

Framingham Home Rule Charter

13 January 2017



Charter Commission:

Valerie W. Mulvey, Chair

Dennis W. Cardiff, Vice-Chair

Adam S. Blumer, Clerk

Teri S. Banerjee

Dennis L. Giombetti

George P. King, Jr.

Janet E. Leombruno

Jason A. Smith

John A. Stefanini

ACKNOWLEDGMENT

The Charter Commission expresses special appreciation to its professional consultant, University of Massachusetts Collins Center, Town Counsel Christopher J. Petrini, Attorney Susan Craighead and its administrative assistant, Danielle Ameden, for their valuable services to this process.



Framingham Charter Commission

January 13, 2017

Dear Framingham Voter:

We have each had the honor and privilege of serving as your elected representative on Framingham's fourth Charter Commission, our first Commission since 1996. The Commission was charged by the voters of Framingham and authorized by Massachusetts constitution and general laws with drafting a Charter for Framingham.

Over the past year, the Charter Commission convened 57 meetings and 7 public hearings to gather input from residents, community leaders and experts in municipal government to help determine the most inclusive and effective form of government for our community. We drafted for voters consideration -- through a transparent, open, participatory and iterative process -- the attached Home Rule Charter to reform, reconstitute and reinvigorate our local government.

It will appear as follows on the annual Town Election on Tuesday, April 4, 2017:

Shall Framingham approve the new home rule charter recommended by the charter commission as summarized below?

YES

NO

Summary of Home Rule Charter

The home rule charter provides for a full-time elected Mayor serving a 4-year term, and an elected 11-member Town Council composed of nine district members serving 2-year terms and two at-large members serving 4-year terms. The Mayor replaces the Board of Selectmen as the Town's chief executive, and the Town Council, meeting at least monthly, replaces the Representative Town Meeting.

The School Committee will have 9 district members serving 2-year terms; the Mayor shall serve as the 10th member voting only to break a tie. The terms of the Board of Library Trustees and the Board of Cemetery Trustees will be extended to 4 years, with half the membership elected at alternating municipal elections.

Elections will be held in November of odd-numbered years. The charter establishes a Licensing Commission and a Traffic Commission. Financial management provisions include creation of a Strategic Initiatives and Financial Oversight Committee to consider the town's financial condition and make recommendations on the Town's future needs.

Several citizen "safeguard" provisions allow citizens to petition for measures through an initiative process, repeal a measure approved by the Town Council through a referendum process, and remove from office the Mayor, Town Council members, or School Committee members under certain circumstances by petitioning for a recall election. The proposed charter also

establishes procedures for voters to bring matters before the Town Council and School Committee for a hearing, and creates the position of citizen participation officer to improve communication and outreach between the voters and the municipal leadership.

Finally, the Charter provides for the automatic and periodic review of the Charter to ensure that it continues to evolve to meet the needs of Framingham. The first such review will be five years following adoption of this charter.

We humbly submit the attached Home Rule Charter and accompanying reports to you for your consideration. Please take time to engage in this important discussion relative to the future of our community and no matter your position on it, please vote on Tuesday, April 4, 2017.

WITNESS, our hands and seal, at Framingham, Middlesex County, Massachusetts.

Respectfully submitted,

Valerie W. Mulvey, Chair
valerie.mulvey@gmail.com

George P. King, Jr.
georgeking223@gmail.com

Dennis W. Cardiff, Vice-Chair
dcard53@comcast.net

Janet E. Leombruno
janetleombruno@aol.com

Adam S. Blumer, Clerk
ablumer66@gmail.com

Jason A. Smith
jsmith@knft.com

Teri S. Banerjee
chartercommissioner@gmail.com

John A. Stefanini
Stefanini@aol.com

Dennis L. Giombetti
dgiombetti@rcn.com

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Preamble

We, the people of Framingham, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do adopt this Home Rule Charter.

We need and want a local government that represents all of us, that supports vibrant neighborhoods, provides quality schools, protects safe and secure homes, values our elders, celebrates diversity, supports local businesses, ~~increases~~ promotes community participation, and cares for those in need.

It is the expectation and intent that the Charter will continue and enhance voter participation, ethical, transparent and responsive leadership, wise use of public resources, respect for all in the community, and an engaged citizenry. We expect and intend that our government will promote equality, and be welcoming and inclusive.

Article I: INCORPORATION; SHORT TITLE; DEFINITIONS

1. INCORPORATION

The inhabitants of Framingham, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name “Town of Framingham.” In this charter, the Town of Framingham shall be referred to as “Framingham.”

2. SHORT TITLE

This instrument shall be known and may be cited as the “Framingham Home Rule Charter.”

3. DIVISION OF POWERS

The administration of the fiscal, prudential, and municipal affairs of Framingham, with the government thereof, shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a ~~council~~town council. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

4. POWERS

Subject only to express limitations on the exercise of any power or function by a municipal government under the constitution or general laws of the Commonwealth of Massachusetts, it is the intention and the purpose of the voters of Framingham through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated in this charter.

5. CONSTRUCTION

The powers of Framingham under this charter are to be construed liberally in favor of the municipality, and the specific mention of any particular power is not intended to limit the general powers of the municipality as stated in the Framingham Home Rule Charter. To the extent that any provision of this charter shall conflict with any special act or general law adopted by the municipality to the contrary, the provision of this charter shall prevail.

6. INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth of Massachusetts, Framingham may exercise any of its powers or perform any of its functions, and may participate in their financing, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political subdivision of the Commonwealth, or with the United States government or any of its agencies.

7. DEFINITIONS

Unless another meaning is provided in a specific section of the charter or is apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

“Charter”: this Framingham Home Rule Charter and any adopted amendments to it.

“Department Director”: any official responsible for running a department of the municipality who reports to a Division Head.

“Division Head”: any official who manages department directors or who reports directly to the mayor.

“Emergency”: a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

“Ex-Officio”: by virtue or because of an office without the right to vote.

“Full counciltown council”, “full school committee” or “full multiple-member body”: the entire authorized complement of the counciltown council, school committee or other multiple-member body notwithstanding any vacancy which might exist.

“General Laws” or “general laws”: laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities and towns of which Framingham is a member.

“Initiative measure”: a measure proposed by the voters through the initiative process provided under this charter.

“Local newspaper”: a newspaper of general circulation within Framingham, with either a weekly or daily circulation or local media website.

“Majority vote”: when used in connection with a meeting of the counciltown council, school committee or a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by general law or ordinance.

“Measure”: any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the counciltown council or the school committee.

“Municipal or municipality”: the Town of Framingham.

“Municipal agency”: any multiple-member body, department, division or office of the Town of Framingham, but not including the counciltown council or school committee.

“Municipal bulletin board”: a bulletin board, including an electronic monitor, on which the town clerk posts official notices of meetings and upon which other official municipal notices are posted, and any other bulletin boards, including electronic monitors, at any other locations that may be designated municipal bulletin boards by the counciltown council, and the official website of the municipality.

“Municipal Notification List”: A notification list that residents may voluntarily join, maintained by the citizen participation officer, to inform residents of upcoming meetings, employment or vendor opportunities, municipal activities or other timely information by automatic electronic means.

“Municipal officer”: when used without further qualification or description, a person having charge of an office as defined in Article V, or who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the municipality.

“Multiple-member body”: any board, commission, committee, subcommittee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the counciltown council, the school committee, or executive ad hoc or working groups advisory to the mayor.

“Ordinance”: any rule, law, or regulation ~~or resolution~~ adopted by the municipality in accordance with this charter.

“Organization plan” or “reorganization plan”: a plan submitted by the mayor to the ~~council~~town council which proposes the abolition or consolidation of one or more municipal agencies, including the reassignment of functions from one agency to another, or the establishment of one or more new municipal agencies as deemed necessary to deliver one or more municipal services.

“Posted on the municipal bulletin board”: the placing of an item, on paper or in electronic format, on the municipal bulletin board in order to provide notice to the public until the period of notice has expired or fourteen days, whichever is longer. Large posts may be limited to the first page with a note that the entire document is available on location for inspection.

“Quorum”: a majority of the full multiple-member body, full ~~council~~town council or full school committee unless some other number is required by applicable law or by ordinance.

“Referendum”: a measure adopted by the ~~council~~town council or the school committee that is protested under the referendum procedures of this charter.

“Resolution”: a formal expression of opinion or a ceremonial declaration voted by the town council not requiring the signature of the mayor and having no force of law.

“Special act”: a law enacted by the state legislature which applies only to Framingham.

“Voter”: registered voter of the Town of Framingham.

Article II: LEGISLATIVE BRANCH

1. COMPOSITION, TERM OF OFFICE

- a) Composition: There shall be a counciltown council of eleven (11) members which shall exercise the legislative powers of Framingham. Two (2) of these members, to be known as counciltown councilors-at-large, shall be nominated and elected by and from the voters at large. Nine (9) of these members, to be known as district counciltown councilors, shall be nominated and elected by and from the voters of each district, one district counciltown councilor to be elected from each of the nine (9) districts into which the municipality is divided, under Article VII, section 3.
- b) Term of Office: The term of office for counciltown councilors-at-large shall be four (4) years. The term of office for district counciltown councilors shall be two (2) years. All counciltown councilor terms shall begin on the first business day of January in the year following the counciltown councilor's election, and shall continue until their successors have been qualified.
- c) Eligibility: Any voter shall be eligible to hold the office of counciltown councilor-at-large. Any voter, who is a resident of the district on or before April 1 in any municipal election year, shall be eligible to serve as the district town councilor. Any voter shall be eligible to hold the office of district councilor, provided that such voter shall at the time of election be a voter of the district from which he or she is elected. ~~—~~ If a counciltown councilor-at-large or a district counciltown councilor removes from Framingham, or a district counciltown councilor removes to another district in Framingham, during the term for which elected, that office shall be considered vacant and the balance of the unexpired term shall be filled in the manner provided in Article II, section 11 ~~of this Article~~.
- d) Qualifications: The counciltown council shall be the judge of the election and qualification of its members.

2. COUNCILTOWN COUNCILTOWN TOWN COUNCIL OFFICERS

- a) Election and Term of CouncilTown Council Chair: As soon as practicable after the counciltown councilors-elect have been qualified following each regular municipal election, as provided in Article IXVIII, section 110 the counciltown councilors shall elect from among its members a counciltown council chair who shall serve for a two (2) year term of office.
- b) Powers and Duties of CouncilTown Council Chair: The counciltown council chair shall preside at all meetings of the counciltown council, shall regulate its proceedings and shall decide all questions of order. The counciltown council chair shall have the same powers to vote upon all measures coming before the counciltown council as any other counciltown councilor. The counciltown council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance, by counciltown council rules, or by other vote of the counciltown council.
- c) Appointments of the CouncilTown Council Chair: The counciltown council chair shall appoint all members of all committees established by the rules of the counciltown council, whether special or standing, including, but not limited to a Finance subcommittee.

- d) Council Town Council Vice-Chair: The council town councilors shall also elect from among their members a council town council vice-chair who shall serve as acting council town council chair during the temporary absence or disability of the council town council chair during the current term of office. The powers of an acting council town 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 council town councilor shall hold any other municipal office or municipal employment for which a salary or other emolument is payable from the Framingham treasury. No former council town councilor shall hold any compensated appointed municipal office or appointed municipal employment until one (1) year after the date on which the former council town councilor's service on the council town council has terminated.
- b) Interference with Administration: ~~Except for the purpose of inquiries and investigations under section 7 of this Article, neither~~ The council town council nor any council town councilor shall give orders or directions to any municipal officer or employee, either publicly or privately.

