

HOUSE No. 4102

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act reestablishing a charter for the city of Northampton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The following shall be the charter for the city of Northampton.

2 ARTICLE 1

3 INCORPORATION; SHORT TITLE; DEFINITIONS

4 SECTION 1-1: INCORPORATION

5 The inhabitants of the city of Northampton, within the territorial limits established by
6 law, shall continue to be a municipal corporation, a body corporate and politic, under the name
7 "City of Northampton".

8 SECTION 1-2: SHORT TITLE

9 This instrument shall be known and may be cited as the city of Northampton Charter.

10 SECTION 1-3: DIVISION OF POWERS

11 The administration of the fiscal, prudential and municipal affairs of the city of
12 Northampton, with the government thereof, shall be vested in an executive branch headed by a
13 mayor and a legislative branch consisting of a city council. The legislative branch shall never
14 exercise any executive power, and the executive branch shall never exercise any legislative
15 power.

16 SECTION 1-4: POWERS OF THE CITY

17 Subject only to express limitations on the exercise of any power or function by a
18 municipal government in the constitution or general laws, it is the intention and the purpose of
19 the voters of Northampton through the adoption of this charter to secure for themselves and their

20 government all of the powers it is possible to secure as fully and as completely as though each
21 such power were specifically and individually enumerated herein.

22 SECTION 1-5: CONSTRUCTION

23 The powers of the city of Northampton under this charter are to be construed liberally in
24 favor of the city, and the specific mention of any particular power is not intended to limit the
25 general powers of the city as stated in section 1-4.

26 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

27 Subject only to express limitations in the constitution or general laws, the city of
28 Northampton may exercise any of its powers or perform any of its functions, and may participate
29 in the financing thereof, jointly or in cooperation, by contract or otherwise, with the
30 commonwealth or any of its agencies or political subdivisions, or with the United States
31 government or any of its agencies.

32 SECTION 1-7: DEFINITIONS

33 Unless another meaning is clearly apparent from the manner in which the word or phrase
34 is used, the following words and phrases as used in this charter shall have the following
35 meanings:

36 (1) "Charter", this charter and any adopted amendments to it.

37 (2) "City", the city of Northampton.

38 (3) "City agency", any multiple member body, any department, division, or office of the
39 city of Northampton.

40 (4) "City office or department head", a person having charge of a city department.

41 (5) "Emergency", a sudden, generally unexpected occurrence or set of circumstances
42 demanding immediate action.

43 (6) "Full city council", "full school committee" "full multiple member body", the entire
44 authorized membership of the city council, school committee or other multiple member body
45 notwithstanding any vacancy which might exist. (7) "general laws", laws enacted which apply
46 alike to all cities and towns, to all cities, or to a class of 2 or more cities, or to a class of cities
47 and towns of which Northampton is a member.

48 (8) "General Laws", the General Laws of the Commonwealth of Massachusetts, a
49 codification and revision of statutes enacted on December 22, 1920, and including all
50 amendments thereto subsequently adopted.

51 (9) "Initiative measure", a measure proposed by the voters through the initiative process
52 provided under this charter.

53 (10) "Local newspaper", a newspaper of general circulation within Northampton, with
54 either a weekly or daily circulation.

55 (11) "Majority vote", when used in connection with a meeting of a multiple member
56 body, shall mean a majority of those present and voting, unless another provision is made by
57 ordinance or by such body's own rules, provided however that General Law provisions related to
58 any vote to meet in "executive session" shall always require a majority of members of the body.

59 (12) "Measure", any ordinance, order, or other vote or proceeding adopted, or which
60 might be adopted, by the city council or the school committee.

61 (13) "Multiple member body", any council, commission, committee, sub-committee or
62 other body consisting of 2 or more persons whether elected, appointed or otherwise constituted,
63 but not including the city council, the school committee or an advisory committee appointed by
64 the mayor.

65 (14) "Organization or reorganization plan", a plan submitted by the mayor to the city
66 council which proposes a change in the organization or the administrative structure of the city
67 administration or organization, or a change in the way in which a municipal service or services
68 are delivered.

69 (15) "Quorum", a majority of all voting members of a multiple member body unless some
70 other number is required by law or by ordinance.

71 (16) "Referendum measure", a measure adopted by the city council or the school
72 committee that is protested under the referendum procedures of this charter.

73 (17) "Voters", registered voters of the city of Northampton.

74 (18) "Year", unless otherwise specified, shall mean a calendar year.

75 ARTICLE 2

76 LEGISLATIVE BRANCH

77 SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

78 (a) Composition - There shall be a city council consisting of 9 members which shall
79 exercise the legislative powers of the city. Two of these members, to be known as councilors-at-
80 large, shall be nominated and elected by and from the voters at large. Seven of these members, to
81 be known as ward councilors, shall be nominated and elected by and from the voters from each

82 ward; 1 such ward councilor to be elected from each of the 7 wards into which the city is divided
83 under section 7-7.

84 (b) Term of Office - The term of office for councilors shall be 2 years each, beginning on
85 the first Monday in the January succeeding their election, except when said first Monday falls on
86 a legal holiday, in which event the term shall begin on the following day, and until their
87 successors have been qualified.

88 (c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward
89 councilor must be a voter in the ward from which election is sought. If a ward councilor or a
90 councilor-at-large removes from the city during the term for which elected, such office shall
91 immediately be deemed vacant and filled in the manner provided in section 2-11. A ward
92 councilor who removes from the ward from which elected and who remains a resident of the city
93 may continue to serve during the term for which elected.

94 SECTION 2-2: PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS

95 (a) Election and Term - As soon as practicable after the councilors-elect have been
96 qualified following each regular city election, as provided in section 10-11, the members of the
97 city council shall elect from among its members a president and vice-president who shall serve
98 for 2 year terms. The method of election of the president and vice-president shall be prescribed
99 within the rules of the city council.

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

108 SECTION 2-3: PROHIBITIONS

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

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

118 SECTION 2-4: COMPENSATION

119 The members of the city council shall receive such salary for their services as may from
120 time to time be set by ordinance. No ordinance increasing or reducing the salary of the members
121 of the city council shall be effective unless it shall have been adopted by a two thirds vote of the
122 full city council. No ordinance increasing the salary of councilors shall be effective unless it shall
123 have been adopted during the first 18 months of the term for which the city council is elected and
124 unless it provides that the salary increase is to take effect upon the organization of the city
125 government following the next regular city election.

126 SECTION 2-5: GENERAL POWERS

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

130 SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

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

133 (b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of
134 business. Except as otherwise provided by general law or by this charter, the affirmative vote,
135 taken by roll call vote, of 6 members shall be required to adopt an appropriation order. Except as
136 otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a
137 majority of the full city council shall be required to adopt any ordinance.

138 (c) Rules of Procedure - The city council shall from time to time adopt rules regulating its
139 procedures, which shall be in addition to the following:

140 (i) Regular meetings of the city council shall be held at a time and place fixed by
141 ordinance. All regular meetings of the city council shall provide for a period of public comment,
142 provided however, the city council may promulgate rules that regulate such period of public
143 comment as deemed appropriate.

144 (ii) Special meetings of the city council shall be held at the call of the president or at the
145 call of any 3 or more members, for any purpose. Notice of said meeting shall, except in an
146 emergency of which the president shall be the sole judge, be delivered to each member at least
147 48 weekday hours in advance of the time set and shall specify the date, time, and location of the

148 meeting and the purpose or purposes for which the meeting is to be held. A copy of each such
149 notice shall immediately be posted as the general laws relative to such postings shall require.

