

FRAMINGHAM CHARTER



2016/2017

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Framingham Charter Commission

March 29, 2016 to April 4, 2017



From left to right: Teri S. Banerjee, Adam S. Blumer (Clerk), George P. King, Jr., Jason A. Smith, Valerie W. Mulvey (Chair), Dennis W. Cardiff (Vice-Chair), Janet E. Leombruno, John A. Stefanini, and Dennis L. Giombetti.

ACKNOWLEDGMENTS

The Charter Commission expresses special appreciation to: its professional consultant, the University of Massachusetts Collins Center for their guidance; Town Counsel Christopher J. Petrini, Attorney Susan S. Craighead, and Joel Winett for their assistance reviewing the charter; its administrative assistant, Danielle Cersosimo, and Town Webmaster Nichol Figueiredo, for their valuable services to this process; Ron Rego, Stephen Innis and Anthony Umbrianna for providing live coverage of our meetings; and, to Rob Levine of Levine Design & Illustration for designing our cover page.



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 fifth Charter Commission, the others were in 1925, 1971, 1992, and 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 Council composed of 9 district members serving 2-year terms and 2 at-large members serving 4-year terms. The Mayor replaces the Board of Selectmen as the chief executive, and the Council, meeting at least monthly, replaces the Representative Town Meeting. The Mayor and at-large-councilors are limited to a maximum of three consecutive terms in office and district councilors are limited to six consecutive terms in office.

The School Committee will have 9 district members serving 2-year terms; the Mayor serves as the 10th member only voting to break a tie. The terms of the Board of Library Trustees and the Board of Cemetery Trustees will be 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 our community's financial condition and make recommendations on its future needs.

Several citizen "safeguard" provisions allow citizens to petition for measures through an initiative process, repeal a measure enacted by the Council through a referendum process, and remove from office the Mayor, Council members, or

School Committee by petitioning for a recall election. The proposed charter also establishes procedures for voters to bring matters before the Council and School Committee for a hearing, and creates the position of citizen participation officer to improve communication and outreach between the residents and the municipal government. The Charter creates new local financial reporting, campaign spending disclosures and ethics compliance requirements for various officials and candidates.

Finally, the Charter provides for an automatic and periodic review of the Charter to ensure that it continues to evolve to meet our community's needs. The first such review will be five years after the adoption of this charter.

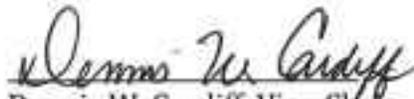
We humbly submit the attached Home Rule Charter and accompanying reports to you for your consideration. Please take time to engage in this important discussion relative to the future of our community and no matter your position on it, please vote on Tuesday, April 4, 2017.

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

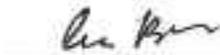
Respectfully submitted,



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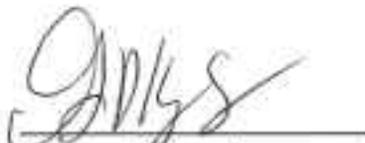
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I. Majority Report (Adam S. Blumer, Dennis W. Cardiff, George P. King, Jr., Dennis L. Giombetti, Janet E. Leombruno, Valerie W. Mulvey, Jason A. Smith, and John A. Stefanini)

After decades of consideration, we believe it is time for Framingham, the 14th most populous community in Massachusetts, to adopt a Mayor-Council form of government. We believe the charter proposed provides the best combination of features to help our community and government thrive in the years to come.

What are we proposing?