4. COMPENSATION, EXPENSES

- a) Compensation: The council town councilors shall receive such stipend for their services as may from time to time be set by ordinance. Any ordinance increasing the stipend of council town councilors (i) must be adopted during the first 18 months of the then council town councilors' terms; (ii) shall not be effective until after the next election and qualification of council town councilors; and (iii) shall only be adopted by a two-thirds (2/3) vote of the full council town council on a roll call vote.
- b) Expenses: Subject to appropriation and to prior authorization by the council town council, council town councilors shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

5. GENERAL POWERS

- a) Municipal Powers: Except as otherwise provided by the general laws or by this charter, all municipal powers of Framingham shall be vested in the council town 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 the general laws or by this charter, the legislative powers of the council town council may be exercised in a manner determined by the council town council.
- b) Quorum: The presence of a majority of members shall constitute a quorum for the transaction of business.

- c) Required Vote: Except as otherwise provided by the general laws or by this charter, the affirmative vote of the majority of the full council shall be required to adopt any ordinance or appropriation order. Any zoning ordinance shall only be adopted by a two-thirds (2/3) vote of the full council, unless otherwise required by the general laws.
- d) 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 shall meet 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 four (4) or more councilors, by written notice delivered in hand to the councilor or to the place of residence of each councilor and which contains a listing of the items to be acted upon. Except in case of an emergency, the existence of which the council chair shall be judge, this notice shall be delivered at least 48 hours in advance of the time set for the meeting. A copy of the notice to councilors shall simultaneously be posted on the municipal bulletin board 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 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 consistent with the requirements of the Open Meeting Law, General Laws chapter 30A, section 22;
 - vi. Any resident of Framingham may be recognized and speak to any agenda item on the current council agenda. 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; and,
 - vii. Absent any unforeseen difficulty, technical or otherwise, all meetings of the council shall be recorded and broadcast live.

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 any investigation, a report shall be submitted to the secretary of the council and such report shall be posted on the municipal bulletin board.
- 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 counciltown 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 counciltown council. The mayor shall receive notice of any such request at the same time as the officer, member, or employee is notified.

- c) Mayor: The counciltown council may require the mayor to provide specific information to it on any matter within the jurisdiction of the counciltown council. The counciltown council may require the mayor to appear before it, in person, to respond to written questions made available to the mayor at the time the request to attend is made to the mayor, or to provide specific information on the conduct of any aspect of the business of the municipality. The mayor may bring to this meeting any assistant, division head, department director or other officer or employee that the mayor may consider necessary to assist in responding to the questions posed by the counciltown council.
- d) Notice: The counciltown council shall give not less than five (5) 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 counciltown council seeks information, and no person called to appear before the counciltown 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 APPOINTED BY COUNCILTOWN COUNCIL

- a) Auditor: The counciltown council shall appoint an auditor to serve for a term of three (3) 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 counciltown council in such detail and with such frequency as the counciltown 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 counciltown council.
- b) Town Clerk: The counciltown council shall appoint a town clerk to serve for a term of three years and until a successor is chosen and qualified. The town clerk shall, with the approval of the counciltown council, appoint an assistant clerk to serve coterminously with the town clerk. The town clerk shall be the keeper of vital statistics for the municipality; shall be 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 the general laws to be issued by clerks; and shall supervise and manage the conduct of all elections and all other matters relating to elections. The town clerk shall have any other powers and duties that are given to town clerks by the general laws, by this charter, by ordinance or by other vote of the counciltown council.
- c) Secretary of the CouncilTown Council: The counciltown council shall appoint a secretary of the counciltown council to serve for a term of three (3) years and until a successor is chosen and qualified. The secretary of the counciltown council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings, research

municipal matters and perform any other duties that may be provided by ordinance or by other vote of the counciltown council.

- d) Salaries/Compensation: The officers appointed or elected by the counciltown 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 counciltown council may be removed or suspended by the counciltown council by the use of the procedures established in the municipality's personnel ordinance for the removal of municipal employees.

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 the wellbeing of 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 seven (7) or more counciltown councilors. Emergency ordinances shall stand repealed on the sixty-first (61st) day following their adoption, unless an earlier date is specified in the measure.
- b) Measures: The counciltown council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided no counciltown councilor shall object. If any single member objects, a vote on the measure shall be postponed to the next meeting of the counciltown council. On the first occasion that the question of adopting any measure is put to the counciltown council, except an emergency measure as defined in section 9 (a) of this Article, 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 counciltown council. This procedure to postpone a vote shall not be used more than once for any measure notwithstanding any amendments made to the original measure. ~~Provided however, that~~
- b)c) Any ordinance authorizing the granting of a special permit in accordance with Massachusetts zoning laws shall limit such authority to the counciltown council, planning board or zoning board of appeals, and shall further require a two-thirds (2/3) vote of such bodies with more than five members, a four-fifths (4/5) vote of a five-member body, and a unanimous vote of a three-member body, unless otherwise required by the general laws.
- e)d) Publication: Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under Article II, section 9-(a)-of this Article, shall be posted on the municipal bulletin board, and in any additional manner as may be provided by ordinance, at least ten (10) days before its final passage. An emergency ordinance shall be posted on the municipal bulletin board as soon as practicable. After final passage of any ordinance, appropriation order or loan authorization, it shall be posted on the municipal bulletin board and otherwise published as may be required by ordinance.

10. COUNCILTOWN COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- a) Submission of Names to CouncilTown council: The mayor shall submit to the counciltown council the name of each person the mayor desires to appoint to any office as a division head, chief of staff, citizen participation officer, or as a member of a multiple-member

body. The counciltown council shall refer each name that is submitted to it to a standing committee of the counciltown council which may investigate each candidate for appointment and may make a report, with recommendations, to the full counciltown council not less than seven (7) nor more than twenty-one (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 counciltown council, to give any information relevant to the appointment as such that the committee, or the counciltown council, may require.

- b) Effective Date for Certain Appointmentsof Division Head Appointments: Appointments made by the mayor for division heads, shall become effective on the thirtieth (30th) day after the date on which notice of the proposed appointment was filed with the secretary of the counciltown council, unless the full counciltown council by a two-thirds (2/3) vote shall within those thirty (30) days vote to reject the appointment, or unless the full counciltown council has sooner voted to affirm the appointment. The question of rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in Article XArticle VIII.
- c) Approval of Multiple-Member Body Appointments: Appointments made by the mayor for multiple-member body members shall be submitted to the counciltown 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 majority of the full counciltown council rejects said appointment within 30 days or the full counciltown council has sooner voted to affirm the appointment earlier. The question on approval or rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section Article XArticle VIII.

11. FILLING OF VACANCIES

- a) CouncilTown councilor-at-Large: Vacancy
 - i. Vacancy during Initial 16 Months of Term: If a vacancy shall occur in the office of counciltown councilor-at-large during the first 16 months of the term for which counciltown councilors are elected, the vacancy shall be filled by a special election. A preliminary election will be held within 60 days following the vacancy, and the special election shall be held 35 days following the preliminary. The candidate elected shall be qualified by the counciltown council and shall serve for the balance of the then unexpired term.
 - ii. Vacancy between 17 and 21 Months of Term: If a vacancy shall occur in the office of counciltown councilor-at-large during or after the 17th 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 for the remainder of the present term.
 - iii. Vacancy after initial 21Months of Term, but prior to 42nd Month of Term: If a vacancy shall occur after the 21st month of the term to which elected, but before the 42nd month, the vacancy shall be shall be filled by a special election. A preliminary election will be held within 60 days following the vacancy, and the special election shall be held 35 days following the

- preliminary. The candidate elected shall be qualified by the council and shall serve for the balance of the then unexpired term.
- iv. Vacancy during or after 42nd month of Term: Any vacancy in the office of councilor at large during or after the ~~44th~~^{42nd} 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 in the initial ~~20~~ months of the term it shall be filled by the candidate receiving the next highest number of votes for the district council seat in the district where the vacancy occurs provided that such candidates received at least 30 per cent of the vote total received by the person receiving the highest number of votes for the seat, and remains willing and able to serve. The council shall qualify the individual elected to the office of district councilor to serve for the remainder of the existing term. Any vacancy occurring after the ~~20th~~^{16th} 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 Article 11-2, sections ~~11(a)~~ ((-i, ii, iii, or iv) or ~~11(b)~~ of this article, the vacancy shall be filled by vote of the remaining members of the council. Notice of said councilor vacancy shall be posted for a minimum of 14 days prior to the meeting at which the council shall fill any such vacancy.

Article III: EXECUTIVE BRANCH

1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION

- a) Mayor, Qualifications: ~~The chief executive and administrative officer of the municipality shall be a mayor, elected by and from the voters of the municipality at large.~~ Any registered voter, who is a resident of Framingham, shall be eligible to hold the office of mayor. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.
- b) Term of Office: The term of office of the mayor shall be four (4) years beginning on the first business day of January following the regular municipal election at which elected and shall continue until a successor is qualified.
- c) Compensation: ~~The Council~~ town council shall, by ordinance, establish an annual salary for the mayor. Any ordinance altering the salary of the mayor (i) must be adopted during the first forty-two (42) months of the then mayor's term; (ii) shall not be effective until after the next election and qualification of mayor; and (iii) shall only be adopted by a two-thirds (2/3) vote of the full ~~council~~ town council on a roll call vote.
- d) Expenses: Subject to appropriation by the ~~council~~ town council, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.
- e) Prohibition on Holding Other Office or Position: The mayor shall hold no other municipal office or municipal employment for which a salary or other emolument is payable from the municipal treasury. No former mayor shall hold any compensated appointed municipal office or municipal employment until one year after the date on which the former mayor's term of office has terminated. This prohibition shall not apply to persons covered by a leave of absence under General Laws chapter 31, section 37.

2. EXECUTIVE & ADMINISTRATIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive and administrative powers of the municipality shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several municipal agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the municipality to be enforced and shall cause a record of all official acts of the executive branch of the municipal government to be kept. The mayor shall exercise a general supervision and direction over all municipal agencies, unless otherwise provided by law, by the charter or by ordinance. Each municipal agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise that the mayor may request and that the needs of the office of mayor and the interest of the municipality may require. The mayor shall supervise, direct and be responsible for the efficient administration of all municipal activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the municipality of Framingham and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable

times all persons serving the municipality, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise. The mayor shall serve as an ex officio member of every multiple-member body with the right to attend and participate in any meeting at any time, including executive sessions, ~~to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.~~

3. APPOINTMENTS BY THE MAYOR

- a) Municipal Positions: The mayor shall appoint, subject to the review of the appointments by the ~~council~~town council under Article II, all municipal officers, division heads, department directors, employees and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the ~~council~~town council. Except as may otherwise be required by the civil service law, appointments or re-appointments made by the mayor shall be for indefinite terms, excepting persons categorized as division heads and department directors who shall serve three-year terms, and the chief financial officer, town attorney, chief of staff and citizen participation officer who shall serve coterminous with the term of the mayor. Division heads and department directors shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen. Provided, however, that the mayor shall appoint the library director and cemetery director only on the recommendation of their respective boards of trustees in accordance with Article IV and that such appointments shall not be subject to ~~council~~town council approval; provided further, that any appointment of a division head in the last year of the term for which the mayor was elected shall require a two-thirds (2/3) vote of the ~~council~~town council to be effective.
- b) Boards, Commissions, Committees and Officers: The mayor shall appoint the members of committees, boards, commission or officers for whom no other method of appointment or selection is provided by the charter, including, but not limited to, the following:
- i. Agricultural Advisory Committee
 - ii. Board of Assessors
 - iii. Board of Health
 - iv. Board of License Commissioners
 - v. Cable Advisory Committee
 - vi. Capital Improvement Committee
 - vii. Community Development Committee
 - viii. Conservation Committee
 - ix. Constables
 - x. Council on Aging
 - xi. Cultural Council
 - xii. Cushing Memorial Chapel Advisory Committee
 - xiii. Disability Commission

- xiv. Economic Development Industrial Commission
- xv. Elderly & Disabled Tax Fund Committee
- xvi. Fair Housing Committee
- xvii. Historic Commission
- xviii. Historic District Commission
- xix. Housing Authority
- xx. Human Relations Commission
- xxi. Loring Arena Committee
- xxii. Park and Recreation Commission
- xxiii. Planning Board
- xxiv. Police Advisory Committee
- xxv. Regional Vocational School Committee
- xxvi. Registrar of Voters
- xxvii. Retirement Board
- ~~xxvii-xxviii.~~ Town Historian
- ~~xxviii-xxix.~~ Traffic Commission
- ~~xxix-xxx.~~ Veterans Council
- ~~xxx-xxxj.~~ Zoning Board of Appeals

1. All such committees, boards, commission or officers, with the exception of one member of the board of assessors, shall be residents of Framingham. The mayor may also appoint such ad hoc committees or working groups as the mayor deems appropriate to advise the mayor on matters affecting the municipality. The mayor shall strive to the extent practicable to seek appointees to such committees, boards, commissions and/or offices from the entire town, reflecting both demographic and geographic diversity of membership.

