

Framingham Draft Charter

For Discussion Purposes

Version 08.07.16

Key:

{#} = Decision point

[?]-[?]? = Information to be filled in at a later date as a result of future decisions

Text in italics and indented has not been voted on.

Note:

This draft document will evolve as the Charter Commission makes its initial choices and decisions, and some are likely to be revisited. Center experience suggests that “straw votes” help to keep the process moving, but final votes on each section, and on the charter in its entirety, necessarily occur toward the end of the charter preparation process.

Article II: LEGISLATIVE BRANCH

1. COMPOSITION, TERM OF OFFICE

- a) Composition: There shall be a council of 13 members which shall exercise the legislative powers of Framingham. Four of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Nine of these members, to be known as district councilors, shall be nominated and elected by and from the voters of each district, one district councilor to be elected from each of the 9 districts into which the municipality is divided, under section [??-??].
- b) Term of Office: The term of office for councilors-at-large shall be for 4 years. The term of office for district councilors shall be 2 years. All terms shall begin on the first business day of January in the year following the councilor's election, and until their successors have been qualified.
- c) Eligibility: Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall at the time of election be a voter of the district from which elected, but, if the district councilor removes to another district in Framingham that office shall be considered vacant and the balance of the unexpired term shall be filled in the manner provided in section [??-??]. If the removal occurs after the first 16 months of the term of office, the councilor may continue to serve for the balance of the term for which elected. If a councilor-at-large or a district councilor removes from Framingham during the term for which elected, the office shall be considered vacant and filled in the manner provided in section [??-??].
- d) The council shall be the judge of the election and qualification of its members.

2. COUNCIL CHAIR

- a) Election and Term: As soon as practicable after the councilors-elect have been qualified following each regular municipal election, as provided in section [??-??], the members of the council shall elect from among its members a council chair who shall serve for a 2 year term of office.
- b) Powers and Duties: The council chair shall preside at all meetings of the council, regulate its proceedings and shall decide all questions of order. The council chair shall have the same powers to vote upon all measures coming before the council as any other member of the council. The council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance or by other vote of the council.
- c) Appointments of the Council Chair: The council chair shall appoint all members of all committees of the council, whether special or standing.
- d) Council Vice-Chair: The members of the council shall also elect from among its members a council vice-chair who shall serve as acting chair during the temporary absence or disability of the council chair during the current term of office. The powers of an acting council chair shall be limited to only those powers of the office

indispensably essential to the performance of the duties of the office during the period of temporary absence or disability.

3. PROHIBITIONS

- a) Holding Other Office or Position: No member of the council shall hold any other municipal office or municipal employment for which a salary or other emolument is payable from the Framingham treasury. No former member of the council shall hold any compensated appointed municipal office or appointed municipal employment until one year after the date on which the former member's service on the council has terminated.
- b) Interference with Administration: Except for the purpose of inquiries and investigations under section 7, the council and its members shall have contact with the officers and employees serving under the [mayor/manager], solely through the [mayor/manager], and neither the council nor any member of the council shall give orders or directions to any such officer or employee, either publicly or privately.

4. COMPENSATION, EXPENSES

- a) Compensation: The members of the council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted during the first 18 months of the term for which councilors are elected; the ordinance shall provide that the salary increase is to take effect upon the organization of the municipal government following the next municipal election.
- b) Expenses: Subject to appropriation and to prior authorization by the council, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

5. GENERAL POWERS

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

6. EXERCISE OF POWERS; QUORUM; RULES

- a) Exercise of Powers: Except as otherwise provided by general law or by this charter, the legislative powers of the council may be exercised in a manner determined by it.
- b) Quorum: The presence of a majority of members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter, the affirmative vote of the majority of members shall be required to adopt any ordinance or appropriation order.
- c) Rules of Procedure: The council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

- i. Regular meetings of the council shall be held at a time and place fixed by ordinance, provided that the council meets at least once per month;
- ii. Special meetings of the council shall be held at the call of the council chair, or, at the call of any 4 or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council chair shall be judge, this notice shall be delivered at least 48 weekday hours in advance of the time set for the meeting. A copy of the notice to members shall immediately be posted upon the municipality's official bulletin boards and otherwise published as may be required by ordinance;
- iii. All sessions of the council and of every committee or subcommittee of the council, shall at all times be open to the public, unless another provision is made by law;
- iv. All votes on regular and emergency ordinances shall be by roll call;
- v. A full, accurate, up-to-date account of the proceedings of the council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purpose of the executive session;
- vi. All business which is to come before the council shall first be assigned to a standing committee for study and a report with its recommendations to the full council unless the council shall otherwise vote; and
- vii. Any resident of Framingham may be recognized and speak to any agenda item discussed at council meetings. The council shall include in its rules procedures to address public participation at council meetings, including but not limited to, special rules which may govern such public participation at special or emergency meetings.