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

152 (iv) A full, accurate, up-to-date account of the proceedings of the city council shall be
153 maintained by the city clerk, which shall include a record of each vote taken, and which shall be
154 made available with reasonable promptness following each meeting, but not later than the next
155 regularly scheduled meeting. Unless otherwise provided by law, the minutes of any executive
156 session shall be made available as soon as their publication would not defeat the lawful purposes
157 of the executive session.

158 SECTION 2-7: ACCESS TO INFORMATION

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

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

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

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

177 SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

178 Subject to appropriation, the city council may employ such staff as it deems necessary.

179 SECTION 2-9: ORDINANCES AND OTHER MEASURES

180 (a) Measures- Except as otherwise provided by the charter, every adopted measure shall
181 become effective at the expiration of 10 days after adoption or upon the signature of the mayor,

182 whichever occurs first. No ordinance shall be amended or repealed except by another ordinance
183 adopted in accordance with the charter, or as provided in the initiative and referendum
184 procedures.

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

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

205 SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN
206 APPOINTMENTS

207 The mayor shall refer to the city council and simultaneously file with the city clerk, the
208 name of each person the mayor desires to appoint as a department head or as a member of a
209 multiple-member body, but not including any position which is subject to the civil service law.
210 The city council shall refer each name submitted to it to a standing committee of the council
211 which shall review each candidate for appointment and shall make a recommendation to the full
212 city council not less than 7 nor more than 45 days after the referral. The committee may require
213 any person whose name has been referred to it to appear before the committee, or before the city
214 council, to give any information relevant to the appointment that the committee, or the city
215 council, may require. Appointments made by the mayor shall become effective on the forty-fifth
216 day after the date on which notice of the proposed appointment was filed with the city clerk
217 unless approved or rejected by the city council within the 45 days.

218 SECTION 2-11: FILLING OF VACANCIES

219 If a vacancy in the office of councilor occurs prior to the eighteenth month of the term for
220 which the councilor is elected, the city council shall forthwith, in the manner provided in section
221 7-1, order a special election to be held within 90 days following the date the vacancy is created,
222 to fill such vacancy until the next regular city election. The person elected at such regular city
223 election shall be sworn to office immediately. If a regular city election is to be held within 120
224 days following the date the vacancy is created, a special election need not be held and the office
225 shall be filled by the voters at such regular city election. Election to fill the vacant seat of a ward
226 councilor shall be held only in the affected ward, while an election to fill a vacant seat of a
227 councilor-at-large shall be held in all wards of the city.

228 ARTICLE 3

229 EXECUTIVE BRANCH

230 Section 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;

231 COMPENSATION; PROHIBITIONS

232 (a) Mayor, Qualifications – The chief executive officer of the city shall be a mayor,
233 elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of
234 mayor. The mayor shall devote full time to the office and shall not hold any other elective public
235 office.

236 (b) Term of Office – The term of office of the mayor shall be 4 years, beginning on the
237 first Monday in the January succeeding his or her election, except when said first Monday falls
238 on a legal holiday, in which event the term shall begin on the following day, and until the
239 mayor's successor has been qualified.

240 (c) Compensation – The city council shall, by ordinance, establish an annual salary for
241 the mayor. No ordinance increasing or reducing the salary of the mayor shall be effective unless
242 it shall have been adopted by a two thirds vote of the full city council. No ordinance increasing
243 the salary of the mayor shall be effective unless it shall have been adopted during the first 18
244 months of the term for which the mayor is elected and unless it provides that the salary increase
245 is to take effect upon the organization of the city government following the next regular city
246 election.

247 (d) Prohibitions – The mayor shall hold no other compensated city position. No
248 former mayor shall hold any compensated appointed city office or city employment until one
249 year following the date on which such former mayor's city service has terminated. This
250 provision shall not prevent a city officer or other city employee who has vacated a position in
251 order to serve as mayor from returning to the same office or other position of city employment
252 held at the time such position was vacated; provided, however, no such person shall be eligible
253 for any other municipal position until at least one year following the termination of service as

254 mayor. This prohibition shall not apply to persons covered under the leave of absence provisions
255 of section 37 of chapter 31 of the General Laws.

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

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

277 SECTION 3-3: APPOINTMENTS BY THE MAYOR

278 The mayor shall appoint, subject to the review of such appointments by the city council
279 as provided in section 2-10, all city officers and department heads and the members of multiple-
280 member bodies for whom no other method of appointment or selection is provided by the
281 charter, excepting only persons serving under the school committee, and persons serving under
282 the city council. All appointments to multiple-member bodies shall be for terms established in
283 accordance with the provisions of article 6. Upon the expiration of the term of any member of a
284 multiple-member body, a successor shall be appointed as provided for in accordance with the
285 provisions of article 6. The mayor shall fill any vacancy for the remainder of the unexpired term
286 of any member of a multiple-member body. All appointments and promotions made by the
287 mayor shall be made on the basis of merit and fitness demonstrated by examination, past
288 performance, or by other evidence of competence and suitability. Each person appointed to fill
289 an office or position shall be a person especially fitted by education, training and previous work
290 experience to perform the duties of the office or position for which the person is chosen.

291 SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

292 Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs
293 of the city require that such office be filled, the mayor may designate the head of another city
294 agency or a city officer or city employee, or some other person to perform the duties of the office
295 on a temporary basis until such time as the position can be filled as otherwise provided by law or
296 by this charter. The mayor shall file a certificate in substantially the following form, with the city
297 clerk, whenever a person is designated under this section:

298 I designate (name of person) to perform the duties of the office of (designate office in
299 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
300 regular procedure for filling the vacancy, or when the regular officer shall return). I certify that
301 said person is qualified to perform the duties which will be required and that I make this
302 designation solely in the interests of the city of Northampton.

303 (signed)

304 Mayor

305 Persons serving as temporary officers under the authority of this section shall have only
306 those powers of the office indispensably essential to the performance of the duties of the office
307 during the period of such temporary appointment and no others. Notwithstanding any general or
308 special law to the contrary, no temporary appointment shall be for more than 90 days, provided,
309 however, not more than two 30 day extensions of a temporary appointment may be made when a
310 permanent vacancy exists in the office.

311 SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

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

318 (b) Special Meetings of the City Council - The mayor may at any time call a special
319 meeting of the city council, for any purpose. Notice of said meeting shall, except in an
320 emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in
321 advance of the time set and shall specify the date, time, and location of the meeting and the
322 purpose or purposes for which the meeting is to be held. A copy of each such notice shall,
323 immediately be posted as the General Laws relative to such postings shall require.

324 SECTION 3-6: APPROVAL OF MAYOR, VETO

325 Every order, ordinance, resolution or vote adopted or passed by the city council relative
326 to the affairs of the city, except memorial resolutions, the selection of city officers by the city
327 council and any matters relating to the internal affairs of the city council, shall be presented to
328 the mayor for approval within 3 business days of such adoption or passage. If the mayor
329 approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the
330 mayor shall return the measure, with the specific reason or reasons for such disapproval attached
331 thereto, in writing, to the city council. The city council shall enter the objections of the mayor on
332 its records, and not sooner than 10 business days, nor later than 30 days from the date of its
333 return to the city council, shall again consider the same measure. If the city council,
334 notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, resolution
335 or vote by a two thirds vote of the full council, it shall then be deemed in force, notwithstanding
336 the failure of the mayor to approve the same. If the mayor has neither signed a measure nor
337 returned it to the city council within 10 days following the date it was presented to the mayor, the
338 measure shall be deemed approved and in force.