~~The mayor shall strive to the extent practicable to balance the collective resident participation in such committees, boards, commission or officers throughout the nine districts.~~

- c) Citizen Participation Officer: The mayor shall appoint a citizen participation officer to work with municipal departments and multiple-member bodies to develop and implement strategies to enhance public engagement using current communication and outreach practices, to process citizen complaints and inquiries, and ensure compliance with public notice requirements. The citizen participation officer shall maintain the municipal notification list. The citizen participation officer shall analyze data on citizen engagement, complaints and inquiries, and shall regularly submit reports as directed by the mayor.
- d) Chief of Staff: The mayor shall appoint a chief of staff to assist in the coordination and direction of the operations of the various departments and functions of the government. The chief of staff shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive qualifications or such other qualifications and shall be especially fitted by education, training and municipal experience to perform the duties of the office.
- e) Town attorney: The mayor shall appoint the town attorney to be the chief legal adviser of, and attorney for Framingham and all divisions and offices thereof in matters relating to their official powers and duties. It shall be the town attorney's duty, either personally or by

such assistants ~~as mayas may~~ be designated, to perform all services incident to the legal department; to give advice in writing when so requested to the mayor, to prosecute or defend, as the case may be, all suits or cases to which the municipality may be a party, and to provide other legal support as requested by the mayor or required by ordinance. The town attorney shall be appointed on the basis of having strong legal qualifications and shall be especially fitted by education, training and experience to perform the duties of the office.

4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

- a. Municipal Officers, Department Directors and Division Heads: The mayor may, in writing, remove or suspend any municipal officer or department director appointed by the mayor by filing a written statement with the town clerk, setting forth in detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the municipal officer or department director. The decision of the mayor in suspending or removing a municipal officer or department director shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the town clerk the notice of removal by the mayor.
- b. Other Municipal Employees: Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a division head or department director may suspend or remove any assistant, subordinate or other employee of the agency for which that person is responsible under the procedures established for suspension and removal in the municipality's personnel ordinance. The decision of the division head or department director to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a division head or department director has determined a suspension or removal is appropriate may seek review of this determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within 10 days after receipt of notice of this determination. The review by the mayor shall follow the procedures established for suspension and removal in the municipality's personnel ordinance or collective bargaining agreement. Subject to any further rights to arbitration provided by any collective bargaining agreement, the decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review that may be provided by law.

5. TEMPORARY APPOINTMENTS TO MUNICIPAL OFFICES

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

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular

procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the municipality of Framingham.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office essential to the performance of the duties of the office during the period of this temporary appointment. No temporary appointment or extension of such appointment shall be for more than 90 days, and not more than one extension of 90 days of a second temporary appointment may be made when a permanent vacancy exists in the office.

6. COMMUNICATIONS; SPECIAL MEETINGS

- a) Communications to the CouncilTown Council: Within 12 weeks after the start of each fiscal year the mayor shall submit to the Counciltown council and make available for public distribution a complete report on the financial and administrative activities of the municipality for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the Counciltown council for its consideration such measures as, in the judgment of the mayor, the needs of the municipality require. The mayor shall, from time to time throughout the year by written communications, but no less than once per fiscal quarter, keep the counciltown council fully informed of the financial and administrative condition of the municipality and shall specifically indicate in these reports any emerging issues or concerns that may require future counciltown council action.
- b) Special Meetings of the CouncilTown Council: The mayor may at any time call a special meeting of the counciltown council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each counciltown councilor. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall immediately be posted on the municipal bulletin board.
- c) State of Framingham: Each year in the month of January the mayor shall present a report to a joint meeting of the counciltown council, school committee, all elected and appointed members of committees, boards, commission or officials of the municipality, division heads and department directors on the state of affairs of the municipality.

7. APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the counciltown council relative to the affairs of the municipality, except memorial resolutions, the selection of municipal officers chosen by the counciltown council and any matters relating to the internal affairs of the counciltown council, shall be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached to it, in writing, to the counciltown council. The counciltown council shall enter the objections of the mayor on its records, and, not sooner than 10 days, nor later than 30 days after the date of its return to the counciltown council, shall again consider the same measure. If

the counciltown council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds (2/3) vote of the full counciltown council, it shall then be considered in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the counciltown council within 10 days after the date it was presented to the mayor, the measure shall be considered approved.

8. TEMPORARY ABSENCE OF THE MAYOR

- a) Acting Mayor: Whenever, by reason of sickness, absence from the municipality or other cause, the mayor shall by his or her own decision be unable to perform the duties of the office for a period of more than 10 successive days, the Counciltown council chair shall be the acting mayor. In the event that the Counciltown council chair chooses not to serve or is unable to serve, the counciltown council shall elect one of its members to serve as acting mayor.

The mayor shall, by a letter filed with the counciltown council and a copy filed with the town clerk, designate a qualified municipal officer or municipal employee to serve as acting mayor during the temporary absence of the mayor for periods of less than 10 successive days and to serve only when the needs of the municipality require and only to the extent necessary under the then circumstances.

- b) Powers of Acting Mayor: The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the municipality in an orderly and efficient manner and on which action cannot be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from municipal service unless the disability of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the counciltown council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any counciltown councilor is serving as acting mayor, that counciltown councilor shall not vote as a counciltown councilor.

9. DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the municipality to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any authorizations previously made, but all acts performed under any delegation of authority during this any such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to municipal office or employment or to sign or return measures approved by the counciltown council.

10. VACANCY IN OFFICE OF MAYOR

- a) Special Election: If a vacancy in the office of mayor occurs during the first three years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the counciltown council shall immediately, in the manner provided in Article VII, order a special election to be held not less than 90 nor more than 120 days after the date the vacancy is created, to fill that vacancy for the balance of the then unexpired term. If a regular municipal election is to be held within 120 days after the date the vacancy is created, a special election need not be held and the position shall be filled by voters at the regular municipal election.

- b) Council Town Council Election: If a vacancy in the office of mayor occurs in the fourth year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the Counciltown council Chair shall become the mayor, provided, however, that if the Counciltown council cChair chooses not to serve or is unable to serve, the counciltown council shall elect another counciltown councilor to serve as mayor. Upon the qualification of the Counciltown council cChair ~~of the counciltown council~~ or other counciltown councilor chosen to serve as the mayor under this section, a vacancy shall exist in that counciltown council seat on the counciltown council and shall be filled in the manner provided in Article II, section 11. The Counciltown council cChair or other counciltown councilor serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of Article III, section 1(a). Provided further, in the event that the acting mayor is a candidate for mayor in the ensuing election ~~runs for mayor~~ such person shall not be referred to as “candidate for re-election” on the election ballot.
- c) Powers, Term of Office: The mayor elected under Article III, sections 10 (a) or (b) shall have all the powers of the mayor. A person elected under subsection (a), above, shall serve for the balance of the term remaining at the time of election to the office. A person chosen under subsection (b), above, shall serve until the time of the next regular municipal election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then present term.

11. STRATEGIC PLANNING

- a) Master Plan
 - i. Content: There shall be a master plan containing the plan elements described in of General Laws chapter 41, section 81D and shall include, but shall not be limited to, arts, culture, recreation, open space and housing; provided however, that the municipality may also undertake planning activities relating to particular services or specific geographic areas within the municipality as the mayor or counciltown council may direct.
 - ii. Adoption: Within two years of the assumption of office of a new mayor and not less frequently than every eight (8) years, the mayor shall submit a comprehensive strategic master plan, including the recommendations from the planning board, to the counciltown council for adoption with or without amendments.
- b) Long Range Strategic Plan
 - i. Content: The Mayor shall prepare in conjunction with department heads, boards of the municipality, the counciltown council, and residents, in consultation with the Strategic Initiative and Financial Oversight Committee as established in Article VI, a long range strategic plan every 10 years in the year ending in a zero. Said plan shall be updated every two years. The long range plan shall address financial, service, and infrastructure needs of the municipality and shall be coordinated with the findings and recommendations of any ~~long-range strategic~~ master plan then in effect.

Article IV: SCHOOL COMMITTEE & OTHER ELECTED OFFICIALS

1. SCHOOL COMMITTEE

- a) Composition, Term of Office: There shall be a school committee which shall consist of nine members. Members shall be nominated and elected from each of the nine (9) districts into which the municipality is divided under Article VII, section 3. The mayor shall serve, by virtue of office, as an ex-officio member of the school committee and shall only vote to break a tie vote and shall be ineligible to serve as chair, vice-chair or clerk.
- b) Term of Office: The term of office for the nine school committee members elected by the voters shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.
- c) Eligibility: A school committee member shall at the time of election be a voter of the district from which elected. If a school committee member removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV, section 4 of this Article; if, in the first 18 months of the term, a school committee member removes to another district in Framingham, the term for the seat to which elected shall be considered vacant and the balance of the unexpired term shall be filled in the manner provided in Article IV, section 4 of this Article.
- d) Prohibitions: No member of the school committee shall hold any school department office for which a salary or other emolument is payable from the municipal treasury. No former member of the school committee shall hold any compensated school department office until 1 year after the date on which the member's service on the school committee has terminated.
- e) Compensation: The members of the school committee shall receive such stipend for their services as may from time to time be set by ordinance. Any ordinance altering the stipend of school committee members (i) must be adopted during the first eighteen (18) months of the then members' term; (ii) shall not be effective until after the next election and qualification of school committee members; and (iii) shall only be adopted by a two-thirds (2/3) vote of the full ~~council~~town council on a roll call vote.
- f) Expenses: Subject to appropriation and to prior authorization by the school committee, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties
- g) School Committee Chair
 - i. Election and Term: As soon as practicable after the school committee members-elect have been qualified following each regular municipal election, as provided in Article VII, section 10, the school committee shall organize by electing a chair, vice-chair and clerk from their members until the next regular municipal election, provided, however, that the mayor shall be ineligible to serve in any of these positions.
 - ii. Powers and Duties: The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all subcommittees of the

school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

h) School Committee Powers and Duties

- i. The school committee shall have all powers which are conferred on school committees by the general laws and any additional powers and duties that may be provided by the charter, by ordinance, or otherwise and are not inconsistent with the grant of powers conferred by the general laws. The powers and duties of the school committee shall include, but not be limited by, the following:
- ii. To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in General Laws chapter 71, section 59;
- iii. To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be considered necessary or desirable;
- iv. To adopt and to oversee the administration of an annual operating budget for the school department, ~~subject to appropriation by the council.~~

2. BOARD OF LIBRARY TRUSTEES

- a) Composition, Term of Office: There shall be a Board of Library Trustees which shall consist of twelve trustees nominated and elected by voters of the municipality at large. The term of office for the twelve Library Trustees shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that six trustees shall be ~~filled~~elected at each regular municipal election.
- b) Eligibility: A Library Trustee shall at the time of election be a voter. If a Library Trustee removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV, section 4 of this Article.
- c) Officers: As soon as practicable after the Library Trustees elect have been qualified following each regular municipal election, the Board of Library Trustees shall organize by electing one of the Trustees to serve as chair, one to serve as vice-chair and one to serve as clerk, for a two-year term. The chair shall preside at all meetings of the Board of Library Trustees, regulate its proceedings and shall decide all questions of order. The chair shall appoint all members of all subcommittees, whether special or standing.
- d) Prohibitions: No member of the Board of Library Trustees shall hold any position in the library department for which a salary or other emolument is payable from the municipal treasury. No former member of the Board of Library Trustees shall hold any compensated position in the library department until at least one year after the date on which the member's service on the Board of Library Trustees has terminated.