7. ACCESS TO INFORMATION

- a) In General: The council may make investigations into the affairs of the municipality and into the conduct and performance of any of its agencies and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. Upon completion of the investigation, a report shall be submitted to the Clerk of the Council and the report shall be made available to the public..
- b) Officers, Members of Agencies, Employees: The council may require any officer, member of an agency or employee to appear before it to give any information that the council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the council. The [mayor/manager] shall receive notice of any such request at the same time as the officer, member, or employee is notified.
- c) [Manager/Mayor]: The council may require the [manager/mayor] to provide specific information to it on any matter within the jurisdiction of the council. The council may require the [manager/mayor] to appear before it, in person, to respond to written questions made available to the [manager/mayor] at the time the request to attend is made to the [manager/mayor], to provide specific information on the conduct of any aspect of the business of the municipality. The [manager/mayor] may bring to this meeting any

assistant, department director or other officer or employee that the [manager/mayor] may consider necessary to assist in responding to the questions posed by the council.

- d) Notice: The council shall give not less than five days advance notice to any person it may require to appear before it under this section. The notice shall include specific questions on which the council seeks information, and no person called to appear before the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of that person.

8. OFFICERS AND COMMITTEE APPOINTED BY COUNCIL

- a) Auditor: The council shall appoint an auditor to serve for a term of three years and until a successor is chosen and qualified. The auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the comptroller-general of the United States. The auditor shall make periodic reports to the council in such detail and with such frequency as the council shall, by ordinance, by rule or by other vote, direct. All officials of the municipality shall cooperate with the auditor in the performance of this audit function. The auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the council.
- b) Clerk: The council shall appoint a clerk to serve for a term of three years and until a successor is chosen and qualified. The clerk shall, with the approval of the council, appoint an assistant clerk to serve conterminously with the clerk. The clerk shall be the keeper of vital statistics for the municipality; the custodian of the Framingham seal; shall administer the oath of office to all persons, elected or appointed, to any office; shall issue such licenses and permits as are required by law to be issued by clerks; and shall supervise and manage the conduct of all elections and all other matters relating to elections. The clerk shall have any other powers and duties that are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the council.
- c) Clerk of the Council: The council shall appoint a clerk of the council to serve for a term of three years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform any other duties that may be provided by ordinance or by other vote of the council.
- d) Salaries/Compensation: The officers appointed or elected by the council shall receive the salaries or other compensation that may from time to time be provided for these offices, by ordinance.
- e) Removal/Suspension: Any person appointed or elected by the council may be removed or suspended by the council by the use of the procedures established in the municipality's personnel ordinance for the removal of municipal employees appointed or elected by the council.
- f) *The Council shall appoint a Finance Advisory Committee composed of not more than X registered voters for terms of X years. The Finance Advisory*

Committee shall provide guidance and advice to the Council on general financial management and policy matters, including, but not limited to, the city's budget process, capital improvement plan, debt management policies, and long term financial forecast. The Finance Advisory Committee will meet not less than quarterly and will report regularly to the City Council, as provided in the Council's rules.

- g) The Council may appoint such other standing and ad hoc committees of registered voters as the council shall from time to time determine, to offer guidance and advice on issues as the Council shall request.*
- h) The Council shall further delineate the purpose, composition, reporting requirements, and frequency of meetings of such appointed committees in the Council's rules.*

9. ORDINANCES AND OTHER MEASURES

- a) **Emergency Ordinances:** No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to the ordinance, separately voted upon and receiving the affirmative vote of 7 or more members of the council. Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted under this section is passed extending it, or unless a measure passed under this section has extended it.
- b) **Measures, In General:** The council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, if no member of the council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the council. On the first occasion that the question of adopting any measure is put to the council, except an emergency measure as defined in section 9 (a), if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the council. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- c) **Publication:** Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under section 9 (a) of this article shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least 10 days before its final passage. After final passage it shall be posted on the municipal bulletin board and otherwise published as may be required by ordinance. Whenever a proposed ordinance or codification of ordinances or other measure would

exceed in length 10 column inches of ordinary newspaper notice print, then, in lieu of publication in a local newspaper, the document may be published and made available at the office of the clerk in booklet or pamphlet form at least 10 days before its final passage, and this publication shall be considered sufficient notice. Whenever the council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least 10 days before final passage, prepare and publish in a local newspaper and on the town bulletin board a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

10. COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- a) The [manager/mayor] shall submit to the council the name of each person the [manager/mayor] desires to appoint to any office, as a department director, or as a member of a multiple-member body, but not including any position that is subject to the civil service law. The council shall refer each name that is submitted to it to a standing committee of the council which shall investigate each candidate for appointment and may make a report, with recommendations, to the full council not less than 7 nor more than 21 days after the referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the council, to give any information relevant to the appointment that the committee, or the council, may require.
- b) Appointments made by the [manager/mayor] for department directors shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk of the council, unless the council by a 2/3 vote shall within those 30 days vote to reject the appointment, or unless the council has voted to affirm the appointment earlier. The question on rejection of any appointment made by the [manager/mayor] shall not be subject to the procedure of charter objection provided in section [??-??].
- c) Appointments made by the [manager/mayor] for multiple-member body members shall be submitted to the Council for its approval, provided that said appointments shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk unless the council rejects said appointment within 30 days or the council has voted to affirm the appointment earlier. The question on approval or rejection of any appointment made by the [manager/mayor] shall not be subject to the procedure of charter objection provided in section [??-??].

11. FILLING OF VACANCIES

- a) Councilor-at-Large: Vacancy
 - i) Vacancy during Initial 18 Months of Term: If a vacancy shall occur in the office of councilor-at-large during the first 18 months of the term for which councilors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve, and if that

person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the regular municipal election. The clerk shall certify this candidate to the office of councilor-at-large to serve for the balance of the then unexpired term.

- ii) Vacancy between 19 and 21 Months of Term: If a vacancy shall occur in the office of councilor-at-large during the after the 18th month, but before the 21st month of the term to which elected, the vacancy shall be filled at the next regular municipal election and the candidate elected shall serve until the next following municipal election for the remainder of the term.
- iii) Vacancy after initial 21Months of Term, but prior to 44th Month of Term: If a vacancy shall occur after the 21st month of the term to which elected, but before the 44th month, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve, and if that person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the regular municipal election. The clerk shall certify this candidate to the office of councilor-at-large to serve until the next municipal election.
- iv) Vacancy during or after 44th month of Term: Any vacancy in the office of councilor at large during or after the 44th month of the term to which elected shall be filled at the next municipal regular municipal election. The candidate so elected shall take office immediately, and serve for the remaining 2 months of the present term as well as to the term to which elected.
- b) District Councilor: If a vacancy shall occur in the office of district councilor it shall be filled in the same manner as provided in section 2-11(a) of this article for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs. However, if there be no candidate on that list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists, shall be certified and shall serve until the next regular municipal election if that candidate remains a resident of the district, is willing to serve as a district councilor, and received votes in the district equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the regular municipal election. The clerk shall certify that candidate to the office of district councilor to serve for the balance of the then unexpired term. Any vacancy occurring after the 18th month of the term shall be filled at the next regular municipal election. The candidate so elected shall take office

immediately, and serve for the remaining 2 months of the present term as well as to the term to which elected.

- c) Filling of Vacancies By Council: Whenever a vacancy shall occur in the office of councilor-at-large or in that of district councilor and there is no available candidate to fill the vacancy in the manner provided in section 2-11 (a I, ii, iii, or iv) or (b) of this article, the vacancy shall be filled by vote of the remaining members of the council. Notice of said council vacancy shall be posted for a minimum of 14 days prior to the meeting at which the council shall fill any such vacancy.
- d) Persons elected to fill a vacancy either by the manner provided in section 2-11 (a I, ii, iii, or iv) or (b) of this article or by the council shall serve only until the next regular municipal election.

