



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Gina-Louise Sciarra, Vice Chair

Councilor Rachel Maiore

Councilor John Thorpe

MEETING MINUTES

Date: March 2, 2020, Time: 7 p.m.

Location: City Council Chambers, 212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 7 p.m., Chair Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Dwight, Councilor Maiore, Councilor Sciarra and Councilor Thorpe. Also present were City Councilors Karen Foster, Alex Jarrett and James Nash, Administrative Assistant Laura Krutzler and the members of the Charter Review Committee.

The main focus of the meeting is to discuss the report and executive summary of the Charter Review Committee (CRC), which worked all last year through 19 public meetings discussing possible modifications to the city charter, the equivalent of their constitution - a document that dictates how they govern themselves, Councilor Dwight explained.

2. **Public Hearing on Charter Review Committee Recommendations**
 - A. **Presentation by Charter Review Committee Chair Stan Moulton and Vice Chair Sam Hopper**

Councilor Sciarra moved to open the public hearing. Councilor Maiore seconded. The motion passed unanimously 4:0 by voice vote. The public hearing was opened at 7:02 p.m.

Councilor Dwight opened the floor to general public comment.

Zane Lumelsky of 20 Hampton Avenue, Hampton Court Apartments, noted that his ward councilor, John Thorpe, came to a meet and greet last week and a couple of issues came up. When the city does things for homeowners, often renters aren't included. Councilor Thorpe informed him that the senior rebate program does include renters, so that's good. The example he's aware of is that, when the planning department notifies abutters within 200 feet, it only notifies owners of record. For a recent hearing on a new development to be built adjacent to Hampton Court, the owner got notification but no one in his five-story apartment building with 70 units was aware of the hearing. His suggestion is for that, for anything that involves renters or homeowners, renters should be considered. It is more work for the planning department, but he doesn't think it is too onerous to send a letter to each resident who is an abutter.

Another resident who was not able to be in attendance tonight has been advocating for food trucks, Mr. Lumelsky shared. He said he didn't know if this topic is addressed by the charter.

Everything he's mentioned so far would *not* meet the threshold for inclusion in the charter, Councilor Dwight advised. The issues he's mentioned would be the subject of ordinances and, therefore, on the plate of the City Council, he said.

Northampton High School students and Youth Commission members Noah Kassis, 17, and Dahlia Breslow, 15, spoke in favor of the charter provision that would take the next step toward lowering the municipal voting age to 16. They are hearing strong support and he wants to thank the City Council, Mayor and everybody who's been so supportive of this measure so far, Kassis said. They really believe this is the best way to promote civic engagement among young people and among all people, actually, since families in countries which have done this have greater turnout.

Delia Martinez said she received a letter from Ward 2 Councilor Karen Foster. She has lived there for 20 years. She has been to all the meetings with the exception of one regarding what's going on. She was a little uncomfortable because, in all the years she's been coming to city meetings, for the first time, questions were not answered properly. At Leeds Elementary School, two older men were asking questions and it was frustrating how the Mayor just wouldn't answer the questions.

She punched through the website to see how much more money she would be paying in taxes due to the override and it was almost \$355 more a year, plus \$208 more for the Community Preservation Act. Her question was whether that was going to be every year and he would not answer it. It's her understanding that if the taxes go up over \$500 the first year, the following year it will be \$500 more on top of that; that every year it's going to be \$500 more. She was not the only one asking, she said.

Councilor Dwight clarified that tonight's agenda is about the charter, not the override. He directed her to her ward councilor, Karen Foster, for more information. They can't discuss the override because it is not on the agenda, he explained.

In a letter she received, she saw the voting age is proposed to be reduced to 16, Ms. Martinez continued. In other countries, if you are not a certain age, you don't vote. She is concerned because, while it is nice that young people are interested in the political process, there is always a financial aspect to everything they vote on. She thinks they should be cautious because adults have worked really hard and are financially responsible for the people in their household. She is concerned that young people may think something is okay but it is their parents who will be responsible for paying for it.

"We adults are the ones who dish out the money for everything," she observed.