- e) Compensation, Expenses: The members of the Board of Library Trustees shall receive no salary for their services. Subject to appropriation and to prior authorization by the Trustees, the Library Trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties
- f) Powers and Duties: The Board of Library Trustees shall have all powers as provided by the general laws and any additional powers and duties that may be assigned by the charter, by ordinance, or otherwise and are not inconsistent with this charter. The powers and duties of the Board of Library Trustees shall include the following:
 - i. To make all reasonable rules and regulations for the operation of the municipality's libraries and for conducting the business of the Board of Library Trustees as may be considered necessary or desirable;
 - ii. To advise and make recommendation to the mayor for an annual operating budget for the library department. The Library Trustees shall advise the mayor on all matters concerning the library department, equipment and, buildings and grounds;
 - iii. To recommend to the mayor for appointment a candidate for library director; and,
 - iv. To accept donations and manage funds in its trust.

3. BOARD OF CEMETERY TRUSTEES

- a) Composition, Term of Office: There shall be a Board of Cemetery Trustees (Trustees of the Edgell Grove Cemetery) which shall consist of five members nominated and elected by voters of the municipality at large. The term of office for the five Cemetery Trustees shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that as nearly an equal number of members as is possible shall be filled at each regular municipal election.
- b) Eligibility: A Cemetery Trustee shall at the time of election be a voter. If a Cemetery Trustee removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV, section 4 of this Article.
- c) Officers: As soon as practicable after the Cemetery Trustees elect have been qualified following each regular municipal election, Board of Cemetery Trustees shall organize by electing one of the Trustees to serve as chair, one to serve as vice-chair and one to serve as clerk, for a two-year term. The chair shall preside at all meetings of the Board of Cemetery Trustees, regulate its proceedings and shall decide all questions of order. The chair shall appoint all members of all subcommittees, whether special or standing.
- d) Prohibitions: No member of the Board of Cemetery Trustees shall hold any position in the Cemetery department for which a salary or other emolument is payable from the municipal treasury. No former member of the Board of Cemetery Trustees shall hold any compensated position in the Cemetery department until at least one year after the date on which the member's service on the Board of Cemetery Trustees has terminated.
- e) Compensation, Expenses: The members of the Board of Cemetery Trustees shall receive no salary for their services. Subject to appropriation and to prior authorization by the Trustees, the Cemetery Trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties

- f) Powers and Duties: The Board of Cemetery Trustees shall have all powers which are provided by the general laws and any additional powers and duties that may be assigned by the charter, by ordinance, or otherwise and are not inconsistent with this charter. The powers and duties of the Board of Cemetery Trustees shall include the following:
- i. To make all reasonable rules and regulations for the operation of the Edgell Grove Cemetery and any other municipal cemeteries as may be allowed by ordinance and for conducting the business of the Board of Cemetery Trustees as may be considered necessary or desirable;
 - ii. To advise and make recommendation to the mayor for an annual operating budget for the Cemetery department. The Cemetery Trustees shall advise the mayor on all matters concerning the Cemetery department, equipment and, buildings and grounds;
 - iii. To recommend to the mayor for appointment a candidate for cemetery director; and,
 - iv. To accept donations and manage funds in its trust.

4. FILLING OF VACANCIES

Upon notice of a vacancy on the School Committee, Board of Library Trustees, and Board of Cemetery Trustees, the town clerk shall immediately post the vacancy on the municipal bulletin board. The notice shall include directions for submitting an application, and the date when applications are due. The notice shall be posted for a minimum of 21 days, but no longer than 30 days. After the period for submission of applications has expired, the town clerk shall provide the applications received to the board or committee where the vacancy exists and the ~~council~~town council for review. A joint meeting of the ~~council~~town council and the board or committee where the vacancy exists shall be held within 45 days following the receipt of applications from the clerk. The ~~council~~town council may schedule such joint meeting during a regularly scheduled ~~council~~town council meeting or call a special meeting for this purpose. Upon the election of a resident ~~that meets the requirements for the vacant position~~ by a majority of the combined ~~council~~town council and board or committee to fill the vacancy, such person shall be sworn to office, and shall complete the remainder of the term of the vacant seat.

Article V: ADMINISTRATIVE ORGANIZATION

1. ORGANIZATION OF MUNICIPAL AGENCIES

The organization of the municipality into operating agencies for the provision of services and the administration of the government may be accomplished only through an organization, or reorganization, plan filed by the mayor. No organization plan may originate with the counciltown council. The mayor may, subject only to express prohibitions in a general law, or this charter, propose to reorganize, consolidate or abolish any municipal agency, in whole or in part; or establish any new agencies that the mayor considers necessary, but no function assigned by this charter to a particular agency may be discontinued or assigned to any other municipal agency except by an organizational plan or re-organization plan. The mayor may from time to time prepare and submit to the counciltown council plans of organization or reorganization that establish operating divisions for the orderly, efficient or convenient conduct of the business of the municipality. Every organization or reorganization plan submitted by the mayor under this provision shall contain a proposed ordinance which sets out, in detail, the amendments, insertions, revisions, repeals or otherwise of existing ordinances that may be necessary to accomplish the desired reorganization. The reorganization plan and proposed ordinance shall be accompanied by a message of the mayor explaining the benefits expected to ensue.

Whenever the mayor proposes such a plan, the counciltown council shall give notice by publication in a local newspaper and hold 1 or more public hearings on the proposal. The notice in the local newspaper shall describe the scope of the proposal and, the time and place at which the public hearing will be held, said hearing to be not less than 7 nor more than 14 days after the publication. The proposed plan shall also be available in the office of the town clerk, the public library, and on the municipal bulletin board. An organization or reorganization plan shall become effective at the expiration of 60 days after the date the proposal is submitted to the full counciltown council by the mayor unless the counciltown council shall, by a majority roll call, within that period vote to disapprove the plan, or has sooner approved it by majority roll call vote. The counciltown council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

2. MERIT PRINCIPLE

All appointments and promotions of municipal officers and employees shall be made on the basis of merit and fitness demonstrated by education, examination, past performance, or by other evidence of competence and suitability. Nothing in this section shall be construed to modify or supersede the basis of appointments or promotions for positions covered by the Civil Service Laws, except to the extent that the such matters are delegated by the applicable state agency to the municipality.

3. ADMINISTRATION AND FINANCE DIVISION

- a) Establishment, Scope: There shall be an administration and finance division responsible for the performance of administrative, fiscal and financial functions of Framingham. Said functions shall be organized as departments within the division. The finance division shall assume all of the duties and responsibilities related to fiscal and financial activities which prior to the adoption of the home rule charter were performed by or under the authority of

the finance division, unless otherwise provided for by this charter, including the town accountant, the town treasurer-collector, the chief procurement officer, and the board of assessors. The administrative and finance division shall also include the functions of technology services and media services. The administration and finance division may have such additional powers, duties and responsibilities with respect to administrative and fiscal functions as may from time to time be provided by ordinance.

- b) Chief Financial Officer (CFO)/Director of Administration and Finance: The CFO/Director of Administration and Finance shall be appointed by the mayor and shall be especially suited by education, training and experience to perform the duties of the office. Said director shall devote full time to the duties of this position and shall not engage in any other business or occupation during his or her term except as permitted herein. Said director shall serve coterminous with the mayor and may also be appointed by the mayor to serve concurrently as the head of one of the departments organized under the administration and finance division.

4. DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT

- a) Establishment, Scope: There shall be a division of planning and community development responsible for the coordination of all the planning and community development related functions of the municipality. This division shall be responsible for the coordination of all of the duties and responsibilities related to planning, community and economic development activities which prior to the adoption of the home rule charter were performed by or under the authority of the planning and community development department, as well as the planning board and conservation commission; and it may have such additional powers, duties and responsibilities with respect to the coordination of planning, community and economic development related functions and activities as the municipality may from time to time provide, by ordinance, and which may include the coordination of all land acquisition and land management proposals, economic development planning, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.
- b) Director of Planning and Community Development: The division of planning, and community development shall be under the direct control and supervision of a director of planning and community development who shall be appointed by and who shall be responsible to the mayor. The director shall be a person especially fitted by education, experience and training to perform the duties of the office. The director shall be responsible for the supervision and coordination of all activities of the division of planning and community development in accordance with the general laws, ordinances, and rules and regulations.

5. BOARD OF LICENSE COMMISSIONERS

There shall be a board of license commissioners which shall have the power to issue licenses for innholders or common victuallers, the powers of a licensing board appointed under General Laws chapter 138, section 4, and shall be the licensing authority for the purposes of General Laws chapters 138 and 140. The Board shall have all powers with respect to licenses which, prior to the adoption of the home rule charter, were exercised by the board of selectmen. The

board of licensing commissioners may grant licenses relating to alcoholic beverages under General Laws chapter 138 and those licenses under General Laws chapter 140 which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency.

The board of license commissioners shall consist of five residents appointed by the mayor. Such appointed members shall serve for three (3) year terms. No person while a member of the board of license commissioners shall have any financial interest, direct or indirect, in the sale or distribution of alcoholic beverages in any form.

The town clerk, the inspector of buildings, the director of public health, the fire chief and the police chief (or persons performing similar duties under any other title) shall be advisory to board of license commissioners. The mayor shall designate a chair, vice-chair and clerk from the members.

6. TRAFFIC COMMISSION

- a) Establishment, Scope: There shall be a traffic commission which shall consist of the police chief, the fire chief, the director of public works, the superintendent of schools, or their designees, and four residents: one from the business community, one from the downtown area (defined as the area within a one-mile radius of the intersection of Routes 126 and 135), and two residents at-large. All resident members shall be appointed by the mayor. Such appointed members shall serve for three (3) year terms.

Upon its organization, the members shall appoint a chair and vice-chair from the commission membership to serve for a one (1) year term; municipal officers on the commission may be elected, and may serve successive terms as the commission membership shall determine by majority vote. The commission shall determine the schedule and frequency of its meetings, but shall meet no less often than quarterly. The commission shall adhere to the provisions as appearing in Article IVVIII, section 7. Special meetings may be called by the chair as the chair deems necessary. The officer or employee appointed as parking clerk in accordance with the laws of the Commonwealth shall serve as clerk to the traffic commission.