The proposed charter replaces our Town Meeting, Selectmen and Town Manager with an 11-member Council and full-time Mayor. Here is a list of key features in our proposal, most of which are new to Framingham:

- District Council members and School Committee members will be elected by 9 neighborhood districts rather than across the community;
- Most offices will have two-year terms so that if the public is unhappy, changes can be made quickly;
- There are strong checks and balances between the Mayor and the Council, including Council approval of almost all Mayoral appointments;
- The Charter requires creating and updating a strategic master plan for our community to encourage a coherent long-term vision;
- The Charter requires key information to be placed online before it can go into effect;
- It creates strong ethics standards by requiring elected and appointed leaders to report their financial interests, prohibiting “self-dealing”, and adopting the strictest state reporting and oversight of campaign finance activity;
- Residents have a number of relief measures if they are unhappy with government decisions such as the ability to recall elected officials, petition Council & School Committee for action, and place referendums on the ballot;
- The Charter establishes a Strategic Initiative & Finance Oversight Committee, a citizen watchdog group to provide input and oversight into our municipal finances;
- The Charter establishes a Traffic Commission to address traffic congestion;
- The Charter limits the Mayor and at-large-Councilors to a maximum of three consecutive terms in office and district Councilors to six consecutive terms in office; and,
- There is an automatic citizen review of the Charter five years into the new system and every ten years after that so that changes can be made as needed.

Why is this better?

We are confident that these proven structures will benefit the community in a number of ways:

1. As the Council will meet far more regularly than town meeting does, it will be easier for them to act when needed and to be regularly updated on community issues, including fiscal ones.
2. The Mayor and Council will be more well known to voters than the Town Meeting members and Selectmen are in our current structure. This improves accountability. If things are going well, voters know whom to credit, and if not, they know whom to blame. Since most offices have two-year terms, voters can make changes quickly if they see fit.

3. Since both the Council and School Committee will be elected from districts, it more equitably distributes how power and decision-making is shared across our community.
4. District level elections make it easier for newcomers to run for office since they only need run in their district rather than across all of Framingham. We believe this will broaden the range of people who choose to become the next generation of Framingham's leaders.
5. We have worked hard to balance the power of the Mayor and Council. We want the full-time Mayor to be the leader of Framingham, but also to work collaboratively with the Council. So, we have required Council approval of almost every position the Mayor appoints. There is a far greater level of council oversight in our Charter than the Selectmen currently have or that is in most city forms of government.
6. As noted, we have strengthened campaign and ethics rules to have a government which is acting in the best interests of the whole community.
7. Having the Mayor as part of the School Committee without allowing him or her to be Chair (or even to vote unless there is a tie) will promote effective municipal-school collaboration without giving the Mayor too much power on school matters.
8. A Mayor will be able to advocate for Framingham with regional, state, and federal leaders.

What if Charter changes are needed in the future?

It would be foolish to imagine that this document is perfect. It will need to evolve over time, as Framingham's needs change. As such, the Charter has a built in automatic citizen review after five years and one every ten years after that. This gives Framingham the opportunity to review and propose changes for all voters to consider.

Why are we proposing this change?

This is a very important question. We do not recommend these changes lightly, as all of us are rightfully proud of Framingham. We are the most diverse community in the region, attracting people from across the country and the world. Our high school has earned a silver medal from the US News and World Report, and we are home to Fortune 500 businesses as well as emerging firms.

The pride that each of us feels for Framingham needs to be better reflected in our government. Our local government needs to represent all of us and to support vibrant neighborhoods, quality schools, and safe homes. Our government must value our elders, celebrate diversity, support local businesses, increase community participation, and care for those in need. If we wish to keep growing and improving as a community, we cannot simply maintain structures designed for a different time and place and we cannot overlook a number of significant problems with our current form of government. These include:

1. An absence of accountability in our government structures;
2. A structure that is a poor match for handling complex issues in a timely way;
3. Decreasing community participation in elections;
4. A lack of transparency and of clear ethical standards in parts of our government;
5. The reality that currently, all parts of Framingham are not fairly or equally represented in elections and decision-making.

Most residents are well aware of these challenges, so we choose not to dwell on negative issues here. However, if you wish to get more data on the challenges of our current structure as well as what we are proposing, please come to one of our neighborhood educational forums or view our

Charter Overview PowerPoint document online at the Charter Commission website at <http://www.framinghamma.gov/2069/Charter-Commission-Documents>.

What changes and what does not in a new charter?

Considering change can be scary and it is not always easy to understand the process of what happens if voters approve this charter. So we feel it important to try to address a few concerns or misunderstandings as directly as possible.