She also couldn't understand extending the right to vote to non-citizens. In other countries, if you're not a citizen you don't vote. She doesn't understand that thought process. "I just want an explanation, that's all."

Councilor Dwight said she might find the presentation helpful in that respect. One of the important terms to consider is not necessarily citizens but residents, he suggested. They are offering residents the opportunity to vote within the community to determine the governance of their community.

However, they cannot assure that everyone who is a non-citizen owns property and pays taxes, Ms. Martinez pointed out.

Councilor Dwight offered the historical perspective that, over a hundred years ago in the United States, only property owners were allowed to vote and, in fact, only male property owners. In addition, people were considered property, namely slaves. That has since changed, by his reckoning, for the better. The rationalization is that whether someone owns property or not, they should have the opportunity and be entitled to vote on the governance of their community.

She understands that but was thinking about money, since some voting questions require money to be paid. Some non-citizens do not have the opportunity for paid employment since it requires licensing, etc. and so are limited to low wages. It is just a thought, she presented.

Some people besides herself also asked if they could see how CPA money is spent, Ms. Martinez said. She wondered how they could get access to this information.

Councilor Dwight informed Ms. Martinez that the Community Preservation Committee (CPC) holds posted meetings at which it votes on all CPA proposals. Whenever the CPC approves funds, the appropriation also comes before the City Council for approval.

CHARTER REVIEW COMMITTEE PRESENTATION

Councilor Dwight introduced the chair and vice chair of the Charter Review Committee (CRC), Stan Moulton and Sam Hopper.

Mr. Moulton thanked the City Council for taking up the CRC's recommendations so quickly in the new year. He stated his intention to talk about the process the committee used to come up with its report and some of its guiding principles. Ms. Hopper will present specific recommendations.

The CRC report consists of an executive summary and annotated recommendations. Both documents were approved unanimously 9:0. In fact, with the exceptions of a few abstentions, all the committee's recommendations were approved unanimously, he reported.

Their work was guided by consideration of outstanding issues carried over by the most recent study committee, guidance from the Mayor, other city officials and department heads, written and verbal testimony from members of the public and their own review of the existing charter. The group held 19 meetings between February and December – all with opportunity for public comment - for which extensive minutes are available. They held three public hearings – one on election issues, one on appointment vs. election of the city clerk and the third to review their recommendations. During the last hearing in October, the committee heard extensive testimony about extending voting rights in municipal elections to noncitizens. While most people who spoke were Northampton residents, they also reached out to outside subject matter experts such as Voter Choice Massachusetts on the issue of ranked choice voting and the Massachusetts City Clerk's Association on best practices for selecting a city clerk.

At all hearings, the committee heard near-unanimous testimony on the major topics considered. They believe the strength of the report results from the breadth of topics considered, the weight of the recommendations (particularly those on the expanded electorate) and the unity of their members. Again, all votes were unanimous with the exception of a few abstentions, he reiterated.

There are several issues they believe deserve further study, particularly those related to equity and transparency in municipal government. These can best be addressed by future charter amendments or perhaps some other remedy, he proposed. They appear at the end of the summary.

The report is not a document that is inseparable, he stressed. The City Council can adopt whatever recommendations it wishes as it moves forward and can actually add recommendations.

Ms. Hopper stressed that the city can also amend the charter again at any time. She reviewed the CRC's major recommendations as follows:

Expanding the electorate

- 1) Lower voting age for municipal elections to 16. One of the arguments is that young people are working and paying taxes and a lot of things they vote on at the municipal level directly affect young people, such as decisions related to public schools.
- 2) Adopt ranked-choice voting in an attempt to be more representative
- 3) Approve mailing ballots for municipal elections to all registered voters
- 4) Remove the need to cite a specific reason for absentee voting. Now, certain conditions must be met to vote absentee; this would allow anyone to exercise that option.
- 5) Approve extending voting rights in municipal elections to non-citizens in the community. A lot of noncitizens participate in Northampton's community and economy; they work here, pay taxes and send children to public school, Hopper pointed out. Municipal voting directly affects them, but right now they don't have a voice. This is another way to expand the electorate and make sure the residents of the community are heard.

