

Charter Review Committee agenda Tuesday, July 16, 2019, 6:30 p.m.
City Hall Hearing Room 18, 210 Main St., Northampton, MA 01060

1. Approval Of Minutes For June 18, 2019 Meeting
2. Public Comment
3. Updates From Committee Members
4. Report By Subcommittee On Outreach To Under-Represented Communities, Consideration Of "Re-Energizing Democracy Recommendations" And Discussion Of Action Plan
5. Further Discussion And Vote On Possible Amendment To Section 3-7 (Temporary Absence Of The Mayor) (See Attachment 1)

Documents:

[ATTACHMENT1 7-16 \(AMEND SECTION 3-7 TEMPORARY ABSENCE OF THE MAYOR\).DOCX](#)

6. Further Discussion And Vote On Proposals To Extend Conflict Of Interest To Immediate Family Members In Article 2 (Legislative Branch) Section 2-3 (Prohibitions); Article 3 (Executive Branch) Section 3-1 (Mayor: Qualifications; Terms Of Office; Compensation; Prohibitions); And Article 4 (School Committee) Section 4-3 (Prohibitions) (See Attachment 2)

Documents:

[ATTACHMENT2 7-16 \(EXTENDING CONFLICT OF INTEREST TO IMMEDIATE FAMILY MEMBERS\).DOCX](#)

7. Discussion And Vote On Possible Revisions To Section 3-9 (Vacancy In Office Of Mayor) (See Attachment 3)

Documents:

[ATTACHMENT3 7-16 \(PROPOSED REVISIONS TO SECTION 3-9 VACANCY IN OFFICE OF MAYOR\).DOC](#)

8. Adjourn

CURRENT LANGUAGE – Section 3-7(a) Temporary Absence of the Mayor

- (a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other cause, the mayor is unable to perform the duties of the office, the president of the city council shall be the acting mayor. The city council, by the affirmative vote of 7 members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

PROPOSED AMENDED LANGUAGE - Section 3-7(a) Temporary Absence of the Mayor

- (a) Acting Mayor. 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.

Proposal to extend conflict of interest to immediate family members

Amend to add language noted in blue:

▪ Article 2 LEGISLATIVE BRANCH

SECTION 2-3 - PROHIBITIONS

(a) Holding Other City Position - No member of the city council shall hold any other compensated city position. [No immediate family member of a city council member shall hold a compensated city position.](#)

▪ Article 3 EXECUTIVE BRANCH

SECTION 3-1 - MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

(d) Prohibitions - The mayor shall hold no other compensated city position. [No immediate family member of the mayor shall hold a compensated city position.](#)

▪ Article 4 SCHOOL COMMITTEE

SECTION 4-3 - PROHIBITIONS

No member of the school committee shall hold any other compensated city position. [No immediate family member of a school committee member shall hold a compensated city position.](#)

NOTE: There are no prohibitions extended to other elected officials in Article 5 of the charter. At a minimum, this same prohibition on immediate family members should probably be extended to the SVAHS Trustees to align them with the School Committee.

Proposed revisions to Section 3-9 (Vacancy in Office of Mayor)

Existing text

- (a) If a vacancy in the office of mayor occurs prior to the eighteenth month of the term for which the mayor is elected, 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 such vacancy until the next regular city election. The person elected at that special city election shall take office immediately. If a regular city election is to be held within 120 days following the date the vacancy is created a special election need not be held and the office shall be filled by vote at the regular city election.
- (b) If a vacancy in the office of mayor occurs between the nineteenth and twenty-second month of the term for which the mayor is elected, the city council president shall serve as mayor until the next regular election. The city council president serving as mayor under this subsection shall take office immediately and serve for the balance of the then unexpired term.
- (c) If a vacancy in the office of mayor occurs between the twenty-third and fortieth month of the term for which the mayor is elected, 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 serve for the balance of the then unexpired term.
- (d) If a vacancy in the office of mayor occurs during or after the forty-first month of the term for which the mayor was elected, the city council president shall serve for the balance of the then unexpired term.
- (e) In the event that the city council president is unable to serve as mayor under this section, the city council shall elect, from among its membership, a person to serve as mayor.
- (f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor.

Suggested changes bolded

- (a) If a vacancy in the office of mayor occurs prior to the **forty-first** month of the term for which the mayor is elected, 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 such vacancy until the next regular city election. The person elected at that special city election shall take office immediately. If a regular city election is to be held within 120 days following the date the vacancy is created a special election need not be held and the office shall be filled by vote at the regular city election. **The city council president shall serve as mayor until the office is filled either by a special or regular city election.**
- (b) If a vacancy in the office of mayor occurs during or after the forty-first month of the term for which the mayor was elected, the city council president shall serve for the balance of the then unexpired term. **(Existing subsection d.)**
- (c) In the event that the city council president is unable to serve as mayor under this section, the city council shall elect, from among its membership, a person to serve as mayor. **(Existing subsection e.)**
- (d) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor. **(Existing subsection f.)**