First of all, if this charter is approved, we do not instantly get rid of every decision ever made by Town Meeting and the Selectmen. In fact, the reality is just the opposite. The Charter notes that every existing bylaw stays in force. A transition committee will examine each one to make sure that prior rules fit the new structure, and obviously rules that currently govern structures we would no longer have (such as bylaws about Selectmen, Town Manager, etc.) would be discarded. The bylaws that affect our day to day life such as zoning, public safety, etc. will remain as they are to be discussed by future leaders only as needed.

Secondly, while we would not have undertaken this work if we didn't think structures were important for our success as a community, we realize that it is people who are essential to make any structure work. Updating our local government structure to be a more accountable, responsive and efficient one that works for all of us does not mean that our community priorities, our values, or many community volunteers and municipal workers will change -- they will not.

What will change is our ability to implement these priorities. It is our hope that this new structure will spawn new interest by these individuals and others in serving the place we all call home.

Moving forward, we will be called the City of Framingham. Again, while the name is new, our values don't change. A name alone doesn't impact how our schools are prioritized, how we promote neighborhoods, or how we strive to preserve open space. As a group that has pushed for transparency, we embraced the title of "city" in part because we feel is the clearest representation of what our government structure will be, and we wanted to limit any confusion. However, there is another reason we chose to call Framingham a city. In today's world it is often cities that represent growth and innovation; it is our cities that are centers of diversity and acceptance, and it is our cities that are homes to institutions of higher learning that help us all grow. We are proud of Framingham and excited for the role it will continue to play as the hub of Metrowest.

Lastly, we believe it is important for all of us to embrace change with our eyes open about the results to expect. While this Council-Mayor form of government will give our community the accountability, ethics, transparency and representation we today lack, it will not by itself immediately resolve any of our vexing challenges. It will not instantly lower taxes, fill shopping centers or avoid costly mistakes, but it will provide for an open, transparent, ethical and accountable process for us to address them.

Will it cost more to be a city?

Overall, we believe there will be few added costs in the transition and it should be close to cost-neutral. For example, the new added salaries of Mayor and Chief Operating Officer are completely offset by the elimination of Town Manager and Assistant Town Manager salaries. While there will be small costs associated with switching our name from town to city, these will be gradually addressed over time.

At the same time, we believe the change from a town to city provides opportunities for cost savings. With a more transparent budget process and a more effective management structure, the Council and Mayor should be able to find opportunities to provide the same services in a more fiscally efficient ways. This result is evident when looking at Weymouth and Braintree and their relatively recent switch to city government. The average tax bill and annual increases have been lower in the recent past in those locales, which share many characteristics with Framingham, except they are government by a mayor/council form of government.

Looking Forward to our Future

In conclusion, **we are excited and enthused by the opportunity this Charter presents for Framingham to become an even better place to live, learn, work and play.** We believe we've created a document that is a strong blueprint for our government in the future; we also hope that the process has allowed you to learn more about how our government works and how we can engage ourselves and our neighbors to serve the community as a whole.

We are a better, more vibrant, Framingham when we work collaboratively. We look forward to the new ideas and new voices that will invariably come from change. It is our hope that your vote, no matter which way you decide, is not your only participation in our process, but the first of many contributions to come in the future.

Please join us in voting Yes for Change, Yes for this Home Rule Charter, and YES to our future.

II. Minority Report (Teri S. Banerjee)

As a Framingham citizen and Charter Commissioner, I urge Framingham residents to read this report and the full charter carefully and **VOTE NO on the proposed city charter**. It puts too much control and power into the hands of just a few, drastically cuts public participation and representation, and does not guarantee positive change.

On March 29, 2016 Framingham voters were asked: *Shall a commission be elected to frame a charter for Framingham?* Many voters thought a “yes” vote meant that **both town and city** options would be studied and considered. They weren’t. Nor were different forms of city deliberated at any length. The voters didn’t get what they voted for. I tried to bring that voice to the table but Commissioners didn’t listen. My concern is that my experience is just a taste of what is to come under the proposed city, controlled by a powerful few, driven by making quicker but not necessarily the best decisions.