Removing obstacles to run for elected office – i.e. - removing the phrase 'candidate for reelection' from ballots.

Recommending changing to an appointed vs. elected City Clerk. Committee members did not hear any objection to this, she noted.

Extensive clarification of language in the section Temporary Absence of the Mayor and revision to Section 3-9 Vacancy in Office of Mayor. Existing language could be construed to require appointment of an acting mayor if the mayor went to Boston for the day, Ms. Hopper observed. With technological advances like cell phones and email, communication with the mayor can be readily maintained even when he is not physically present. In addition, the CRC changed language in Section 3-9 to allow a mayor-elect to take office immediately following the November election if the incumbent Mayor left before the end of the term.

CRC members also made seemingly small changes to extend School Committee provisions to employees of Smith Vocational and Agricultural High School. Northampton is the only municipality out of 351 in Massachusetts with two school districts. To recognize its proper status, the CRC added the requirement that SVAHS representatives be invited to the budget presentation at the start of the budget season and changed the method of filling vacancies to be consistent with how they are filled on the School Committee.

Similarly, the CRC changed some language with regard to filling vacancies on the trustees of Forbes Library to give remaining trustees the authority to choose a replacement. And, members changed language with regard to the independent audit to stipulate that it be a three-year contract.

And, while the CRC did not think some issues warranted charter amendments, they did recommend that they otherwise be addressed. For example, members sent a letter to the mayor requesting that annual departmental budget reports include more robust reports of departmental activity.

Also, they spent a lot of time discussing outreach and participation in general to under-represented communities. Based on their conversations, they think this warrants a bigger, city-wide study. Finally, members recommended having election-related information printed in languages other than English.

Members asked questions and offered comments. Councilor Sciarra noted that a downside of mailing ballots in advance may be that they might not reflect last-minute changes, such as a candidate dropping out. CRC members acknowledged this possible drawback but suggested it is outweighed by the potential benefit of increased participation.

Councilor Dwight asked Bob Voorhees if he considered ranked choice voting a mechanism to address this.

The ability to rank one's preference would provide an opportunity if candidates were to drop out, Mr. Voorhees confirmed. In municipal elections, where 20% registered voter turnout is considered a groundswell, a lot of their recommendations were geared toward encouraging participation, he stressed. To his mind, in weighing the pros and cons, the advantage of encouraging participation greatly outweighs the disadvantage that some of these unusual situations may present.

In response to a question from Councilor Maiore, Ms. Hopper confirmed there are no significant funding obstacles to mailing the ballot. City Clerk Pam Powers wasn't alarmed by the cost of the proposal.

This provision was actually proposed by the City Clerk, Mr. Moulton said. As Ms. Hopper said, she is not concerned about the cost. The mailing of ballots does not compel anyone to vote early, he clarified.

She has been hearing consternation this week from people who voted for someone who was no longer on the ballot, Councilor Sciarra volunteered.

With regard to the city clerk being elected vs. appointed, Councilor Jarrett asked if there was discussion of who should appoint the city clerk. There are a number of municipalities in Massachusetts where the city council appoints the city clerk, he noted.

The CRC made the recommendation that the appointing authority be the Mayor, Ms. Hopper responded. One of the reasons is that the city council would be nine bosses while the Mayor is just one. Also, it is consistent with the process for other appointments.

In Easthampton, the city council makes the appointment, Councilor Dwight advised. It was discussed and considered whether that would be appropriate in Northampton as well. One reason offered in support is that the clerk would not feel the pressure of an elected official with agency over him/her. However, there was concern that this could be amplified with councilors in that, if one goes rogue, he or she could also apply pressure to the clerk. The council serves as a check against a mayor behaving badly because the mayor's appointment is subject to the council's confirmation. There is no corresponding check against a council behaving badly, so it was considered more difficult to manage.

Another reason for having the mayor appoint and the city council confirm is that this is the process for appointment of other major department heads in the city, Mr. Moulton added.

Ms. Martinez asked if there is a term limit for an appointed clerk, and Councilor Dwight said no.

Councilor Jarrett clarified that the city council's only power is in its initial approval of the clerk. If the city clerk began behaving badly by doing something to benefit the Mayor in the next election, for example, it would not have the ability to intervene.