339 SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

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

346 (b) Powers of Acting Mayor – The acting mayor shall have only those powers of the
347 mayor as are indispensably essential to the conduct of the business of the city in an orderly and
348 efficient manner and on which action may not be delayed. The acting mayor shall have no
349 authority to make any permanent appointment or removal from city service unless the disability
350 or absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or
351 disapprove of any measure adopted by the city council unless the time within which the mayor
352 must act would expire before the return of the mayor. During any period in which any member of
353 the city council is serving as acting mayor, such councilor shall not vote as a member of the city
354 council.

355 SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

356 The mayor may authorize any subordinate officer or employee of the city to exercise any
357 power or perform any function or any duty which is assigned by this charter, or otherwise, to the
358 mayor and the mayor may rescind or revoke any such authorizations previously made: provided,
359 however, that all acts performed under any such delegation of authority during such period of
360 authorization shall be and remain the acts of the mayor. Nothing in this section shall be
361 construed to authorize a mayor to delegate the powers and duties as a school committee member,

362 the power of appointment to city office or employment or to sign or return measures approved by
363 the city council.

364 SECTION 3-9: VACANCY IN OFFICE OF MAYOR

365 (a) If a vacancy in the office of mayor occurs prior to the eighteenth month of the term
366 for which the mayor is elected, the city council shall forthwith, in the manner provided in section
367 8-1, order a special election to be held within 90 days following the date the vacancy is created,
368 to fill such vacancy until the next regular city election. The person elected at such regular city
369 election shall take office immediately. If a regular city election is to be held within 120 days
370 following the date the vacancy is created a special election need not be held and the office shall
371 be filled by vote at such regular city election.

372 (b) If a vacancy in the office of mayor occurs between the nineteenth and twenty-second
373 month of the term for which the mayor is elected, the city council president shall serve as mayor
374 until the next regular election. The person elected as mayor under this subsection shall take
375 office immediately and serve for the balance of the then unexpired term.

376 (c) If a vacancy in the office of mayor occurs during the twenty-third and fortieth month
377 of the term for which the mayor is elected, the city council shall forthwith, in the manner
378 provided by section 8-1, order a special election to be held within 90 days following the date the
379 vacancy is created, to serve for the balance of the then unexpired term.

380 (d) If a vacancy in the office of mayor occurs during or after the forty-first month of the
381 term for which the mayor was elected, the city council president shall serve for the balance of the
382 then unexpired term.

383 (e) In the event that the city council president is unable to serve as mayor under this
384 section, the city council shall elect, from among its membership, a person to serve as mayor.

385 (f) Any person serving as mayor under this section shall receive the compensation then in
386 effect for the office of mayor.

387 ARTICLE 4

388 SCHOOL COMMITTEE

389 SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

390 (a) Composition – There shall be a school committee which shall consist of 10 members.
391 Two of these members shall be nominated and elected by and from the voters of the city at large
392 and 7 of these members shall be nominated and elected by ward. The mayor shall serve, by
393 virtue of the office, as the chair of the school committee with all of the same powers and duties
394 as the members elected by the voters as school committee members.

395 (b) Term of Office – The term of office for the elected school committee members shall
396 be for 2 years, beginning on the first Monday in January succeeding their election, except when
397 said first Monday falls on a legal holiday, in which event the term shall begin on the following
398 day, and until their successors have been qualified.

399 (c) Eligibility – A school committee member shall at the time of election be a voter. If a
400 school committee member removes from the city during the term for which elected such office
401 shall immediately be deemed vacant and filled in the manner provided in section 4-6. A ward
402 school committee member who removes from the ward from which elected and who remains a
403 resident of the city may continue to serve during the term for which elected.

404 SECTION 4-2: SCHOOL COMMITTEE CHAIR AND VICE CHAIR

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

412 (b) Vice-Chair - As soon as practicable after the school committee members-elect have
413 been qualified following each regular city election, the school committee shall organize by
414 electing 1 of the persons elected to the office of school committee member to serve as school
415 committee vice- chair. The school committee vice-chair shall preside in the absence of the
416 mayor.

417 SECTION 4-3: PROHIBITIONS

418 No member of the school committee shall hold any other compensated city position. No
419 former member of the school committee shall hold any compensated appointed city office or city
420 employment until 1 year following the date on which such member's service on the school
421 committee has terminated. This provision shall not prevent a city officer or other city employee
422 who has vacated a position in order to serve as a member of the school committee from returning
423 to the same office or other position of city employment held at the time such position was
424 vacated; provided, however, no such person shall be eligible for any other municipal position
425 until at least 1 year following the termination of service as a member of the school committee.

426 SECTION 4-4: COMPENSATION

427 The city council may, by ordinance, establish an annual salary for the elected members of
428 the school committee. No ordinance increasing or reducing the salary of elected members of the
429 school committee shall be effective unless it shall have been adopted by a two thirds vote of the

430 full city council. No ordinance increasing the salary of the elected members of the school
431 committee shall be effective unless it shall have been adopted during the first 18 months of the
432 term for which elected school committee members are elected and unless it provides that the
433 salary increase is to take effect upon the organization of the city government following the next
434 regular city election.

435 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

436 The school committee shall have all powers which are conferred on school committees
437 by the General Laws and such additional powers and duties as may be provided by the charter,
438 by ordinance, or otherwise and not inconsistent with said grant of powers conferred by the
439 General Laws. The powers and duties of the school committee shall include the following:

440 (1) To elect a superintendent of the schools who shall be charged with the administration
441 of the school system, subject only to policy guidelines and directives adopted by the school
442 committee and, upon the recommendation of said superintendent, to establish and appoint
443 assistant or associate superintendents as provided in section 59 of chapter 71 of the General
444 Laws;

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

448 (3) To adopt and to oversee the administration of an annual operating budget for the
449 school department, subject to appropriation by the city council. The school committee shall have
450 general charge and superintendence of all school buildings and grounds and shall furnish all
451 school buildings with proper fixtures, furniture and equipment. The school committee shall
452 provide ordinary maintenance of all school buildings and grounds; unless a central municipal
453 maintenance department which may include maintenance of school buildings and grounds is
454 established in accordance with law. Whenever the school committee shall determine that
455 additional classrooms are necessary to meet the educational needs of the community, at least 1
456 member of the school committee, or a designee of the school committee, shall serve on the
457 agency, board or committee to which the planning or construction of such new, remodeled or
458 renovated school building is delegated.

459 SECTION 4-6: FILLING OF VACANCIES

460 Whenever a vacancy shall occur in the office of school committee member the
461 president of the city council shall, within 30 days following the date of such vacancy, call a joint
462 meeting of the city council and the school committee to act to fill said vacancy. The city council
463 and school committee shall choose a person to fill the vacancy from among the voters entitled to
464 vote for such office. Persons elected to fill a vacancy by the city council and school committee
465 shall serve only until the next regular city election, when the office shall be filled by the voters.

466 The candidate elected to an office filled by appointment prior to the election shall be sworn to
467 such office immediately to complete the then unexpired term in addition to the term for which
468 elected. No vacancy shall be filled, in the manner herein provided, if a regular city election is to
469 be held within 120 days following the date the vacancy is declared to exist. Persons serving as
470 school committee members under this section shall not be entitled to have the words “candidate
471 for reelection” printed against their names on the election ballot.