- b) Powers and Duties: The traffic commission shall have exclusive authority, except as otherwise provided by this charter, to adopt, amend, alter, and repeal rules and regulations, not inconsistent with the general laws, relative to vehicular traffic in the municipality, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the municipality, including rules and regulations, designating any way or part thereof under said control as a through way under and subject to the provisions of General Laws chapter 89, section 9, designation of "traffic safety zones", so called, approving curb cuts, and may prescribe penalties for violation of any rule or regulation adopted hereunder. Nothing in this section shall be construed to authorize the commission to adopt any rule or regulation to modify or limit any power or authority of the Massachusetts Bay Transportation Authority from any way or part thereof in which it has a route, the state department of transportation or the state department of telecommunications and energy, or their successor agencies, or any power vested in the mayor, ~~council~~ town council or heads of departments relating to the

issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

All rules and regulations promulgated by authorized vote of the traffic and parking commission, except temporary or emergency rules and regulations promulgated for less than thirty days, shall become effective on the 30th day following the day on which notice of proposed rule or regulation is filed with the ~~council~~town council, unless the ~~council~~town council shall within such period by majority of the full ~~council~~town council vote to reject such rule or regulation or has sooner voted to affirm it. Upon passage of any rule or regulation by the traffic and parking commission, said rule or regulation shall be published in at least one newspaper of general circulation in the municipality, and shall be posted on the municipal bulletin board.

Ten residents of the municipality, who are eighteen years of age or older, may petition the traffic commission relating to any rule or regulation adopted or proposed to be adopted, provided the rule or regulation has not been in effect for a period longer than ninety (90) days. The traffic commission shall hold a public hearing thereon within thirty (30) days after the filing with the traffic commission of such petition.

If a public hearing shall be held on any proposed rule or regulation, the proposed rule or regulation shall not be adopted until the public hearing has been concluded. After the public hearing has been held, any vote on the subject matter must be passed by a majority of the full membership on the traffic and parking commission.

All rules and regulations adopted after any public hearing shall be published in a least one newspaper of general circulation in the municipality and shall be posted on the municipal bulletin board.

All existing ordinances and regulations, in effect at the time this charter is adopted relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission.

7. OTHER DIVISIONS

The following divisions operating at the time the charter is adopted, to the extent not altered by this charter shall be recognized as divisions for the purpose of this charter: capital projects & facilities management; cemetery; fire; human resources; inspectional services; library; public health; parks, recreation & culture; police; public works; and, town attorney.

Article VI: FINANCE AND FISCAL PROCEDURES

1. FISCAL YEAR

The fiscal year of the municipality shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

2. SCHOOL COMMITTEE BUDGET

- a) Public Hearing: The school committee shall hold a public hearing on the school committee budget.
- b) Submission to Mayor: The proposed budget adopted by the school committee shall be submitted to the mayor at least 21 days before the date the mayor is required to submit a proposed municipal budget to the ~~town council~~, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total municipal operating budget the mayor is required to submit to the ~~town council~~ under this Article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

3. SUBMISSION OF BUDGET

Not later than 60 days before the start of the municipal's fiscal year, the mayor shall submit to the ~~town council~~ a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide that the entire document be posted on the municipal bulletin board.

4. THE BUDGET

- a) Budget Message: The budget message of the mayor shall explain the budget for all municipal agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the municipality for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for these changes, summarize the municipality's debt position and include other material that the mayor considers desirable, or that may be required by the provisions of a municipal ordinance.
- b) Proposed Operating Budget: The proposed operating budget shall provide a complete financial plan for all municipal funds and municipal activities for the ensuing fiscal year. Except as may otherwise be required by general law or this charter, it shall be in the form that the mayor considers desirable or that a municipal ordinance may require. In the presentation of the budget, the mayor shall use modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal year. The budget shall be arranged to show the actual income and expenditures for the previous three fiscal years and the estimated income and expenditures for the current and ensuing fiscal years and shall indicate in separate sections:

- i. Proposed expenditures for current operations during the ensuing fiscal year, detailed by municipal agency and position, in terms of work programs, and the method of financing such expenditures;
- ii. Proposed capital expenditures during the ensuing fiscal year, detailed by municipal agency, and the proposed method of financing each capital expenditure;
- iii. The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under Article VI, section 10 of this Article; and,
- iv. Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

5. ACTION ON THE BUDGET

- a) Public Hearing: Immediately upon its receipt of the proposed operating budget, the counciltown council shall refer the budget to the counciltown council's Finance subcommittee. The Finance subcommittee shall hold a public hearing on the proposed operating budget, providing no less than 10 days' notice of such hearing. The committee will thoroughly review the budget making a presentation and recommendation to the full counciltown council within 21 days.
- b) Finance subcommittee: The Finance subcommittee of the counciltown council shall consider any or all questions which it deems appropriate for the purpose of considering the budget. It shall have authority at any time to investigate the books, accounts, and management of any department of the municipality and to require officers and employees of the municipality to appear before it and to provide information. With the approval of the full counciltown council, the Finance subcommittee may employ such expert and other assistance as it may deem advisable for the foregoing purpose. The books and accounts of all departments and officers of the municipality shall be open to the inspection of the subcommittee and of any persons designated by it for that purpose. The subcommittee may appoint working groups of its members and delegate to them such of its powers as it deems expedient.
- c) Review: The counciltown council shall consider the budget in open public meetings after hearing a report from the Mayor and Finance subcommittee. The counciltown council may require the mayor, or any other municipal agency, to furnish such additional information as it may consider necessary to assist in its review and consideration of the proposed operating budget.
- d) Action by CouncilTown council: The counciltown council shall adopt the budget, with or without amendments, within 21-days after the day the proposed budget was reported out by its Finance subcommittee. In amending the budget, the counciltown council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the counciltown council shall have no authority to add programs or increase amounts except as provided by the general laws. If the counciltown council fails to take any action with respect to any item in the proposed budget within the 21-day period that amount shall, without any action by the counciltown council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified. The vote to approve the budget shall be on a roll call vote.

6. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Whenever the mayor shall submit to the counciltown council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the counciltown council shall not act upon the request until it has (1) been reviewed by the Finance subcommittee, (2) been posted on the municipal bulletin board for a minimum of ten days and (3) held a public hearing concerning the request. The publication of the notice and the public hearing shall be in conformity with Article II concerning the proposed annual operating budget.

7. ALLOTMENTS

On or before August first of each year, or within 10 days after the approval by the counciltown council and the mayor of the annual appropriation order for the fiscal year, whichever shall occur later, the municipal officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the director of municipal finance, with a copy to the town clerk, in a form that the director of municipal finance may prescribe, an allotment schedule of the appropriations of all personnel categories included in the budget, indicating the amounts to be expended by the department or agency for those purposes during each of the fiscal quarters of the fiscal year, or such shorter time periods as the mayor or director of municipal finance, may prescribe. Whenever the director of municipal finance determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, the director shall give notice in writing to this effect to the department director, the mayor, the municipal attorney, and the town clerk who shall immediately transmit the notice to the counciltown council. Upon this determination and notice of it, the Chief Financial Officer shall provide these officers with additional reports on at least a monthly basis indicating the status of these accounts.

The mayor, within 7 days after receiving this notice, shall determine whether to waive or enforce the allotment. If the allotment for the period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for the period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the period. All actions, notices, and decisions provided for in this section shall be transmitted to the counciltown council and the town clerk within 7 days. No personnel expenses earned or accrued, within any department, shall be charged to or paid for that department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee.

8. CAPITAL INVENTORY AND CAPITAL IMPROVEMENT PROGRAM

- a) The mayor and counciltown council shall be active stewards of Framingham's physical assets.
- b) Capital Inventory: The mayor shall establish and update not less frequently than annually an inventory of significant capital assets such as buildings, infrastructure (water, sewer, storm water, and roads), moveable equipment and such other property as determined by

ordinance. The council shall by ordinance establish the requirements of the inventory, such as age, condition, maintenance and repair history, remaining useful life and other features as the council may deem appropriate.

- c) Contents Capital Improvement Program: The mayor shall create a capital improvement program, which shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data and rationale; (iii) cost estimates, method of financing and recommended time schedules; and (iv) the estimated annual cost of operating and maintaining the facilities included. The above information shall be revised and extended each year.
- d) Submission: The mayor shall prepare and submit to the council the inventory and the 5-year capital improvement program at least 6 months prior to the mayor's submission of the next fiscal year's operating budget.
- e) Public Hearing: The council shall make the proposed capital improvement program available to the public and shall hold at least one public hearing on the capital improvement program.
- f) Adoption: After the public hearing, concurrently with the passage of the next fiscal year's budget, the council may amend and shall, by resolution, adopt the capital improvement program with or without amendments.
- g) Annual Report: The mayor shall annually report on the municipality's progress regarding the capital improvement program.

9. INDEPENDENT AUDIT

The council shall provide for an annual outside audit of the books and accounts of the municipality to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the municipality or any of its officers. The mayor shall annually provide to the council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the council. The award of a contract to audit shall be made by the council, on the recommendation of its Finance subcommittee on or before September fifteenth of each year. The Finance subcommittee shall coordinate the work of the individual or firm selected with municipal officials. The report of the audit shall be filed in final form with the council and the Finance subcommittee, and posted on the municipal bulletin board not later than March first in the year following its award.

10. CONTRACTS.

All contracts entered into for or in behalf of the municipality by any officer or municipal agency shall be subject to the approval of the mayor.

11. STRATEGIC INITIATIVES AND FINANCIAL OVERSIGHT COMMITTEE (SIFOC)

There shall be a Strategic Initiatives and Financial Oversight Committee (SIFOC) to advise the mayor, council and school committee on the status of Framingham's long range strategic plan in accordance with Article III, section 11(b) of Article III, the state of the municipal economy, sufficiency of municipal revenues, and other fiscal matters that may from time to time be referred to it by the mayor, council or school committee. The Committee shall be comprised of nine members appointed to staggered three-year terms, three

chosen by the ~~council~~town council, three chosen by the school committee, and three chosen by the mayor, including its chair. Members shall be residents of the municipality and shall not hold any other elected or appointed office in the municipality and shall not receive any compensation. Each appointing authority shall select at least one member with expertise in finance and one member who is a member of the local business community. SIFOC will report annually to the mayor, ~~council~~town council and committee and shall file all of its reports with the town clerk.

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 odd-numbered year, but the town clerk may, with the approval of the municipal ~~council~~town council, reschedule this election to the second or 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, library trustee, or cemetery trustee~~town councilor-at-large, library trustee, or cemetery trustee, not less than 150 signatures, but at least 15 signatures must be certified from each district; and
 - iii. for the office of district ~~councilor~~town councilor, ~~or school committee member, library trustee, or cemetery trustee~~, 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 municipal 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 or her 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 town clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the town 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 town 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 district or districts, no preliminary election shall be held in such district or districts.

- 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 town clerk. The town 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

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

The territory of Framingham shall be divided into nine 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 of the nine districts shall cluster together centers of common interest or neighborhoods, considering, but not limited to, places where people congregate, recreate, worship, shop, learn and live. Each such district shall ~~then~~ be composed of voting precincts established in accordance with general laws. Each district shall be composed of voting precincts established under the General Laws. The ~~council~~town 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 GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all municipal elections shall be governed by the general 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.

Article IXVIII: GENERAL PROVISIONS

1. CHARTER CHANGES

This charter may be replaced, revised or amended under any procedure made available under the Massachusetts constitution or by statute.

2. SEVERABILITY

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

3. SPECIFIC PROVISION TO PREVAIL

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

4. RULES AND REGULATIONS

A copy of all rules and regulations adopted by any municipal agency shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any municipal agency shall become effective until 5 days after the date it is so filed. All rules and regulations which have finally been adopted shall be promptly posted on the municipal website.