Article VII: ELECTIONS AND ELECTION RELATED MATTERS

1. ELECTIONS: GENERAL, PRELIMINARY

- a) The regular municipal election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.
- b) A preliminary election for the purpose of nominating candidates shall be held on the third Tuesday in September in every other odd-numbered year, but the municipal clerk may, with the approval of the municipal council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. [Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted 35 days preceding the date established for the special election.]
- c) Signature Requirements: The number of voter signatures required to place the name of a candidate on the official ballot to be used at an election shall be as follows:
 - i) [for the office of mayor, not less than 500 signatures, but at least 25 signatures must be certified from each district;]
 - ii) for the office of councilor-at-large or school committee member, not less than 150 signatures, but at least 15 signatures must be certified from each district; and
 - iii) for the office of district councilor, not less than 50 signatures, all of which shall be from the district from which the nomination is sought.
- d) Determination of Candidates: The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of

votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.

- e) Condition Making Preliminary Unnecessary: If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular ward or wards of the city, no preliminary election shall be held in such ward or wards.
- f) Ballot Position: The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the clerk. The clerk shall give public notice of the time and place of the drawing, and the drawing shall be open to the public.

2. NON-PARTISAN ELECTIONS

- a) All elections for municipal offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

3. DISTRICTS

- a) The territory of Framingham shall be divided into 9 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The council shall from time to time, but at least once in each 10 years, review such districts to insure their uniformity in number of inhabitants and conformity with state and federal law.

4. APPLICATION OF STATE GENERAL LAWS

- a) Except as otherwise expressly provided in this charter and authorized by law, all municipal elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

1. PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

- a) Individual Petitions, Action Discretionary: The council and the school committee shall receive all petitions, signed by one or more voters, which are addressed to either of them and may, in their discretion, take such action in regard to each such petition as may be deemed necessary and advisable.
- b) Group Petitions Action Required: The council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred votes, or more, and which seeks the passage of a measure. The hearing shall be held by the council or the school committee, or, in either case, by a committee or subcommittee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held on the same date and at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense.

2. CITIZEN INITIATIVE MEASURES

- a) Commencement: Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 500 voters comprised of at least 1% of the voters from each district. The signatures must be certified from each district by the municipal clerk. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- b) Referral to Solicitor: The clerk of the council or the secretary of the school committee, as the case may be, shall immediately following receipt of each proposed petition deliver a copy of the petition to municipal solicitor. The municipal solicitor shall, within 15 days after receipt of a copy of the petition, in writing, advise the council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the council or the school committee. If the opinion of the municipal solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the municipal solicitor shall also be mailed to the person designated as clerk of the petitioners committee, and any further petition shall be submitted under Section 7-7(a).

- c) Submission to Clerk: If the opinion of the municipal solicitor is that the petition is in a proper form, the municipal clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the municipal solicitor, together with the names and addresses of the petitioners committee who signed the originating petition. Within 30 days after the date the blank forms are issued by the municipal clerk, the petitions shall be returned and filed with the municipal clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent municipal election. Signatures to an initiative petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on them of the name and residence address of the person designated as filing the petition. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days after the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent municipal election. The municipal clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council, or the secretary of the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.
- d) Action on Petitions: Within 30 days after the date a petition has been returned to the clerk of the council, or the secretary of the school committee, and after publication under section), the municipal council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered to be a rejection of the initiative measure. If the municipal council or the school committee fails to act with respect to any initiative measure that is presented to it within 30 days after the date it is returned to it, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the clerk of the council, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.
- e) Supplementary Petitions: Within 60 days after the date an initiative petition has been rejected by the council, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 per cent of the total number of voters as of the date of the most recent municipal election, and the signatures on the initial petition filed under subsection (c), above, and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of the total number of voters in Framingham, and in each of the districts into which the municipality is divided for the purpose of elections. If the number of signatures to the supplemental petition is found to be sufficient by the municipal clerk, the council shall call a special election to be held on a date fixed by it not less than 35 nor more than 90 days after the date the council votes to call for the special election and shall submit the proposed measure, without alteration, to the voters for determination, but if any other

municipal election is to be held within 120 days after the date of the certificate, the council may omit the calling of the special election and cause the question to appear on the election ballot at the next regular municipal election for determination by the voters.

f) Publication: The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the municipal clerk, and in such other venues as may be determined by the clerk, including, but not limited to, the public library, and the official municipal web site or similar electronic posting.

g) Form of Question: The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by an initiative petition, take effect?

(Here, insert a fair, concise summary prepared by the solicitor.)