472 ARTICLE 5

473 OTHER ELECTED OFFICIALS

474 SECTION 5-1: CITY CLERK

475 (a) Election; Eligibility - The city clerk shall be elected by and from the voters of the city
476 at large. Any voter shall be eligible to hold the office of city clerk. The city clerk shall devote
477 full time to the office and shall not hold any other elective public office. The city clerk shall
478 perform all the duties and exercise the powers incumbent by law upon the office.

479 (b) Term of Office – The term of office of the city clerk shall be 2 years,
480 beginning on the first Monday in the January succeeding his or her election, except when said
481 first Monday falls on a legal holiday, in which event the term shall begin on the following day,
482 and until the city clerk’s successor has been qualified.

483 (c) Compensation – The city council shall, by ordinance, establish the salary for the
484 office of the city clerk.

485 (d) Temporary Absence - In case of the temporary absence of the city clerk, the mayor
486 shall appoint an acting city clerk. The mayor shall be the sole judge of whether a temporary
487 absence exists in the office of city clerk.

488 (e) Filling of Vacancy - Whenever a vacancy shall occur in the office of city
489 clerk, the city council shall, within 30 days following the date of such vacancy, act to fill said
490 vacancy. A person elected to fill a vacancy by the city council shall serve only until the next
491 regular city election, when the office shall be filled by the voters. The person elected at such
492 regular city election shall take office immediately. No vacancy shall be filled, in the manner
493 herein provided, if a regular city election is to be held within 120 days following the date the
494 vacancy is declared to exist. A person serving as city clerk under this section shall not be entitled
495 to have the words “candidate for reelection” printed against his or her name on the election
496 ballot.

497 Trustees under the will of Charles E. Forbes

498 Five members shall be elected by and from the voters of the city at large for a term of 4
499 years, so arranged that all members are not elected at the same time. Vacancies shall be filled in
500 a like manner as a city clerk vacancy.

501 Elector under the Oliver Smith will

502 One member shall be elected by and from the voter of the city at large for a term of 2
503 years. Vacancies shall be filled in a like manner as a city clerk vacancy.

504 Superintendents of Smith's Agricultural School

505 Three members shall be elected by and from the voters of the city at large for a term of 2
506 years. Vacancies shall be filled in a like manner as a city clerk vacancy.

507 Community Preservation Committee

508 Two members shall be elected by and from the voters of the city at large for a
509 term of 4 years. Vacancies shall be filled in a like manner as a city clerk vacancy.

510 ARTICLE 6

511 ADMINISTRATIVE ORGANIZATION

512 SECTION 6-1: ORGANIZATION OF CITY AGENCIES

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

532 the plan. The city council may vote only to approve or to disapprove the plan and may not vote
533 to amend or to alter it.

534 SECTION 6-2: MERIT PRINCIPLES

535 All appointments and promotions of city officers and employees shall be made on the
536 basis of merit and fitness demonstrated by examination, past performance or by other evidence
537 of competence and suitability. Each person appointed to fill an office or position shall be a
538 person especially fitted by education, training and previous work experience to perform the
539 duties of the office or position for which chosen.

540 ARTICLE 7

541 FINANCE AND FISCAL PROCEDURES

542 SECTION 7-1: FISCAL YEAR

543 The fiscal year of the city shall begin on the July 1 and shall end on June 30, unless
544 another period is required by the General Laws.

545 SECTION 7-2: ANNUAL BUDGET POLICY

546 The mayor shall call a joint meeting of the city council and school committee, to include
547 the superintendent of schools, before the commencement of the budget process to review the
548 financial condition of the city, revenue and expenditure forecasts, and other relevant information
549 prepared by the mayor in order to develop a coordinated budget.

550 SECTION 7-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

551 At least 45 days before the beginning of the fiscal year, the mayor shall submit to the city
552 council a proposed operating budget for all city agencies, which shall include the school
553 department, for the ensuing fiscal year with an accompanying budget message and supporting
554 documents. The budget message submitted by the mayor shall explain the operating budget in
555 fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed
556 fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed
557 operating budget and include any major variations from the current operating budget, fiscal
558 policies, revenues and expenditures together with reasons for these changes. The proposed
559 operating budget shall provide a complete fiscal plan of all city funds and activities and shall be
560 in the form the mayor deems desirable; provided, however, that the budget for elected officials
561 shall identify the cost of compensation and the cost of benefits for those officials. The school
562 budget, as adopted by the school committee shall be submitted to the mayor at least 30 days
563 before the submission of the proposed operating budget to the city council. The mayor shall
564 notify the school committee of the date by which the proposed budget of the school committee

565 shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate
566 the dates and times of the school committee's budget process under the General Laws.

567 SECTION 7-4: ACTION ON THE OPERATING BUDGET

568 (a) Public Hearing - The city council shall publish in at least 1 local newspaper a notice
569 of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times
570 and places where copies of the entire proposed operating budget are available for inspection by
571 the public, and (2) the date, time and place not less than 14 days after its publication, when a
572 public hearing on the proposed operating budget will be held by the city council.

573 (b) Adoption of the Budget - The city council shall adopt the proposed operating budget,
574 with or without amendments, within 45 days following the date the proposed budget is filed with
575 the city clerk. In amending the proposed operating budget, the city council may delete or
576 decrease any amounts except expenditures required by law, but except on the recommendation of
577 the mayor, the city council shall not increase any item in or the total of the proposed operating
578 budget, unless otherwise authorized by the General Laws. If the city council fails to take action
579 on any item in the proposed operating budget within 45 days after its receipt, that amount shall,
580 without any action by the city council, become a part of the appropriations for the year, and be
581 available for the purposes specified.

582 SECTION 7-5: CAPITAL IMPROVEMENT PROGRAM

583 (a) Submission - The mayor shall submit a capital improvement program to the city
584 council at least 120 days before the start of each fiscal year. The capital improvement program
585 shall include:

586 (1) a general summary of its contents;

587 (2) a list of all capital improvements proposed to be undertaken during the next ensuing 5
588 years, with supporting information as to the need for each capital improvement;

589 (3) cost estimates, methods of financing and recommended time schedules for each
590 improvement; and,

591 (4) the estimated annual cost of operating and maintaining each facility and piece of
592 major equipment involved.

593 This information is to be annually revised by the mayor with regard to the capital
594 improvements still pending or in the process of being acquired, improved or constructed.

595 (b) Public Hearing - The city council shall publish in at least one newspaper of general
596 circulation in the city a notice stating: (1) the times and places where entire copies of the capital
597 improvements program are available for inspection by the public; and, (2) the date, time and
598 place not less than 14 days after such publication, when a public hearing on said plan

599 will be held by the city council.

600 (c) Adoption - At any time after the public hearing but before the first day of the last
601 month of the current fiscal year, the city council shall by resolution adopt the capital
602 improvements program with or without amendment, provided that each amendment must be
603 voted separately and that any increase in the capital improvements program as submitted must
604 clearly identify the method of financing proposed to accomplish such increase.

605 SECTION 7-6: INDEPENDENT AUDIT

606 The city council shall annually provide for an outside audit of the books and accounts of
607 the city to be conducted by a certified public accountant, or a firm of certified public
608 accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or
609 any of its officers. The mayor shall annually provide to the city council a sum of money
610 sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in
611 writing, by the city council. The award of a contract to audit shall be made by the city council on
612 or before September 15 of each year. The clerk of the council shall coordinate the work of the
613 individual or firm selected. The report of the audit shall be filed in final form with the city
614 council not later than March 1 in the year following its award.

