matter and may request the mayor to be present to answer written questions relating thereto at a meeting to be held not earlier than 7 days from the date of the receipt by the mayor of said questions. The mayor shall personally, or through any designated city employee, attend such meeting and respond to said questions. The mayor or the person so designated to attend shall not be obliged to answer questions relating to any other matter.

(d) Notice - The city council shall give a minimum of 7 days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing.

APPOINTMENTS OF THE CITY COUNCIL

To be determined.

ORDINANCES AND OTHER MEASURES

(a) Measures- No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 10 days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures- An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements
after the enacting clause declaring that an emergency exists and describing
its scope and nature in clear and specific terms. A preamble which declares
and defines the emergency shall be separately voted on and shall require
the affirmative vote of 2/3 of the full city council. An emergency measure
may be passed with or without amendment or rejected at the meeting at
which it is introduced. No measure making a grant, renewal or extension,
whatever its kind or nature, or a franchise or special privilege shall be
passed as an emergency measure, and except as provided by the laws of the
Commonwealth, no such grant, renewal or extension shall be made
otherwise than by ordinance. An emergency measure shall become effective
upon adoption or at such later time as it may specify.

(c) Charter Objection- On the first occasion that the question on adoption of
a measure is put to the city council, if a single member present objects to
the taking of the vote, the vote shall be postponed until the next meeting of
the city council whether regular or special. If 2 members present shall
object, such postponement shall be until the next regular meeting; but for
an emergency measure at least 4 members present, in all, must object. This
procedure shall not be used more than once for any specific matter
notwithstanding any amendment to the original matter. A charter objection
shall have privilege over all motions but must be raised prior to or at the call
for a vote by the presiding officer and all debate shall cease.

CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

The mayor shall submit to the city council the name of each person the
mayor desires to appoint as a department head or as a member of a
multiple-member body, but not including any position which is subject to the
civil service law. The city council may refer each name submitted to it to a
standing committee of the council which shall review each candidate for
appointment and may make a recommendation to the full city council not
less than 7 nor more than 45 days after the referral. The committee may
the president of the city council shall become the mayor. Upon the qualification of the president of the city council as the mayor, under this section, a vacancy shall exist in that seat on the city council which shall be filled in the manner provided in section X-X. A president serving as mayor under this sub-section shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall such person be entitled to have the words “candidate for re-election” printed against their name on the election ballot.

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

ARTICLE 4

SECTION 4-1: SCHOOL COMMITTEE

(a) Composition, Term of Office – There shall be a school committee which shall consist of X members. X of these members shall be nominated and elected by and from the voters of the city at large and X of these members shall be nominated and elected by ward. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.6

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

(c) Eligibility – A school committee member shall at the time of election be a voter. If a school committee member 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 4-6.

SECTION 4-2: SCHOOL COMMITTEE CHAIR

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

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

SECTION 4-3: PROHIBITIONS

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

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7 Or a ward, if elected by ward

8 Assumes if mayor is on school committee, he is not chair
member of the school committee shall hold any compensated appointed city
office or city employment until one year following the date on which such
member’s service on the school committee has terminated. This provision
shall not prevent a city officer or other city employee who has vacated a
position in order to serve as a member of the school committee from
returning to the same office or other position of city employment held at the
time such position was vacated; provided, however, no such person shall be
eligible for any other municipal position until at least one year following the
termination of service as a member of the school committee.

SECTION 4-4: COMPENSATION
The city council may, by ordinance, establish an annual salary for members
of the school committee. No vote increasing the salary of school committee
members shall be effective unless it shall have been adopted during the first
eighteen months of the term for which school committee members are
elected and it provides that such salary is to take effect upon the
organization of the city government following the next municipal election.

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES
The school committee shall have all powers which are conferred on school
committees by general laws and such additional powers and duties as may
be provided by the charter, by ordinance, or otherwise and not inconsistent
with said grant of powers conferred by general laws. The powers and duties
of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the
administration of the school system, subject only to policy guidelines and
directives adopted by the school committee and, upon the recommendation
of said superintendent, to establish and appoint assistant or associate
superintendents as provided in section fifty-nine of chapter seventy-one of
the General Laws;
2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

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

SECTION 4-6: FILLING OF VACANCIES

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

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

4. Filling of Vacancies By City Council and School Committee – Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill such vacancy in the manner provided in section 4-6 (a), the president of the city council shall, within thirty days following the date of such vacancy, call a joint meeting of the city council and the school committee to act to fill said vacancy. Persons elected to fill a vacancy by the city council and school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words “candidate for reelection” printed against their names on the election ballot.
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.
ARTICLE 7

ELECTIONS

SECTION 7-1: PRELIMINARY ELECTIONS

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

SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

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

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

10 Preliminary elections are not required.
the city clerk at least 40 days before the preliminary election. Such drawing shall be open to the public.

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

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

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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Original Appointment Date</th>
<th>Expiration</th>
<th>Who Replaced/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gerald Budgar</td>
<td>127 Bridge Street</td>
<td>3/16/06, 4/2/09</td>
<td>2012</td>
<td>Daryl G. LaFleur</td>
</tr>
<tr>
<td>Staunton Williams, Jr.</td>
<td>11 Barrett Place</td>
<td>3/20/08</td>
<td>2011</td>
<td>John F. Fortier, Jr.</td>
</tr>
<tr>
<td>Daryl G. LaFleur</td>
<td>244 South Street</td>
<td>4/5/01, 3/6/03</td>
<td>2006</td>
<td></td>
</tr>
<tr>
<td>James M. Dostal</td>
<td>624 Ryan Road</td>
<td>11/1/01, 2/19/94</td>
<td>2007</td>
<td>John E. Fitzgerald, Jr.</td>
</tr>
<tr>
<td>John F. Fortier, Jr.</td>
<td>42 Platinum Circle</td>
<td>2/20/92, 2/18/93, 3/13/96, 3/2/00, 2/21/02, 3/3/05</td>
<td>2008</td>
<td></td>
</tr>
</tbody>
</table>
Updated 4/13/2010 - mlm

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.