5. PERIODIC REVIEW OF CHARTER

In May of every year ending in three (3), the municipality shall appoint a Charter Review Committee to review the Framingham Home Rule Charter and make report and recommendations to voters for changes to it. The committee shall consist of 11 members: three (3) residents selected by the counciltown council, three (3) residents selected by the school committee, and five (5) residents appointed by the mayor. All appointees shall be voters of the municipality but shall not be elected or appointed officers or employees of the municipality. The Committee shall, after a public hearing, file its report and recommendations with the secretary of the counciltown council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the Committee shall appear on the counciltown council agenda for action before the fifteenth day of June in that year and, if not so scheduled by the secretary of the counciltown council, the matter shall come before the counciltown council for action at its next meeting held after the said fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote. The only action before the counciltown council will be whether to place the Committee's report and recommendations before the voters for their consideration.

6. PERIODIC REVIEW AND RECODIFICATION OF ORDINANCES

Not later than the first day of July, at 5-year intervals, in each year ending in a 5 or in a zero, the mayor and counciltown council shall provide for a review to be made of the ordinances of the municipality for the purpose of preparing a proposed revision or recodification of them, without substantive change. This review shall be made by a special committee to consist of 9 members, 4 of these members shall be appointed by the counciltown council and 5 of the members shall be appointed by the mayor. Two of the persons appointed by the counciltown

council shall be ~~council~~ councilors and the remaining members shall be residents of the municipality. The special committee shall file its report with the secretary of the ~~council~~ council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the ~~council~~ council agenda for action before the fifteenth day of June in that year and, if not so scheduled by the secretary of the ~~council~~ council, the matter shall come before the ~~council~~ council for action at its next meeting held following the said fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote.

The review of ordinances shall be under the supervision of the municipal attorney. A revision, recodification or republication of the ordinances shall be made at 5-year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

7. UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

- a) Meetings: All multiple-member bodies of the municipality, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple-member body shall be held on the call of the chair or by one-third (1/3) of the members thereof by written notice delivered in hand to each member or to the place of residence of each member at least 48 hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted on the municipal bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public ~~and the media~~.
- b) Rules: Each multiple-member body shall determine its own rules and order of business unless another provision is made by this charter, ordinance or by law, and shall provide for keeping of the minutes of its proceedings. These rules shall be a public record and copies shall be placed on file in the office of the town clerk and posted on the municipal bulletin board.
- c) Voting: If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the meeting minutes, but if the vote is unanimous, only that fact need be recorded, unless otherwise ~~recorded~~ required by law.
- d) Quorum: A majority of the members of a full multiple-member body shall constitute a quorum, ~~but a smaller number may meet and adjourn from time to time~~. Unless some other provision is made by law, by ordinance or by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple-member body.

8. NUMBER

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

9. REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to those chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

10. COMPUTATION OF TIME

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

11. OATH OF OFFICE OF ELECTED OFFICIALS

Elected officials shall, on the first business day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the town clerk, or by a judge of a court of record, or by a justice of the peace or by a Massachusetts Constitutional Officer. The oath may be administered to other elected officials by the mayor, after the mayor has been duly sworn, or by any of the above-named officials. A certificate that said oath or oaths have been taken shall be entered in the meeting minutes of the ~~council~~town council.

In case of the absence of an elected official on the day the oath of office is administered, the oath may at any time thereafter be administered to that person. A certificate of each oath subsequently ~~taken~~administered shall be entered in the meeting minutes of the ~~council~~town council.

After the oath has been administered to the ~~council~~town councilors present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in Article II, section 2~~of Article II~~. If the town clerk is unable to preside during this election, the ~~council~~town council member senior in years of service on the ~~council~~town council shall preside during the election. If 2 or more members are equally senior in years of service on the ~~council~~town council, the member senior both in years of service and age shall preside. The chair and vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to ~~take~~administer oaths or affirmations.

After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in Article IV. If the town clerk is unable to preside during this election, the member senior in years of service on the school committee shall preside during the election. If 2 or more members are equally senior in years of service on the school committee, the member senior both in years of service and age shall preside. The chair and the vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to ~~take~~administer oaths or affirmations.

12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the ~~council~~town council, or appointed to an office of the municipality, shall receive a certificate of such election or appointment from the town clerk. Except as otherwise provided by law, every person who is elected, including those elected by the ~~council~~town council, or appointed to an office of the municipality, before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties of the office. A record of this oath shall be kept by the town clerk and shall be open to the inspection of the public.

13. LIMITATION ON OFFICE HOLDING

No person shall simultaneously hold more than one full-time municipal office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in another part-time position or a full-time position.

14. ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and that all municipal agencies and municipal employees are in compliance with its provisions.

Whenever it appears to the mayor that any municipal agency or municipal employee is failing to follow any provision of this charter, the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the ~~council~~town council that the mayor personally is not following the provisions of the charter, it shall, by resolution, direct the attention of the mayor to those areas in which it believes that there is a failure to comply with charter provisions. The procedures made available in General Laws chapter 231A may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

15. NOTICE OF EMPLOYMENT VACANCIES

Whenever a vacancy occurs, or is about to occur, in any municipal employment, except for positions covered by the civil service law, the appointing authority shall immediately cause public notice of the vacancy, or impending vacancy, to be posted on the municipal bulletin board for a period of not less than 14 days. Any person who desires to be considered for employment may file with the appointing authority a statement in clear and specific terms setting forth the person's qualifications for the position. No permanent employment shall be effective until at least 14 days have elapsed following the posting, ~~and until all persons who have filed statements in application have been considered.~~

16. PROHIBITION

No elected official other than the mayor shall be eligible to participate in the municipality's group health insurance, life insurance, or other benefit programs.

17. PROHIBITION AGAINST SELF-DEALING

No candidate for public office, elected public official, division head or department director shall have a financial interest, direct or indirect, in any contract made by the municipality.

18. ETHICS REPORTING REQUIREMENT

a) Every candidate for mayor, ~~council~~town councilor or school committee member, or elected mayor, ~~council~~town councilor or school committee member, or the superintendent of schools, chief financial officer, chief procurement officer, chief of staff, public works director, or any other municipal officers as may, from time to time, be designated by ordinance, shall file a statement of financial interest for the preceding calendar year with the town clerk on or before the date on which a certificate of nomination or nomination papers for such candidate. Collectively, this group of municipal officers shall be referred to as Designated Municipal Officers for purposes of this section. This provision shall also apply to any individual serving as a Designated Municipal Officer within 30 days of his or her initial appointment; for incumbent Designated Municipal Officer such statement shall be due on May first of each year. After such initial filing, any Designated Municipal Officers, shall file on or before May first of the year. Such persons ceasing to be a Designated Municipal Officer shall be required to file if still in office for any part of the calendar year for which statements are due. All statements are to be submitted to said town clerk.

Every candidate for mayor, ~~council~~town council or school committee who has not filed nomination papers with the town clerk, but on whose behalf a statement of organization of a political committee has been filed, and who is seeking public office by the so-called "write in" or "sticker" method, shall within three days after such filing, file a statement of financial interest with the town clerk. No elected Designated Municipal Officer shall be required to file a statement of financial interests for any year in which she ceased to be a Designated Municipal Officers if she served less than thirty days in such year.

- b) No candidate for mayor, ~~council~~town councilor or school committee member shall be eligible to run for such public office or no presently serving such elected official be able to continue serve in public office unless she has filed a statement of financial interests with the town clerk as required by this section. A vacancy in said public office shall be declared thirty days after final notice has been given in accordance with this section by the town clerk for an office held by a person in violation of this section.
- c) No division head shall be allowed to continue in her duties or to receive compensation from public funds unless she has filed a statement of financial interests with the town clerk as required by this section.
- d) The town clerk shall, upon receipt of a statement of financial interests pursuant to the provisions of this section, issue to the person filing such statement a receipt verifying the fact that a statement of financial interests has been filed and a copy of such statement clearly indicating receipt by the town clerk.
- e) The statement of financial interests filed pursuant to the provisions of this section shall be on a form prescribed by the town clerk that shall be substantially similar that required by the State Ethics Commission in accordance with the general laws and shall be signed under penalty of perjury by the person filing the statement.
- f) Nothing in this section shall be construed to require the disclosure of information which is privileged by law.

- g) Failure of a Designated Municipal Officers to file a statement of financial interests within ten days after receiving notice of said failure or of the filing of an incomplete statement of financial interests is a violation of this section.
- h) The mayor shall propose to the ~~council~~town council an ordinance to implement this section of the charter.

19. NAMING OF FRAMINGHAM PROPERTY

Framingham property, real and personal, shall only be dedicated or named by majority vote of the full ~~town council~~town council upon a recommendation of the mayor, ~~except or~~ in the case of school property which shall only be dedicated or named by majority vote of the full ~~by the school committee with the approval of the mayor~~upon a recommendation by the mayor.

Article VIIIX: CITIZEN PARTICIPATION MEASURES

1. PETITIONS TO ~~COUNCIL~~TOWN COUNCIL OR SCHOOL COMMITTEE

- a) Individual Petitions, Action Discretionary: The ~~council~~town 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~~town council or the school committee shall hold a public hearing ~~and act with~~ respect on every petition which is addressed to it, which is signed by one hundred voters, or more, and which seeks the passage of a measure. The hearing shall be held by the ~~council~~town council or the school committee, or, in either case, by a committee or subcommittee thereof, and after the hearing shall be held ~~and town council or school committee shall respond to the petitioners and action by the town council or the school committee shall be taken not later than three months~~30 days after the petition is filed with the ~~town clerk~~secretary of the town council or the ~~secretary~~clerk 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 secretary of the ~~council~~town 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~~seven days 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. Notice shall also be posted on the municipal bulletin board.

2. CITIZEN INITIATIVE MEASURES

- a) Commencement: Initiative procedures shall be started by the filing of a proposed initiative petition with the secretary of the ~~council~~town council or the secretary of the school committee, as the case may be. The petition shall be addressed to the ~~council~~town 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, ~~to include~~comprised of at least 25 voters from each district. The signatures must be certified from each district by the town 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 Town attorney: The secretary of the ~~council~~town council or the ~~secretary~~clerk of the school committee, as the case may be, shall immediately following receipt of each proposed petition deliver a copy of the petition to the ~~municipal~~town attorney. The municipal attorney shall, within 15 days after receipt of a copy of the petition, in writing, advise the ~~council~~town 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~~town council or the school committee. If the opinion of the municipal attorney 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 attorney shall also be mailed to the petitioners committee.

- c) Submission to Town clerk: If the opinion of the ~~municipal town~~ attorney is that the petition is in a proper form, the town 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 attorney, together with the names and addresses of the petitioners committee who signed the originating petition. Within 60 days after the date the blank forms are issued by the town clerk, the petitions shall be returned and filed with the town 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, containing on the petition the street and number of the residence of each signer accompanied by the endorsement 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 town clerk shall attach to the petition a certificate showing the results of the board's examination and shall return the petition to the secretary of the ~~council town~~ 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 petitioners committee.
- d) Action on Petitions: Within 30 days after the date a petition has been returned to the secretary of the ~~council town~~ council, or the secretary of the school committee, and after publication under Article II, section 9(ed) of Article II, the municipal ~~council town~~ 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 town~~ 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 by the secretary of the ~~council town~~ council, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the secretary of the ~~council town~~ 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 town~~ council, a supplemental initiative petition may be filed with the secretary of the ~~council town~~ 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 as of the date of the most recent municipal election 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 town clerk, the ~~council town~~ 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~~ a 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 to be 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 town clerk, and in such other locations as may be determined by the town clerk, including, but not limited to, posting on the municipal bulletin board.

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 town attorney.)

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 10 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 secretary 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, 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~~town 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

The ~~council~~town 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

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.