615 SECTION 7-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

616 Except as otherwise may be provided by law, no official of the city of Northampton shall
617 knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations,
618 awards, grants or gifts, duly made in accordance with law, or involve the city in any contract for
619 the future payment of money in excess of these appropriations, awards, grants or gifts. It is the
620 intention of this section that section 31 of chapter 44 of the General Laws shall be strictly
621 enforced. Any official who violates this section shall be personally liable to the city for any
622 amounts so expended to the extent that the city does not recover these amounts from the person
623 to whom the sums were paid.

624 ARTICLE 8

625 ELECTIONS

626 SECTION 8-1: PRELIMINARY ELECTIONS

627 A preliminary election for the purposes of nominating candidates for mayor, councilor-
628 at-large, school committee member-at-large, city clerk, ward city councilor, ward school
629 committee member, trustees under the will of Charles E. Forbes, elector under the Oliver Smith
630 will, superintendents of Smith's Agricultural School and elected members of the Community
631 Preservation Committee, shall be held on the third Tuesday in September in each odd-numbered
632 year in which they are to be elected, but the city clerk may, with the approval of the city council,

633 reschedule the preliminary election to the fourth Tuesday in September to avoid a conflict with
634 any civil or religious holiday.

635 Whenever a special election to fill a vacancy is to be held, a preliminary election shall be
636 conducted, if necessary, 28 days before the date established for the special election; provided,
637 however, that a preliminary election to fill a vacancy for ward councilor or ward school
638 committee member, if necessary, shall be held only in the affected ward.

639 SECTION 8-2: PRELIMINARY ELECTION PROCEDURES

640 (a) Signature Requirements - The number of signatures of voters required to place the
641 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:
642 for the office of mayor not less than 150 such certified signatures, for the office of councilor-at-
643 large, school committee member at large, or city clerk, not less than 100 such certified
644 signatures; for the office of ward city councilor, ward school committee member, trustees under
645 the will of Charles E. Forbes, elector under the Oliver Smith will, superintendents of Smith's
646 Agricultural School or the Community Preservation Committee, not less than 50 such certified
647 signatures. Signatures of voters shall be made on a form prescribed by the registrars of voters
648 and shall be made available no earlier than April 2 in each preliminary election year, and such
649 forms shall be submitted to the registrars of voters for certification of the names thereon on or
650 before the fourteenth day preceding the day fixed for submission to the city clerk. Said forms
651 shall be submitted to the city clerk on or before 5 o'clock in the afternoon on the forty-fifth day
652 prior to the declared date of such preliminary election. An individual may appear on the ballot
653 for only one office at any preliminary, regular or special city election.

654 (b) Ballot Position - The order in which names of candidates for each office appear on the
655 ballot shall be determined by a drawing, by lot, conducted by the city clerk at least 40 days
656 before the preliminary election. Such drawing shall be open to the public.

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

670 there shall be printed on such ballots the names of candidates exceeding twice the number to be
671 elected.

672 (d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing
673 statements of candidates to be voted for at any preliminary election, not more than twice as many
674 such statements have been filed with the city clerk for an office as are to be elected to such
675 office, the candidates whose statements have thus been filed shall be deemed to have been
676 nominated to said office, and their names shall be voted on for such office at the succeeding
677 regular or special city election, as the case may be, and the city clerk shall not print said names
678 upon the ballot to be used at said preliminary election and no other nomination to said office
679 shall be made. If in consequence it shall appear that no names are to be printed upon the official
680 ballot to be used at any preliminary election in any ward or wards of the city, no preliminary
681 election shall be held in any such ward or wards.

682 SECTION 8-3 REGULAR CITY ELECTION

683 The regular city election shall be held on the first Tuesday following the first Monday in
684 November in each odd-numbered year.

685 SECTION 8-4: BALLOT POSITION, REGULAR CITY ELECTION

686 The order in which names of candidates for each office appear on the ballot for each
687 office shall be determined by a drawing, by lot, conducted by the city clerk no later than 7 days
688 after the certification of the preliminary election results. Such drawing shall be open to the
689 public.

690 SECTION 8-5: NON-PARTISAN ELECTIONS

691 All elections for city offices shall be non-partisan, and election ballots shall be printed
692 without any party mark, emblem, or other political designation.

693 SECTION 8-6: WARDS

694 The territory of the city shall be divided into 7 wards by the city clerk so established as to
695 consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact
696 and contiguous territory, bounded as far as possible by the center line of known streets or ways
697 or by other well-defined limits. Each such ward shall be composed of voting precincts
698 established in accordance with the General Laws. The city council shall from time to time, but at
699 least once in each 10 years, review these wards to insure their uniformity in number of
700 inhabitants.

701 SECTION 8-7: APPLICATION OF STATE GENERAL LAWS

702 Except as otherwise expressly provided in this charter and authorized by law, all city
703 elections shall be governed by the laws of the commonwealth relating to the right to vote, the

704 registration of voters, the nomination of candidates, voting places, the conduct of preliminary,
705 regular and special city elections, the submission of charters, charter amendments and other
706 propositions to the voters, the counting of votes, the recounting of votes, and the determination
707 of results.

708 ARTICLE 9

709 CITIZEN PARTICIPATION MECHANISMS

710 SECTION 9-1: CITIZEN INITIATIVE MEASURES

711 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
712 initiative petition with the city clerk or the secretary of the school committee. The petition shall
713 be addressed to the city council or to the school committee, shall contain a request for the
714 passage of a particular measure which shall be set forth in full in the petition, and shall be signed
715 by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall
716 be accompanied by an affidavit signed by 10 voters and containing their residential address
717 stating they will constitute the petitioners committee and be responsible for circulating the
718 petition and filing it in proper form.

719 (b) Referral to City Solicitor - The city clerk or the secretary of the school committee
720 shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the
721 city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition,
722 in writing, advise the city council or the school committee and the city clerk whether the measure
723 as proposed may lawfully be proposed by the initiative process and whether, in its present form it
724 may lawfully be adopted by the city council or the school committee. If the opinion of the city
725 solicitor is that the measure is not in proper form, the reply shall state the reasons for this
726 opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the
727 petitioners committee.

728 (c) Submission to City Clerk - If the opinion of the city solicitor is that the petition is in a
729 proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall
730 print at the top of each blank form a fair, concise summary of the proposed measure, as
731 determined by the city solicitor, together with the names and addresses of the first 10 voters who
732 signed the originating petition. The city clerk shall notify the first 10 voters that the blank forms
733 are issued. Within 30 days following the date of such notice, the petition shall be returned and
734 filed with the city clerk signed by at least 10 percent of the total number of registered voters as of
735 the date of the most recent regular city election. Signatures to an initiative petition need not all be
736 on 1 paper, but all papers pertaining to any one measure shall be fastened together and shall be
737 filed as a single instrument, with the endorsement on it of the name and residence address of the
738 person designated as filing the same. With each signature on the petition there shall also appear
739 the street and number of the residence of each signer. Within 10 days following the filing of the
740 petition, the registrars of voters shall ascertain by what number of voters the petition has been

741 signed, and what percentage that number is of the total number of voters as of the date of the
742 most recent regular city election. The registrars of voters shall attach to the petition a certificate
743 showing the results of its examination and shall return the petition to the city clerk, or the
744 secretary of the school committee, depending on how the petition is addressed. A copy of the
745 registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

746 (d) Action on Petitions - Within 30 days following the date a petition has been returned to
747 the city clerk or the secretary of the school committee, and after publication under subsection (f),
748 the city council or the school committee shall act with respect to each initiative petition by
749 passing it without change, by passing a measure which is stated to be in lieu of the initiative
750 measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure
751 shall be deemed to be a rejection of the initiative measure. If the city council or the school
752 committee fails to act with respect to any initiative measure which is presented to it within 30
753 days following the date the measure is returned to it, the measure shall be deemed to have been
754 rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of
755 the school committee shall promptly give notice of that fact to the petitioners committee, by
756 certified mail.