"As long as it is within the letter of the law, there is not much recourse the council has," Councilor Dwight agreed.

Councilor Thorpe asked if there are other states or municipalities that have extended voting rights in municipal elections to non-citizens.

There are no states, but there are some municipalities – San Francisco and scattered others - Mr. Moulton said.

Councilor Dwight expressed his understanding that there is a proposal in state legislature to consider the state-wide granting of residential voting rights to noncitizens.

Members heard concern about the protection of non-citizens' personal information and concluded that responsibility for the privacy of this information belonged to the residents themselves, Ms. Hopper added.

Regarding removal of the phrase 'candidate for reelection' from the ballot, Councilor Sciarra pointed out that this language is retained in revised wording for filling vacancies on the School Committee and trustees of Forbes Library

If the decision is made to universally remove the phrase, it will be struck from these sections as well, Ms. Hopper clarified. They did not take out this language in new sections in case the overall removal of 'candidate for re-election was rejected, Mr. Moulton added.

Ms. Hopper said she would like to make a public comment as citizen Sam rather than as a member of the CRC. They talked a lot about under-represented communities. She is a mixed race woman, and it was a very painful discussion. From what happened at charter review and what she experienced, she would strongly recommend that if any committee or the council takes this on, that folks be ready to be fully vulnerable and to have honest discussions. She will own up to saying she was not ready to be vulnerable and say some of these things before, but she is now. As a mixed-race woman who served on a committee, when they talked about race it was very painful.

Councilor Maiore asked if there was any scenario that would have made it less painful, such as the presence of a facilitator.

Her suggestion is just to really lay it out on the table and make sure those involved are comfortable enough to have honest conversations, Ms. Hopper shared.

It's worth noting that the two people chairing the committee account for the depth, breadth, scope and sensitivity of the work that was done, Councilor Dwight volunteered. In other hands, it might not have gone so well. The issue Ms. Hopper mentioned was a discussion fraught with preconceived notions and misconceptions, he acknowledged. It becomes particularly difficult when the community identifies itself as progressive and informed. It made the conversation more difficult in some respects.

He served on this committee as the council representative. It was an honor, and he was very impressed with the process, impressed with the product and impressed with the citizens who participated, Councilor Dwight continued. The thrust of the whole discussion was how they could make their governance more successful, more inclusive, and more appropriate to everyone equally and fairly, which is why it is a work in progress. He for one is more than comfortable and proud to actually send this forward to the state to see if it signs off and agrees with the recommendations. If it implements these things, they will be a leader in the state and will set a high water mark. Hopefully, others will follow.

Councilor Sciarra strongly thanked the CRC for the section on expanding the electorate and expanding voter rights in Northampton. She takes extreme issue with the idea that people need to be land owners to have voting rights. She really appreciates their efforts and strongly believes that everyone who is a resident of Northampton should have the same rights.

Of all the things said in all of the meetings, the presentation by the Mayor's Youth Commission was astoundingly impressive, Mr. Voorhees volunteered. In light of low participation and all they are trying to do to encourage people to not only vote but to participate in their governance, the likelihood that students who choose to vote are going to be at least as informed as he is, is great. The students who testified were just so well-informed, so well-spoken, so mature and responsible, he doesn't see how they can deny them the opportunity to participate.

Councilor Thorpe said he attended almost all of the meetings. He thanked Sam Hopper for her honesty in addressing under-represented communities. He has sat in on many discussions on race and under-represented communities and agrees it needs to be looked at further.

Councilor Sciarra moved to close the hearing. Councilor Thorpe seconded. The motion passed unanimously 4:0. The hearing was closed at 8:01 p.m.

This doesn't require a recommendation because it's already been recommended to the council, Councilor Dwight observed. The council president thought it was important that the public have one more opportunity for input. There will be another opportunity when it comes before the council before being sent on to the Mayor for filing with the legislature.

New Business

None.

Adjourn

Councilor Sciarra moved to adjourn. Councilor Maiore seconded. The motion passed unanimously 4:0. The meeting was adjourned at 8:02 p.m.

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