7. 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: 400 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 25 voters in each of the districts into which Framingham is divided for the purpose of elections.
 - ii. ~~ii~~ Officer Elected by District: 150 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 town 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~~town 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 town 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 most recent 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, the board shall immediately submit the petitions, with their certificate, to the ~~council~~town council. Upon receipt of the certified petition forms, the ~~council~~town 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 delivered to the last known place of residence of the officer, the ~~council~~town council, after consultation with the town 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: If the officer whose recall is sought has not resigned the office, the officer shall continue to hold and perform the duties of the office 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 deemed recalled, and the office shall 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.

- 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~~town council shall immediately call a special election to be held on a date fixed by it not less than 90 nor more than 120 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 elected office shall be filled under Article II, sections 11 ~~of Article II or Article IV~~, section 4 ~~of Article IV~~. 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.

8. Prohibition on Officeholder Recalled

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any municipal office within two years after such recall or such resignation.

Article X: TRANSITIONAL PROVISIONS

1. CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to Framingham that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All municipal agencies and municipal officials shall continue to perform their duties until reappointed, or until successors to their respective positions are duly appointed, or until their duties have been transferred and assumed by another municipal agency.

3. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any municipal agency, or part thereof, the powers and duties of which are assigned in whole or in part to another municipal agency, shall be transferred forthwith to such agency.

4. CONTINUATION OF PERSONNEL

Any person holding a municipal office, or a position in the administrative service of the municipality, or any person holding full-time employment under the municipality, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in full-time service of the municipality shall forfeit his or her time in service of the municipality.

5. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by, ~~with or on the behalf of or to~~ the municipality before the adoption of this charter, shall continue to be obligations of the municipality and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the municipality, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the municipality shall be rendered invalid by reason of the adoption of this charter.

6. DISPOSITION OF CERTAIN SPECIAL LAWS

- a) ***Certain Special Laws Recognized and Retained*** - The following special acts are hereby especially recognized and retained: Chapter 124 of the Acts of 1995; Chapter 10 of the Acts of 1987; Chapter 23 of the Acts of 1924; Chapter 273 of the Acts of 1890; Chapter 216 of the Acts of 1871; Chapter 26 of the Acts of 1833; Chapter 21 of the Acts of 1790; Chapter 60 of the Acts of 1785; Chapter 133 of the Resolves of 1781; Chapter 33 of the

Acts of 1719; Chapter 44 of the Acts of 1702; Chapter 38 of the Acts of 1700; Chapter 51 of the Resolves of 1700; and, Chapter 32 of the Acts of 1700.

- b) ***Certain Other Obsolete Special Laws Repealed*** - The following special laws, and any amendment thereto, which were enacted for special purposes and were limited in time by their own provisions are hereby recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said special laws is hereby preserved: Chapter 126 of the Acts of 2016; Chapter 63 of the Acts of 2016; Chapter 19 of the Acts of 2013; Chapter 9 of the Acts of 2010; Chapter 57 of the Acts of 2008; Chapter 97 of the Acts of 2006; Chapter 75 of the Acts of 2005; Chapter 372 of the Acts of 2004; Chapter 350 of the Acts of 2004; Chapter 169 of the Acts of 2003; Chapter 338 of the Acts of 2002; Chapter 34 of the Acts of 2002; Chapter 341 of the Acts of 1998; Chapter 338 of the Acts of 1998; Chapter 333 of the Acts of 1998; Chapter 147 of the Acts of 1997; Chapter 418 of the Acts of 1996; Chapter 27 of the Acts of 1996; Chapter 54 of the Acts of 1992; Chapter 277 of the Acts of 1991; Chapter 632 of the Acts of 1989; Chapter 590 of the Acts of 1987; Chapter 126 of the Acts of 1986; Chapter 339 of the Acts of 1983; Chapter 338 of the Acts of 1983; Chapter 284 of the Acts of 1982; Chapter 697 of the Acts of 1979; Chapter 34 of the Acts of 1979; Chapter 207 of the Acts of 1976; Chapter 448 of the Acts of 1976; Chapter 816 of the Acts of 1975; Chapter 710 of the Acts of 1974; Chapter 804 of the Acts of 1969; Chapter 805 of the Acts of 1969; Chapter 425 of the Acts of 1966; Chapter 34 of the Acts of 1962; Chapter 162 of the Acts of 1962; Chapter 56 of the Acts of 1953; Chapter 609 of the Acts of 1953; Chapter 76 of the Acts of 1952; Chapter 143 of the Acts of 1949; Chapter 321 of the Acts of 1935; Chapter 232 of the Acts of 1933; Chapter 50 of the Acts of 1925; Chapter 358 of the Acts of 1915; Chapter 701 of the Acts of 1914; and, Chapter 238 of the Acts of 1910.

7. TIME OF TAKING EFFECT

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

- a) All municipal officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the adoption by the voters of the home rule charter, but, being mindful that on the first business day in January of the year following the year the charter has been so adopted, that the executive authority shall thereafter be vested in a mayor and the legislative authority shall be vested in a ~~council~~town council. As such, the board of selectmen, town manager and town meeting shall limit their respective actions during this transition period to those matters essential and necessary to the current operations of the municipality, such as the annual budget, taking no actions contrary to or that frustrates the purpose of the adoption of this charter by the voters. Special town meetings shall be held only to address matters not admitting of delay, of which the board of selectmen shall be the sole judge. The board of selectmen shall maintain sufficient board and commission memberships from date of the charter adoption to the date of installation of the mayor and ~~council~~town council as necessary to assure a quorum for the conduct of business plus one member. No appointments shall be made that do not meet this criterion after the charter adoption unless necessary for matters not admitting of delay. Said board shall provide a list of vacancies on boards and commissions to the mayor-elect.

- b) Upon adoption of this home rule charter by the voters, the terms of office of members of the Housing Authority, Regional Vocational School Committee, Planning Board, and Town Clerk, shall be extended until the expiration of their current term; if there is a vacating of office prior to the completion of the term, the provisions of this charter will be used to fill any such resulting vacancy. The mayor shall negotiate an amendment to the existing regional school agreement with the other member communities to allow the mayor to appoint the Framingham members; such amendment shall require town council approval.
- c) The first election of officers under this charter shall be held on the first Tuesday following the first Monday in November 2017 (November 7, 2017) for the purpose of electing a mayor, ~~eleven~~ eleven town councilors, and nine school committee members. Nomination papers will be available on May 1, 2017 and must be returned by July 1, 2017. If necessary, a preliminary election for the purpose of nominating candidates to be elected at such election shall be held on the sixth Tuesday preceding such election (September 26, 2017). So much of this charter shall become effective as is necessary to conduct such elections, including the requirements of Article VIII, section 18. The board of selectmen shall issue the warrants for such elections.
- d) The municipal election described in sub-section (c) above shall be to elect a mayor to be elected for a 4-year term; two ~~town councilors~~ town councilors at large elected to initial 2-year terms and then to 4-year terms starting in 2019 as provided by this charter; nine district ~~town councilors~~ town councilors and nine district school committee members to 2-year terms from each of the following nine districts which shall be comprised as follows:
- i. District 1: precincts 1 and 2;
 - ii. District 2: precincts 3 and 5;
 - iii. District 3: precincts 4 and 7;
 - iv. District 4: precincts 6 and 9;
 - v. District 5: precincts 8 and 12;
 - vi. District 6: precincts 10 and 11;
 - vii. District 7: precincts 13 and 14;
 - viii. District 8: precincts 15 and 18; and,
 - ix. District 9: precincts 16 and 17.
- e) The terms of all school committee members in office at the time the charter is adopted shall be terminated upon the assumption of office of the school committee elected at the November 2017 municipal election.
- f) The status of the Board of Library Trustees shall be as follows: The 4 members of the Board of Library Trustees elected in 2015 and the 2 members of the Library Trustees receiving the 3rd and 4th highest vote totals at the 2016 municipal election shall have their terms extended and shall serve until January 2020 when the 6 members of the Board of Library Trustees elected in November 2019 shall assume office. The 4 members of the Board of Library Trustees elected in 2017 and the 2 members receiving the highest vote totals in the 2016 municipal election shall have their terms extended until January 2022 when the 6 members of the Board of Library Trustees elected in November 2021 shall assume office. Thereafter, 6 members of the Board of Library Trustees shall be elected at each municipal election.

- g) As of the adoption of this charter, the Trustees of the Edgell Grove Cemetery shall be known as the board of cemetery trustees. The status of the Trustees of the Edgell Grove Cemetery shall be as follows: The trustees elected in 2014 and 2015 shall serve until January 2020 when 2 trustees elected at the 2019 municipal election shall assume office. The trustees elected in 2016, 2017, and 2018 shall serve until January 2022 when 3 trustees elected at the 2021 municipal election assume office. Thereafter, 2 trustees and 3 trustees shall be elected at alternate municipal elections for terms of 4 years.
- h) Forthwith following the first election under this charter in November 2017, the persons elected as mayor and ~~council~~ councilors ~~members~~ shall begin the process of transition from the existing form of government to the new form of government.
- i. The ~~council~~ councilors ~~members~~-elect shall meet for the sole purposes of electing officers, for adopting interim rules that will govern the conduct of the business of the ~~council~~ council until such time following assumption of office when the ~~council~~ council adopts permanent rules, and to commence review of the mayor-elect's nominees to the board of license commissioners established in Article V. Such meetings shall be called by the ~~council~~ councilors ~~member~~-elect most senior in age and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here. The town clerk shall serve as an advisor to the ~~council~~ council-elect in this endeavor. The ~~council~~ council shall adopt permanent rules within six months of the assumption of office; any rules adopted, whether interim or permanent, must meet the provisions for ~~council~~ council rules as stated in Article II, section 6(c) ~~of Article II~~.
 - ii. The person chosen as mayor-elect shall meet regularly with the members of the board of selectmen and the school committee. The mayor-elect shall have a right to meet with any municipal officer, municipal agency or municipal employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor on the first business day of January in the year following the year in which the charter is adopted. The mayor-elect shall be notified of all meetings of the committee established for the review of town bylaws as established in (r) below, and may consult with the board of selectmen and town attorney to keep informed of the recommendations of the committee, in particular such bylaw revisions as identified by the committee as highest priority to assure that the charter can be implemented as intended.
 - iii. The town shall provide suitable offices in a municipal building and access to clerical services and office equipment to the mayor-elect and ~~council~~ council-elect to allow them to undertake their transitional assignments.
 - iv. At noon on the first business day of January (January 2, 2018) in the year following the year in which this charter is adopted, the terms of office of the members of the board of selectmen, the town moderator and of the representative town meeting members shall all be terminated, and their offices abolished upon the assumption of office of the mayor and ~~council~~ council in accordance with Article IX, section 11 of Article VIII. The ~~council~~ council and ~~school committee, library board, and board of cemetery trustees~~ shall organize as provided in Articles II and IV. Each appointed municipal officer and employee shall continue to serve in the same office or position until some other provision is made in accordance with the provisions of Articles III or V. The board of library trustees and board of cemetery trustees shall

continue to operate until such time as members are elected according to the provisions of the charter.