757 (e) Supplementary Petitions - Within 60 days following the date an initiative petition has
758 been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary
759 of the school committee, but only by persons constituting the original petitioners committee. The
760 supplemental initiative petition shall be signed by a number of additional voters which is equal to
761 at least 5 percent of the total number of registered voters as of the date of the most recent regular
762 city election. The signatures on the initial petition filed under subsection (c), and the signatures
763 on the supplemental petition filed under this subsection, taken together, shall contain the
764 signatures of at least 15 percent of the total number of registered voters as of the date of the most
765 recent regular city election. If the number of signatures to this supplemental petition is found to
766 be sufficient by the city clerk, the city council shall call a special election to be held on a date
767 fixed by it not less than 35 nor more than 90 days following the date of the certificate of the city
768 clerk that a sufficient number of registered voters have signed the supplemental initiative petition
769 and shall submit the proposed measure, without alteration, to the voters for determination, but if
770 any other city election is to be held within 120 days following the date of the certificate, the city
771 council may omit the calling of such special election and cause the question to appear on the
772 election ballot at the approaching election for determination by the voters.

773 (f) Publication - The full text of any initiative measure which is submitted to the voters
774 shall be published in at least 1 local newspaper not less than 7 nor more than 14 days preceding
775 the date of the election at which the question is to be voted upon. Additional copies of the full
776 text shall be available for distribution to the public in the office of the city clerk.

777 (g) Form of Question - The ballots used when voting on a measure proposed by the voters
778 under this section shall contain a question in substantially the following form: Shall the
779 following measure which was proposed by an initiative petition take effect?

780 (Here insert the fair, concise summary of the proposed measure, as determined by the city
781 solicitor as referenced in subsection (c) [above]).

782 o YES o NO

783 (h) Time of Taking Effect – Subject to the provisions of section 9-4, if a majority of the
784 votes cast on the question is in the affirmative, the measure shall be deemed to be effective
785 immediately, unless a later date is specified in the measure.

786 SECTION 9-2: CITIZEN REFERENDUM PROCEDURES

787 (a) Petition, Effect on Final Vote - If, within 21 days following the date on which the city
788 council or the school committee has voted finally to approve any measure, a petition signed by a
789 number of voters equal to at least 15 percent of the total number of voters as of the date of the
790 most recent regular city election and addressed to the city council or to the school committee as
791 the case may be, protesting against the measure or any part of it is filed with the secretary of the
792 school committee or city clerk, the effective date of such measure shall be temporarily
793 suspended. The school committee or the city council shall immediately reconsider its vote on the
794 measure or part of it, and, if the measure is not rescinded, the city council shall provide for the
795 submission of the question for a determination by the voters either at a special election which it
796 may call at its convenience, or within such time as may be requested by the school committee, or
797 at the next regular city election, but pending this submission and determination, the effect of the
798 measure shall continue to be suspended.

799 (b) Certain Initiative Provisions to Apply - The petition described in this section shall be
800 termed a referendum petition and the applicable provisions of section 9-1 as they relate to the
801 filing and certification of signatures shall apply to such referendum petitions, except that the
802 words "measure or part thereof protested against" shall be deemed to replace the word "measure"
803 and the word "referendum" shall be deemed to replace the word "initiative". Subject to the
804 provisions of section 9-4, the measure or part protested against shall be null and void unless a
805 majority of those voting on the question shall vote in favor of the measure or part protested
806 against at the election.

807 SECTION 9-3: INELIGIBLE MEASURES

808 None of the following shall be subject to the initiative or the referendum procedures:

809 (1) proceedings relating to the internal organization or operation of the city council or of
810 the school committee;

- 811 (2) an emergency measure adopted under the charter;
- 812 (3) the city budget or the school committee budget as a whole;
- 813 (4) any appropriation for the payment of the city's debt or debt service;
- 814 (5) an appropriation of funds to implement a collective bargaining agreement;
- 815 (6) proceedings relating to the appointment, removal, discharge, employment, promotion,
816 transfer, demotion, or other personnel action;
- 817 (7) any proceedings repealing or rescinding a measure or part of it which is protested by
818 referendum procedures;
- 819 (8) any proceedings providing for the submission or referral to the voters at an election;
820 and
- 821 (9) resolutions and other votes constituting ordinary, routine matters not suitable as the
822 subject of a referendum petition.

823 SECTION 9-4: REQUIRED VOTER PARTICPATION

824 For any measure to be effective under initiative procedure and for any measure to be
825 declared null and void under any referendum procedure, at least 20 percent of the voters as of the
826 most recent regular city election must vote at an election that includes on the ballot submission to
827 the voters of one or more initiative or referendum questions.

828 SECTION 9-5: SUBMISSION OF OTHER MATTERS TO VOTERS

829 The city council may of its own motion, and shall, at the request of the school committee,
830 if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the
831 voters at any regular city election for adoption or rejection any measure in the same manner and
832 with the same force and effect as are hereby provided for submission by initiative or referendum
833 petitions.

834 SECTION 9-6: CONFLICTING PROVISIONS

835 If 2 or more measures passed at the same election contain conflicting provisions, only the
836 one receiving the greatest number of affirmative votes shall take effect.

837 ARTICLE 10

838 GENERAL PROVISIONS

839 SECTION 10-1: CHARTER CHANGES

840 This charter may be replaced, revised or amended in accordance with any procedure
841 made available under the state constitution, or by statutes enacted in accordance with the state
842 constitution.

843 SECTION 10-2: SEVERABILITY

844 The provisions of this charter are severable. If any provision of this charter is held
845 invalid, the other provisions shall not be affected by this holding. If the application of this
846 charter, or any of its provisions, to any person or circumstance is held invalid, the application of
847 the charter and its provisions to other persons and circumstances shall not be affected thereby.

848 SECTION 10-3: SPECIFIC PROVISION TO PREVAIL

849 To the extent that any specific provision of this charter shall conflict with any provision
850 expressed in general terms, the specific provision shall prevail.

851 SECTION 10-4: RULES AND REGULATIONS

852 A copy of all rules and regulations adopted by any city agency shall be placed on file in
853 the office of the city clerk no later than their effective date and shall be available for review by
854 any person who requests such information at any reasonable time. Unless an emergency exists as
855 determined by the mayor, no rule or regulation adopted by any city agency shall become
856 effective until at least 5 days following the date it is so filed.