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Original Appt Date</th>
<th>Expiration</th>
<th>Who Replaced/Comments</th>
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<tbody>
<tr>
<td>Patricia Ahearn</td>
<td>20 Fort Street</td>
<td>2/16/84, 2/20/92, 3/25/95, 3/2/00, 2/15/01, 2/19/04, 3/15/07, 4/8/2010</td>
<td>March 2013</td>
<td></td>
</tr>
<tr>
<td>Susan L. Stubbs</td>
<td>13 Trumbull Road</td>
<td>4/2/09</td>
<td>2012</td>
<td>Replaces Helen Bourque</td>
</tr>
<tr>
<td>Andrea M. Murray</td>
<td>54 Day Avenue</td>
<td>4/2/09</td>
<td>2012</td>
<td>Replaces Heidi Sawicki</td>
</tr>
<tr>
<td>Helen M. Bourque</td>
<td>372B Hatfield St.</td>
<td>9/20/62, 2/17/94, 3/20/97, 3/3/00, 3/6/03, 3/16/06</td>
<td>2009</td>
<td></td>
</tr>
<tr>
<td>Heidi S. Sawicki</td>
<td>565 Riverside Dr.</td>
<td>2/16/01, 3/6/03, 3/16/06</td>
<td>2009</td>
<td></td>
</tr>
<tr>
<td>John W. Helms</td>
<td>54 Upland Road</td>
<td>2/17/77, 2/20/92, 3/2/95, 3/2/2000, 2/15/01, 2/19/04, 3/15/07</td>
<td>2010</td>
<td></td>
</tr>
<tr>
<td>Mary E. Griffin</td>
<td>154 Crescent Street</td>
<td>3/2/00, 2/21/02, 3/3/05, 3/20/08</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Joseph P. Misterka</td>
<td>312 Chesterfield Road, Leeds</td>
<td>12/1/2011</td>
<td>2013</td>
<td>To fill unexpired term of John Helms (death)</td>
</tr>
</tbody>
</table>
Updated 3/31/2011 - mlm

**BOARD OF HEALTH**

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Original Appointment Date</th>
<th>Expiration</th>
<th>Who Replaced/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. Suzanne Smith</td>
<td>134 State Street</td>
<td>3/20/08</td>
<td>2011</td>
<td>Rosemarie Karparis</td>
</tr>
<tr>
<td><strong>Dr. Joanne Levin</strong></td>
<td><strong>40 Columbus Ave, Northampton</strong></td>
<td>4/8/2010</td>
<td>March 2013</td>
<td>Replaces Jay Fleitman</td>
</tr>
<tr>
<td>Donna Clarke Saloom,</td>
<td>83 Pomeroy Terrace</td>
<td>7/10/2008, 4/2/09</td>
<td>2012</td>
<td>Replaces Xanthi Scrimgeour</td>
</tr>
<tr>
<td>Chairperson</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Richard Brunswick</td>
<td>74 Maynard Road</td>
<td>5/3/2004</td>
<td></td>
<td>Resigned 3/1/04</td>
</tr>
<tr>
<td>Rosemarie Karparis</td>
<td>68 Florence Road</td>
<td>3/4/99, 2/21/02, 3/3/05</td>
<td>2008</td>
<td>Re-Elected</td>
</tr>
<tr>
<td>Jay Fleitman</td>
<td>15 High Meadow Road</td>
<td>11/7/2002, 5/6/04, 3/15/07</td>
<td>2010</td>
<td>Replaced Cindy Deurmashkin</td>
</tr>
</tbody>
</table>
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 works, 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

Page 1 of 2

Special Act Charter Drafting Committee Minutes of January 11, 2012
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
  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

Role of Mayor Chairing CC/SC
<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bottom</td>
<td>Block</td>
<td>&quot;I veto this proposal.&quot;</td>
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<td>Bottom</td>
<td>Agreement w/ a Minor Point of Contention</td>
<td>&quot;I like it.&quot;</td>
</tr>
<tr>
<td>Bottom</td>
<td>Agreement</td>
<td>&quot;Basically, I like it.&quot;</td>
</tr>
</tbody>
</table>
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 SIGNS 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.
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 RESCINCED, 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).
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 ELECTION 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).
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

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

ROLE OF MAYOR CHAIRMAN CC/SC
<table>
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<th>Endorsement</th>
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<th>Agreement with Reservations</th>
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<td>&quot;I want my disagreement noted in writing, but I'll support the decision.&quot;</td>
<td>&quot;I veto this proposal.&quot;</td>
</tr>
</tbody>
</table>
Again, to allow for more thoughtful discussion this evening, I thought I'd circulate some language for a friendly amendment to David's "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 tonight.

Todd
David's proposal:

Every ten years prior to the city's debate of the fiscal year budget ending in 'S' 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:

- 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 90 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 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@cooleyshrain.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 1/2 line spacing

Tom

Thomas A.
Miranda
Attorney

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Bio | Add to Outlook
LinkedIn Profile

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Consider your responsibility to the environment - think before you print!
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.
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