YES

NO

h) Time of Taking Effect: If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

3. CITIZEN REFERENDUM PROCEDURES

a) Petition, Effect on Final Vote: If, within 30 days after the date on which the council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to 15 percent of the total number of voters as of the date of the most recent regular municipal election and addressed to the council or to the school committee, as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or clerk of the council, the implementation of the measure and effective date of the measure shall be temporarily suspended. The school committee or the council shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the council shall provide for the submission of the question for a determination by the voters, either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular municipal election, but pending such submission and determination the effect of the measure shall continue to be suspended.

b) Certain Initiative Provisions to Apply: The petition described in this section shall be termed a referendum petition and, insofar as applicable, section XXX shall apply to such referendum petitions, except that the words “measure or part thereof protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it

may occur in those sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

4. INELIGIBLE MEASURES

- a) None of the following shall be subject to the initiative or the referendum procedures:
- b) proceedings relating to the internal organization or operation of the council or the school committee;
- c) an emergency measure adopted in conformity with the charter;
- d) the municipal budget or the school committee budget as a whole;
- e) revenue loan orders;
- f) any appropriation for the payment of the municipality's debt or debt service;
- g) an appropriation of funds to implement a collective bargaining agreement;
- h) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- i) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- j) any proceedings providing for the submission or referral to the voters at an election; and
- k) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

5. SUBMISSION OF OTHER MATTERS TO VOTERS

- a) The council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular municipal election for adoption or rejection any measure in the same manner and with the same force and effect as is hereby provided for submission by petitions of voters.

6. CONFLICTING PROVISIONS

- a) If two or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

5. RECALL ELECTIONS

- a) Application: Any person holding an elected municipal office may be recalled from that office by the voters under the procedures made available in this section.

b) Recall Affidavit

i) Office Elected by Voters at Large: 800 or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on this affidavit shall contain the names of at least 100 voters in each of the districts into which Framingham is divided for the purpose of elections.

ii) Officer Elected by District: 300 or more voters from the district where an officer elected by said district is sought to be recalled may file with the board of registrars of voters an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on this affidavit shall contain the names only of voters in the district from which the officer was elected.

c) Recall Petition: At Large, or by District: If the affidavit is found to be valid, the municipal clerk shall deliver to the first 10 persons named on the affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the council; they shall contain the names and residence addresses of the 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit;; and they shall be dated and signed by the municipal clerk. The recall petitions shall be returned to the office of the board of registrars of voters within 30 days after the date they are issued, signed by not less than 15% of the total number of voters in the district for an official elected by the district, or of the municipality for an official elected at large, as of the date of the most recent regular municipal election. For the recall petition of an official elected at large, the signatures on these petitions shall contain the names and addresses of at least 1% of the voters in each of the districts into which Framingham is divided for the purpose of elections. The sheets constituting a petition need not all be filed at the same time. For the purposes of this section, a petition shall be considered filed whenever the persons responsible for its filing notify the board of registrars of voters in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed. The board of registrars of voters, shall within 10 days following the date the petition forms are filed certify the number of signatures on them which are the names of voters and the percentage that number represents of the total number of voters in each district as of the date of the regular municipal election.

d) Recall Election: If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall immediately submit the petitions, with their certificate, to the council. Upon receipt of the certified petition forms, the council shall immediately give written notice to the officer whose recall is sought of the validity of the petitions. If the officer whose recall is sought does not resign the office within 5 days after delivery of the notice, or by its having been left at the last known place of residence, the

council, after consultation with the municipal clerk, shall order a special election to be held on a date no less than 35 nor more than 90 days after the date of its notice to the officer whose recall is sought.

- e) Ballot Question: Ballots used at the recall election shall state the proposition in substantially the following form:

Shall (insert name of officer) be recalled from the office of (insert name of office held)?

YES

NO

- f) Officeholder: The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be considered to be recalled, and the office shall be considered to be vacant upon the certification of the election results. If a majority of the votes cast on the question is in the negative, the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (g), below.
- g) Restriction on Recall Petition: No recall petition shall be filed against any officer until at least 6 months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than 6 months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.
- h) Filling of Vacancy:
- i) If the office of mayor is declared vacant as the result of a recall election, the council shall immediately call a special election to be held on a date fixed by it not less than 95 nor more than 100 days after the date of the recall election. The person elected at that special election shall serve for the balance of the unexpired term remaining at the time of election.]
 - ii) Vacancies in any other office shall be filled under sections 2-11, [TBD for school committee] and 7-13. No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by that recall.