857 SECTION 10-5: PERIODIC REVIEW OF ORDINANCES

858 Not later than the first day of July, at 5-year intervals, in each year ending in a 5 or in a
859 zero, beginning in 2015, the mayor and city council shall provide for a review to be made of
860 some or all of the ordinances of the city for the purpose of preparing a proposed revision or
861 recodification of them. This review shall be made by a special committee to be established by
862 ordinance. All members of said committee shall be voters of the city. The special committee
863 shall file its report with the city clerk at a date specified by ordinance. The review of city
864 ordinances shall be under the supervision of the city solicitor. Copies of any recommendations
865 shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

866 SECTION 10-6: PERIODIC REVIEW OF CHARTER

867 Not later than the first day of July, at 10-year intervals, in each year ending in a 9, the
868 mayor and city council shall provide for a review to be made of the city charter. This review
869 shall be made by a special committee to be determined by ordinance. All members of the
870 committee shall be voters of the city. The special committee shall file its report with the city
871 clerk at a date specified by ordinance. Copies of any recommendations shall be made available to
872 the public at a cost not to exceed the actual cost of the reproduction.

873 SECTION 10-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
874 BODIES

875 (a) Meetings - All appointed multiple member bodies of the city shall meet regularly at
876 the times and places that they, by their own rules, prescribe. Special meetings of any multiple
877 member body shall be held on the call of the chairman or by a majority of the members of the
878 body. Notice of such meeting shall be posted in accordance with law. Except as may otherwise
879 be authorized by law, all meetings of all multiple member bodies shall at all times be open to the
880 public.

881 (b) Meeting Documents and Submissions - Each appointed multiple member body shall
882 determine its own rules and order of business within the bounds of any applicable ordinance that
883 created it. Each multiple member body shall provide for the keeping of agendas, minutes and
884 related submissions of its proceedings. All such documents shall be a public record, and certified
885 copies shall be placed on file in the office of the city clerk within 15 days of their approval.

886 (c) Voting - If requested by any member, any vote of any appointed multiple member
887 body shall be taken by a call of the roll and the vote of each member shall be recorded in the
888 minutes, but if the vote is unanimous, only that fact need be recorded.

889 (d) Quorum - A majority of the members of an appointed multiple member body shall
890 constitute a quorum. Unless some other provision is made by the multiple member body's own
891 rules while a quorum is present, except on procedural matters, a majority of the full membership
892 of the body shall be required to vote on any matter representing an exercise of the powers of the
893 multiple member body. General Law provisions related to any vote to meet in "executive
894 session" shall always require a majority of members of the body.

895 (e) Residency – Unless otherwise allowed by law, regulation, ordinance, or by this
896 charter, all members of multiple member bodies shall be residents of the city at all times during
897 their term of office. If a member of a multiple member body removes from the city during the
898 term for which appointed, such seat shall immediately be deemed vacant and filled in the manner
899 provided for in section 3-3.

900 SECTION 10-8: NUMBER AND GENDER

901 Words importing the singular number may extend and be applied to several persons or
902 things; words importing the plural number may include the singular.

903 SECTION 10-9: REFERENCES TO GENERAL LAWS

904 All references to General Laws contained in the charter refer to the General Laws of the
905 Commonwealth of Massachusetts and are intended to refer to and to include any amendments or
906 revisions to such chapters or sections or to the corresponding chapters and sections of any

907 rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the
908 adoption of this charter.

909 SECTION 10-10: COMPUTATION OF TIME

910 In computing time under this charter the day of the act or event after which the
911 designated period of time begins to run shall not be included. The last day of the period shall be
912 included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
913 extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of
914 time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not
915 be included, when the period is 7 days or more, Saturdays, Sundays and legal holidays shall be
916 counted.

917 SECTION 10-11: OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR,
918 CITY COUNCIL SCHOOL COMMITTEE, CITY CLERK

919 A mayor-elect (as applicable), the city council members-elect, the school committee
920 members-elect, and all other elected officials shall, on the first Monday in the January of each
921 even-numbered year, except when said first Monday falls on a legal holiday, in which event on
922 the following day, meet and take an oath or affirmation to the faithful discharge of their duties by
923 the city clerk. The city clerk shall first be take the oath or affirmation to the discharge of the
924 duties of the office by a judge of a court of record, or by a justice of the peace. Upon receiving
925 the oath of affirmation, each said official shall document the same by entering his or her name in
926 a journal maintained by the city clerk. In the case of the absence of the mayor-elect or any
927 member-elect of the city council or school committee on the day the oath is administered, the
928 oath or affirmation may at any time thereafter be administered to that person by the city clerk,
929 the assistant city clerk, a judge of a court of record, or by a justice of the peace. Additional
930 inaugural procedures may be prescribed by ordinance.

931 SECTION 10-12: CERTIFICATE OF ELECTION OR APPOINTMENT

932 Every person who is elected, including those elected by the city council, or appointed to
933 an office of the city, shall receive a certificate of such election or appointment from the city
934 clerk. Except as otherwise provided by law, every person who is elected, including those elected
935 by the city council, or appointed to an office of the city, before performing any act under this
936 appointment or election, shall take and subscribe to an oath or affirmation to qualify to enter
937 upon the duties. A record of this oath shall be kept by the city clerk.

938 SECTION 10-13: LIMITATION ON OFFICE HOLDING

939 Unless otherwise allowed by law or this charter, no person shall simultaneously hold
940 more than 1 city office or position of employment. This provision may be waived by the mayor

941 upon the appointment of any person to any additional office or position of employment by filing
942 a notice of such waiver with an explanation and justification with the city clerk.

943 SECTION 10-14: FELONY CONVICTION

944 Any elected official who has been convicted of a state or federal felony while holding
945 office shall be deemed to have vacated said office.

946 SECTION 10-15: ENFORCEMENT OF CHARTER PROVISIONS

947 It shall be the duty of the mayor to see that the charter is faithfully followed and complied
948 with by all city agencies and city employees. Whenever it appears to the mayor that any city
949 agency or city employee is failing to follow any provision of this charter the mayor shall, in
950 writing, cause notice to be given to that agency or employee directing compliance with the
951 charter. If it shall appear to the city council that the mayor personally is not following the
952 provisions of the charter it shall, by resolution, direct the attention of the mayor to those areas in
953 which it believes there is a failure to comply with charter provisions. The procedures made
954 available in chapter 231A of the General Laws may be used to determine the rights, duties, status
955 or other legal relations arising under this charter, including any question of construction or
956 validity which may be involved in such determination.

957 ARTICLE 11

958 TRANSITIONAL PROVISIONS

959 SECTION 11-1: CONTINUATION OF EXISTING LAWS

960 All general laws, special laws, city ordinances, and rules and regulations of or pertaining
961 to Northampton, including special acts creating regional entities and arrangements of which the
962 city is a member, that are in force when this charter takes effect, and not specifically or by
963 implication repealed by this charter, shall continue in full force and effect until amended or
964 repealed, or rescinded by law, or until they expire by their own limitation. In any case in which
965 the provisions of this charter are found to be inconsistent with the provisions of any general or
966 special law that would otherwise be applicable, the provisions of this charter shall be deemed to
967 prevail. Every inconsistency between the prior law and this charter shall be decided in favor of
968 this charter.

969 SECTION 11-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

970 All city agencies shall continue to perform their duties until re-elected, reappointed, or
971 until successors to their respective positions are duly appointed or elected, or until their duties
972 have been transferred and assumed by another city agency.

973 SECTION 11-3: TRANSFER OF RECORDS AND PROPERTY

1010 rChapterChapterChapterChapterChapterChapterChapterChapterChapterChapterChapterSECTION 11-6:
1011 TIME OF TAKING EFFECT

1012 This charter shall take effect upon its ratification by the voters and in accordance with the
1013 following schedule:

1014 (1) All city officers and employees shall continue to perform their duties in the same
1015 manner and to the same extent as they have performed the same prior to the ratification by the
1016 voters of the special act charter.