- i) The Board of License Commissioners established by Article V of this charter shall be appointed by the mayor within 15 days upon the assumption of office; the initial terms of office for the members shall be as follows: two members shall serve one year terms, two members shall serve two year terms, and one member shall serve a three-year term. Following the completion of such terms, their successors shall serve three year terms.
- j) The Traffic Commission established by Article V of this charter shall be appointed by the mayor within ~~60~~45 days upon the assumption of office; the initial terms of office shall be arranged such that the member representing the business community shall serve for three years, the members representing the downtown area shall serve for two years, and the residents at-large shall serve for one year. Following the completion of such terms, their successors shall serve three year terms.
- k) Until such time as another salary is established for the office of the mayor in accordance with the procedure provided in Article III, the initial salary for the mayor of Framingham shall be established as the same sum which is provided as the annual salary for the position of town manager on December 31, 2016. The initial stipend for the ~~council~~councilors shall be established as \$5,000 for each ~~council~~councilor and \$7,500 for the ~~council~~council chair. The initial stipend for the members of the school committee shall be established as \$5,000 for each person elected as a school committee member and \$7,500 for the chair of the school committee.
- l) The office of town manager established by Chapter 27 of the Acts of 1996 is hereby abolished and the said special act is hereby repealed effective on the first business day of January (January 2, 2018) in the year following the year in which this charter is adopted. If the incumbent manager is still in office on said date, such incumbent may be continued in the service of the municipality beyond said termination date, as shall be determined in any agreement continuing the employment of the manager in either a temporary or permanent position, if said manager and the mayor so agree.

Should an interim manager be serving at the time that the mayor assumes office, these provisions shall not apply, and the interim manager shall be terminated upon the taking of office of the mayor. If an officer or employee of Framingham is serving as the interim or acting manager at the time the mayor and ~~council~~council take office, such officer or employee will return to his or her position in the municipality.
- m) The position of chief financial officer established by Chapter 418 of the Acts of 1996 is hereby abolished and the said special act is hereby repealed effective on the first business day of January (January 2, 2018) in the year following the year in which this charter is adopted. If the incumbent of the office of chief financial officer remains in that office until the said first business day of January, such incumbent may be continued in the service of the municipality beyond said termination date, or in some other position, if such person and the mayor so agree. Should an interim chief financial officer be serving at this time, the same conditions as noted above for an interim manager in section (l) shall apply to this circumstance.

- n) The position of the town accountant, which has existed in Framingham before the effective date of this charter, shall, after the assumption of power and authority by the mayor, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in General Laws chapter 41, sections 50, 51, 53 and 54A shall be assigned to the office of municipal auditor established by Article II.

The remaining powers of the town accountant performing such function as regular payment of bills and invoices submitted by municipal agencies including those described in General Laws chapter 41, sections 52, 56, 57 and 58 shall be exercised by a person in the executive branch under the title municipal accountant.

- o) As soon as practical after the first mayor and counciltown council have been elected, but no later than 15 days after taking office, the mayor shall call together for an initial meeting the mayor-elect's nominees to the board of license commissioners established in Article V and submit said names to the counciltown council for their review. The board of selectmen and its staff shall keep the nominees for the board of license commissioners so proposed by the mayor fully apprised of its activities in the year-end renewing of licenses in order to acquaint the members of the said board to these procedures. The board of license commissioners shall assume full authority under General Laws chapter 138 and chapter 140, and any other authority delegated to it by ordinance, on the thirtieth day following the assumption to office of the mayor, and being sworn to their duties as license commissioners. The mayor shall exercise said authority only to the extent necessary until the board is duly formed to allow the counciltown council adequate time to review the nominees.
- p) Not later than thirty days following the date of the adoption of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of Framingham a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to Framingham in the following form:

AN ACT REQUIRING CANDIDATES FOR MAYOR AND COUNCILTOWN COUNCIL IN FRAMINGHAM TO ADHERE TO AND REPORT IN ACCORDANCE WITH SECTION 19 OF CHAPTER 55

SECTION 1. Notwithstanding any general or special law to the contrary, candidates for mayor and counciltown council, and any committee formed relative to these offices, in Framingham shall be covered by section 19 of chapter 55 and required to designate a financial institution as a depository for the campaign funds of such candidate or committee, and make report of its activities to the Office of Campaign Finance in accordance with chapter 55.

SECTION 2. This act shall take effect upon its passage.

- q) Not later than thirty days following the date of the adoption of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of Framingham a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to Framingham in the following form:

AN ACT TO CLARIFY AND RESTATE THE APPLICABILITY OF THE CIVIL SERVICE LAWS TO EMPLOYEE POSITIONS IN THE TOWN OF FRAMINGHAM

SECTION 1. Notwithstanding sections 48, 51 and 52 of chapter 31 of the general laws, or any other general or special law to the contrary, the Framingham Home Rule Charter, as approved by the voters on April 4, 2017, shall not change the applicability of the civil service laws, chapter thirty-one of the general laws, to all designated employee positions in the Town of Framingham as said laws applied prior to said charter up through and including April 4, 2017.

SECTION 2. Notwithstanding sections 48, 51 and 52 of chapter 31 of the general laws, or any other general or special law to the contrary, the Framingham Home Rule Charter, as approved by the voters on April 4, 2017, shall not amend, supersede or nullify any agreement between the Town of Framingham and any employee organization as defined in chapter one hundred fifty E of the general laws, including but not limited to the collective bargaining agreement between the Town of Framingham and the Framingham Police Officers Union, regarding the existing or future applicability of the civil service laws, chapter thirty-one of the general laws, to employee positions in the Town of Framingham.

SECTION 3. Notwithstanding sections 48, 51 and 52 of chapter 31 of the general laws, or any other general or special law to the contrary, the appointment, promotion, discipline, discharge, layoff, and any other aspect of employment for the following positions in the Town of Framingham shall continue to be subject to the civil service laws, chapter thirty-one of the general laws: (1) sworn police officers up to and including the rank of lieutenant, excluding the chief of police, deputy chiefs of police, and employees of the police department whose positions have been civilianized under any agreement between the Town of Framingham and any employee organization as defined in chapter one hundred fifty E of the general laws; and (2) uniformed firefighters up to and including the rank of deputy chief, excluding the fire chief, the assistant fire chief, and employees of the fire department whose positions have been civilianized under any agreement between the Town of Framingham and any employee organization as defined in chapter one hundred fifty E of the general laws.

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

- r) Not later than thirty days following the election at which this charter is adopted, the board of selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two of the persons appointed to the committee shall have been members of the Charter Commission elected in 2016. The committee shall submit a report, with recommendations, to the mayor-elect and ~~council~~town council-elect forthwith following the election held in November of the year in which this charter is adopted. The review shall be conducted under the supervision of the town attorney, or, by special counsel appointed for that express purpose.

Upon the assumption of the office, the mayor shall be responsible for the continuation of the review of town bylaws, and shall appoint seven persons to be a committee to review the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to

fully implement the provisions of this charter. Upon the appointment of such committee the committee established under the paragraph above shall be terminated. The mayor may appoint to such committee any of the persons who served on the committee established under the paragraph above. The mayor may retain any members of the prior committee, or appoint new members, provided however, that at least two of the persons appointed to the committee shall have been members of the Charter Commission elected in 2016. The committee shall submit a report, with recommendations, within one year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the town attorney, or by special counsel appointed for that express purpose.

- s) The provisions of Article V reorganizing or recognizing the various departments into divisions shall each take effect as to each such division upon the appointment by the mayor of the first person to serve as head of each such division. Pending the adoption of an ordinance providing such detail the head of each such division shall have the power to promulgate rules and regulations providing details of the organization of their division as may be necessary to carry out the functions of the departments within each division's jurisdiction.
- t) Unless continued by an ordinance adopted in accordance with the authority contained in clause (v) below in this section, the terms all members of multiple-member bodies, unless otherwise provided for by this charter, shall be abolished as of June 30, 2018 or when successors have been appointed, whichever is later.
- u) Notwithstanding any provision of this charter which might appear to the contrary it is recognized that it will not be possible for the first person elected as mayor to begin at once to exercise all of the powers, duties and responsibilities which are assigned to the office of the mayor. It is recognized that it is in the best interest of the Town of Framingham that such assumption be on a gradual basis as the mayor, ~~council~~town council and other municipal officials are able to adopt ordinances and other regulations as are necessary to implement all of the provisions of the charter.
- v) The mayor may request, and ~~council~~town council shall have authority to adopt, measures which clarify, confirm or extend any of the transitional provisions in order that such transition as described herein may be made in the most expeditious and least contentious manner possible.

The eight (8) members of the Regional Vocational School Committee (Keefe Regional Technical School) representing Framingham shall complete the terms to which elected as follows: the three (3) members elected in 2015, the three (3) members elected in 2016, and the two (2) members elected at the 2017 municipal election shall all complete the terms to which elected. Further, members of the Committee representing Framingham whose terms would otherwise expire in 2018 shall have their terms extended for one year from the date the term would have otherwise expired.

Within 30 days of taking office, the mayor shall notify the board of the Regional Vocational School Committee that the town seeks to amend the existing regional school agreement such that members representing Framingham shall become appointments of the mayor upon the completion of the terms currently being served. Upon approval from the Keefe Tech School Board, and the town meetings of the other member towns, the

Framingham town council shall vote on the proposed amendment to authorize that members of the Committee representing Framingham shall be appointed by the mayor as Article III of the charter so provides for 3-year terms. Should the other towns in the agreement or the town council fail to act on the proposed amendment to the regional school agreement by the end of 2018, the terms of office of those members representing Framingham who were elected in 2016 shall also be extended for one year from the date the term would have otherwise expired.
The appointment provisions shall become effective upon completion of the terms of office of those presently serving, or upon a sooner vacating of office by any of the members in office at the time the charter is adopted.

v) —

8. RECOMMENDATIONS

The mayor and ~~council~~town council shall investigate the feasibility and efficacy of taking the following actions upon taking office in no particular order or priority:

- a) Creating a redevelopment authority;
- b) Consolidating municipal dispatch functions among police, fire and public works;
- c) Commissioning a performance audit of all municipal functions;
- d) Designating all members of multiple-member bodies as special municipal employees in accordance with General Laws chapter 268A, section 1(n);
- e) Merging school and municipal finance, personnel and technology functions;
- f) Transferring responsibility for maintenance of the three municipal cemeteries from the parks department to the board of cemetery trustees;
- g) Authorizing the ~~council~~town council to be the special permit granting authority ~~for projects as the council may define;~~
- h) Creating a Chief Technology Officer;
- i) Allowing in limited circumstances members of multiple-member bodies to electronically join meetings while at a remote location;
- j) Soliciting competitive proposals and bids for annual audit services;
- k) Creating one or more privately organized and funded Business Improvement Districts in accordance with General Laws chapter 40O; and,
- l) Funding a full-time ADA Coordinator.

The mayor shall conduct such examinations with attention to the offices, divisions, departments, and boards and commissions affected. The mayor may establish task forces or working groups to assist in such examinations, and request that entities affected (e.g., school committee, school department administration, board of cemetery trustees, et al) propose residents to serve on such groups. Staff of the various departments may be advisory to such groups, with a voice but no vote in deliberations. For section 8(g) above, the ~~council~~town council shall consult with the planning board and zoning board of appeals and seek their recommendations prior to the adoption of any ordinance transferring special permit granting authority to the ~~council~~town council.

9. EXTENSION OF PROVISIONS

The full force of the provisions in Article VI concerning allotments shall be suspended during the fiscal year in which the charter first goes into effect. During such first fiscal year the mayor may, however, provide for partial use of allotments in order to develop information and

familiarity on the part of all concerned with the way in which such process will be employed during subsequent years.

10. TRAFFIC COMMISSION

The Traffic Commission shall undertake and complete an examination of the potential for the municipality to establish a Traffic and Transportation Department within 2 years of the commission's establishment. The examination will include the following features: purpose, duties, and responsibilities of the department, expected initial and ongoing operating costs, to include staffing, proposed department structure, how coordination with other municipal entities involved in traffic and transportation planning and management will be achieved, and expected benefits of the department. The commission will hold a minimum of 2 public hearings to address this examination, and shall present its findings and recommendations to the mayor and counciltown council.

