Presentation to the Framingham Charter Commission: The Legislative Branch

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Generic/Typical Charter Structure

Article 1: Incorporation, Powers, Etc.

**Article 2: Legislative Branch**

Article 3: Executive Branch

Article 4: School Committee

Article 5: Administrative Organization

Article 6: Financial Policies and Procedures

Article 7: Elections

Article 8: Citizen Participation Mechanisms

Article 9: General Provisions

Article 10: Transition Provisions
Per MGL, Chapter 4, Section 7, the legislative body has the power to:

- “enact ordinances or by-laws”
- “adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters”

Additionally, the legislative body:

- Approves local acceptances
- Approves property tax classification
- May act as the licensing authority
- May make certain appointments
- May confirm appointments of the executive
- May have inquiry and investigatory authority over municipal functions
- May enact resolutions
# Forms of Government/Forms of Legislative

<table>
<thead>
<tr>
<th>Legislative</th>
<th>Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Town Meeting</td>
<td>Appointed Manager</td>
</tr>
<tr>
<td></td>
<td>Town form</td>
</tr>
<tr>
<td>Representative Town Meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Town form</td>
</tr>
<tr>
<td>Council</td>
<td>Appointed Manager</td>
</tr>
<tr>
<td></td>
<td>City form</td>
</tr>
<tr>
<td></td>
<td>Elected Mayor</td>
</tr>
<tr>
<td></td>
<td>City form</td>
</tr>
</tbody>
</table>
Town Form: Town Meeting

• About 295 town in Massachusetts:
  • About 260 towns have open town meeting
  • 36 have representative town meeting
• Representative town meeting (RTM):
  • In 1979, there were 48 towns operating with an RTM
  • Today there are 36 towns
• RTM towns have:
  • Adopted council-manager form (e.g., Watertown, Randolph)
  • Adopted mayor-council form (e.g., Braintree, Weymouth)
  • Returned to open town meeting (3 towns under 20,000 pop)
• Other changes:
  • Reduce membership (e.g., Reading, South Hadley)
  • Provide conflict of interest criteria for town employees or their family members serving as RTM members (e.g., Plymouth)
  • Set quorum for meeting as 50% of the total membership +1
1. Composition and Membership
2. Eligibility
3. President, Vice President, Clerk
4. Compensation/Expenses
5. Council Procedures
6. Officers Elected by Council
7. General Powers and Duties
8. Ordinances/Bylaws
9. Vacancy in office of Councilor
10. Access to Information
11. Prohibitions
• Number of councilors
• Whether these councilors are elected by ward/district, at large or a combination (*Note: More detail on next slides*)
• The term of office
  • Usually 2, 3, or 4 years (most common in Mass is 2 years)
• Whether there will be staggered terms
• Whether there are term limits
  • Rare in Mass
• How compensation is set
  • Usually in annual budget
  • May be a separate section
Ward/district, at large, or combination:

- All at large membership:
  - About 20% of Mass cities have all at-large council
  - Issues to consider include prior local practices and requirements of the federal voting rights act
- Combined membership—majority elected from wards:
  - Over 50% of city governments in Mass have this model
  - Based in part on earlier special acts, the “Plan” governments of MGL, and local preference
- Combined membership—majority elected at large:
  - About 20% of Mass cities have this arrangement,
  - Seeks to balance representation of all areas of the city with the premise that council will focus on the entire city’s needs
- All district membership
  - Only one Mass city elects its council this way (Barnstable)
  - The effect is that the voter is given the opportunity to pick only 1/13 of the council’s membership
### Example Council Compositions

<table>
<thead>
<tr>
<th>CITY</th>
<th>Ward/District Members</th>
<th>At large Members</th>
<th>Total</th>
<th>Each voter chooses (% of council chosen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridgewater</td>
<td>7</td>
<td>2</td>
<td>9</td>
<td>3 (33%)</td>
</tr>
<tr>
<td>Fall River</td>
<td>0</td>
<td>9</td>
<td>9</td>
<td>9 (100%)</td>
</tr>
<tr>
<td>Springfield</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>6 (46%)</td>
</tr>
<tr>
<td>Waltham</td>
<td>9</td>
<td>6</td>
<td>15</td>
<td>7 (46%)</td>
</tr>
<tr>
<td>Watertown</td>
<td>4</td>
<td>4 + CP*</td>
<td>9</td>
<td>6 (66%)</td>
</tr>
<tr>
<td>Weymouth</td>
<td>6</td>
<td>5</td>
<td>11</td>
<td>6 (54%)</td>
</tr>
<tr>
<td>Winthrop</td>
<td>6</td>
<td>2 + CP*</td>
<td>9</td>
<td>4 (44%)</td>
</tr>
</tbody>
</table>

*CP = Council President*
• Procedures for electing and term of office
• President and Vice President powers and duties
• Provision for salary/expenses, may address timing of salary increases for members
• Rules of procedure
• Timing of meetings
• Method for calling special and emergency meetings
• Quorum
• Records of proceedings
• Could include auditor/comptroller, assessor, clerk, clerk of the council
• Salaries and removal of officers chosen by council addressed
Will include provision that Council can enact ordinances/bylaws
May address licensing
May address hiring and evaluation of city manager
Council role in budget process usually addressed in financial article of the charter
• Procedures for enacting
• Procedure for enacting emergency ordinances/bylaws
• Note: Attorney General does not review and approve ordinances/bylaws of municipalities operating with a city form of government (mayor-council; council-manager)
COUNCIL: Vacancy in office of Councilor (9)

- Procedure for filling a vacancy
  - Hold special election
  - Defeated candidate willing to serve takes office (may be other criteria -- e.g., % of votes received)
  - Council may select from others indicating willingness to serve
  - Seat remains vacant if municipal election to be held within 6 to 9 months of vacancy
• Authority for council to inquire into the city’s affairs
• Procedures for calling city employees/officers/Mayor before the council
• Often prohibits council members from holding other compensated positions
• May include “Interference with Administration”
• If applicable, procedure for how Mayor or Manager submits appointments to the council for a vote
• May become effective in time frame established by charter (e.g., 30 days) if no vote is taken by the council, or may require a council vote to be effective
Framingham Act of Incorporation (1700):

CHAPTER 32.

ORDER FOR ERECTING THE PLANTATION CALLED FRAMINGHAM INTO A TOWNSHIP BY THE SAME NAME. [Approved June 25.

[Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.]