1017 (2) The first election of officers under this charter shall be held on the first Tuesday
1018 following the first Monday in November 2013 for the purpose of electing a mayor for a 4-year
1019 term, members of the city council for 2-year terms, 2 members of the school committee elected
1020 by and from the voters at large and the school committee members representing wards 1, 3, 5 and
1021 7 for 2-year terms, a city clerk for a 2-year term, 2 trustees under the will of Charles E. Forbes
1022 for 4-year terms, 1 elector under the Oliver Smith will for a 2-year term and 3 superintendents of
1023 the Smith's Agricultural School for 2-year terms. The members of the school committee
1024 representing wards 2, 4 and 6 elected in the 2011 municipal election shall continue to hold office
1025 until the election of 2015 at which time said school committee offices shall be elected for 2-year
1026 terms. The members of the community preservation committee elected in the 2011 municipal
1027 election shall continue to hold office until the election of 2015 at which time said community
1028 preservation committee offices shall be elected for 4-year terms. A preliminary election for the
1029 purpose of nominating candidates to be elected shall be held on the third Tuesday of September
1030 2013, if necessary, as provided in article 7 of this charter.

1031 (3) On the first Monday in January 2014 the persons elected in November 2013 shall be
1032 sworn to the faithful performance of their duties.

1033 (4) Not later than 30 days following the date of the ratification of this charter by the
1034 voters, the city clerk shall give to each member of the General Court who represents any part of
1035 Northampton a copy of the vote ratifying this charter.

1036 (5) Immediately after the election at which this charter is adopted, the city council shall
1037 appoint 4 persons to a committee to begin a review of the city ordinances for the purpose of
1038 preparing such revisions and amendments as may be needed or necessary to bring them into
1039 conformity with the provisions of this charter and to fully implement the provisions of this
1040 charter. The city clerk shall be the fifth member. The committee shall submit a report, with
1041 recommendations, within 1 year following its establishment and may submit interim reports with
1042 recommendations at any time. The city solicitor, or special counsel appointed for this express
1043 purpose, shall serve as an advisor to the committee.

1044 (6) No later than September 30, 2014, the mayor shall promulgate a series of
1045 administrative orders providing for the organization of city government into operating agencies
1046 in accordance with article 6.

1047 (7) Until such time as modified in accordance with the provisions of article 6, the
1048 provisions of chapter 354 of the acts of 1888 establishing a sewer commission; chapter 464 of
1049 the acts of 1906 establishing the terms of office for park commissioners; chapter 103 of the acts
1050 of 1927 relative to the appointment of the city solicitor; chapter 328 of the acts of 2002
1051 establishing a board of public works and department of public works; and chapter 166 of the acts
1052 of 2005 shall remain in effect.

1053 (8) Forthwith following the 2013 city election, the persons elected as members of the city
1054 council shall meet for the sole purpose of reviewing and revising policies and procedures, rules,
1055 or interim rules that will govern the conduct of the business of the city council until such time,
1056 following the taking of their oath or affirmation, when the city council adopts permanent rules.
1057 Such meetings shall be called by the council member-elect most senior in age and shall be open
1058 to the public, although the business of any such meetings shall be confined to the topics
1059 identified here. The city clerk shall serve as an advisor to the city council-elect in this endeavor.

1060 (9) Until such time as another salary is established in accordance with the provisions of
1061 this charter, the initial of salary for the mayor, city councilor and school committee member shall
1062 be that which is in effect on the date of the 2013 regular city election.

1063 (10) Within 180 days after the effective date of this charter, the city council shall enact
1064 an ordinance establishing an elected official compensation advisory board. Said ordinance shall
1065 contain provisions that the board shall periodically, but no less frequently than 10 years, study
1066 the adequacy and equity of the compensation, benefits and expense allowances of municipal
1067 elected officials and report its findings and recommendations to the mayor and city council and
1068 said reports shall be filed with the city clerk. Said ordinance shall further specify the
1069 composition, term of office and method of appointment of the members of said board and any
1070 other provisions deemed appropriate by the city council.

1071 (11) The mayor and the city council in office at time this charter is adopted, and the
1072 mayor and successor city council elected pursuant to this charter, shall have the authority to
1073 adopt measures that clarify, confirm, or extend any of the transitional provisions in order that
1074 such transition may be made in the most expeditious manner possible. Such authority shall not
1075 extend beyond 5 years from the date of voter approval of this act.

1076 SECTION 2. Certain Other Obsolete Special Laws Repealed- Chapter 250 of the acts of
1077 1883; chapter 289 of the acts of 1893; chapter 287 of the acts of 1895; chapter 464 of the acts of
1078 1906; chapter 147 of the acts of 1907; chapter 265 of the acts of 1927; chapter 245 of the acts of
1079 1946; chapter 63 of the acts of 1953; chapter 655 of the acts of 1951; chapter 123 of the acts of
1080 1954; chapter 252 of the acts of 1984; chapter 253 of the acts of 1984; chapter 343 of the acts of

1081 1991; chapter 45 of the acts of 2004 relative to governance and organizational matters and
1082 election procedures; chapter 115 of the acts of 1885; chapter 99 of the acts of 1886; chapter 98 of
1083 the acts of 1892; chapter 266 of the acts of 1903; chapter 130 of the acts of 1902; chapter 60 of
1084 the acts of 1902; chapter 41 of the acts of 1924; chapter 462 of the acts of 1955; chapter 683 of
1085 the acts of 1957; chapter 666 of the acts of 1965; chapter 276 of the acts of 1972; chapter 262 of
1086 the acts of 1983; chapter 115 of the acts of 1885; chapter 99 of the acts of 1886; chapter 177 of
1087 the acts of 1894; chapter 261 of the acts of 1901 relative to time limited financial matters;
1088 chapter 128 of the acts of 1951; chapter 188 of the acts of 1956; chapter 174 of the acts of 1962;
1089 chapter 176 of the acts of 1962; chapter 45 of the acts of 1964; chapter 46 of the acts of 1964;
1090 chapter 47 of the acts of 1964; chapter 349 of the acts of 1964; chapter 725 of the acts of 1966;
1091 chapter 655 of the acts of 1967; chapter 86 of the acts of 1954; chapter 164 of the acts of 1978;
1092 chapter 274 of the acts of 1978; chapter 74 of the acts of 1979; chapter 261 of the acts of 1992
1093 relative to civil service, retirement and employees no longer in city service; and chapter 191 of
1094 the acts of 1915 relative to crossing over the city of Northampton and the town of Hadley are
1095 hereby repealed.

1096 SECTION 3. The state secretary shall place on the official ballot to be used in the city
1097 of Northampton at the biennial state election to be held November 6, 2012 the following
1098 question: Shall an act entitled “ An Act Establishing a Charter for the City of Northampton” be
1099 accepted?

1100 The city solicitor shall prepare the summary of the proposed special act charter which
1101 shall appear on the ballot along with the question provided in this section and the city clerk shall
1102 submit the question and summary to the state secretary in accordance with section 42C of
1103 chapter 54 of the General Laws.

1104 If a majority of votes cast in answer to the question is in the affirmative, the city shall be
1105 taken to have accepted the charter of the city of Northampton, but not otherwise.

1106 SECTION 4. This act shall take effect upon its passage.

1107