Too Much Power in Too Few Hands

Mayor

The proposed city charter creates one of the strongest mayor positions possible. For example, it gives the mayor power to hand pick more than 160 people to serve as officers and on boards, commissions and committees. Additionally, the mayor has the full authority to hire and fire almost every manager at the two top levels of the city government. In most cases, these appointments don’t require actual confirmation. Tremendous power is being placed in the hands of a politician whose only job requirements are to live in Framingham and be at least 18 years old. Framingham could be controlled by an unqualified campaigner funded by strong financial interests, both within and outside Framingham. A lot of damage can be done in four years.

City Council

Framingham is currently divided into 18 precincts with elected representatives in each. The proposed charter redraws the lines, creating nine larger new districts. It proposes having one councilor elected from each of nine districts and two councilors elected “at large.” If the two “at large” councilors are elected from the same district, three councilors could be from one district. This doesn’t ensure fair, balanced representation.

Currently many representatives from across town keep a watchful eye over the town’s budget, bylaws and zoning. This charter reduces that oversight to only a handful. A majority vote of the council means that **as few as six** people (from as few as four districts) can control all the decisions.

Professional Politicians will Replace Citizen Volunteers

Bad things happen when decisions are influenced more by big money agendas than by residents’ concerns. Mayoral contests are expensive. In 2015 candidates in Waltham (close in size to Framingham) spent \$207K+ and two mayoral candidates in Quincy spent \$861K. Big money comes with strings attached and helps incumbents stay in power. This totally changes local politics and makes it hard for new candidates with fresh ideas to “break in.”

City council elections will also be costly. Candidates now run for town offices with doable campaign costs and effort. Without access to big bucks and a campaign team, ordinary residents are likely to be out of luck serving the community in any elected capacity.

City Development Can Be Expected

If Framingham becomes a city it could more easily be developed like one. Zoning and permitting decisions will no longer be made by a planning board elected by the people and Town Meeting Members looking out for neighborhoods. That degree of checks and balances will be gone. The mayor will appoint like-minded people to the planning board and zoning board of appeals. If the mayor supports development of tall, dense apartment complexes (potentially built by generous campaign contributors), that's what Framingham will get. The look, feel and quality of life in Framingham will permanently reflect that.

Citizen Relief Measures Are Almost Impossible to Use

The charter gives the appearance of allowing citizens to bring initiatives forward or reverse bad government decisions but in reality it's extremely difficult. For example, if you seek reconsideration of a vote by the school committee or city council your only option is to gather thousands of registered voters' signatures on a petition within just 30 days. To understand how hard that is - it took two years for proponents to get thousands of signatures for the charter commission ballot question and that was using paid help.

Charter Changes Are Difficult to Make

When people express concern with parts of the charter they're told it will automatically be reviewed in five years. Be warned, the review is done by an appointed committee, hand-picked by those already in power. Even if that committee recommends changes, the city council is not compelled to place the suggested changes before the voters.

In Closing

The other commissioners portray Framingham as broken and dysfunctional. It's not. It has its challenges - as all communities do. But look around you - Framingham has been making great progress and it's a large, vibrant, diverse community with excellent services and quality of life. We can and should improve our government but we shouldn't dismantle it for the sake of change. There are other options and better opportunities for change. This is not the right structure for Framingham.

Don't be fooled by empty promises. No data has been presented supporting the idea that Framingham will be better off as a city. We've seen no evidence that tax rates will go down, schools will get better, traffic will flow smoother, state funding will increase, neighborhoods will have a bigger voice, or development will be more appropriate with these changes.

However, it is clear this proposed city charter fractures citizen involvement, decreases representation, puts too much power in the hands of a few and opens the door to the influence of big money. This charter defies Framingham's tradition of participatory democracy.

Framingham is a great community in which to live, learn, work and play! Let's not risk losing that. PLEASE VOTE NO on this proposed city charter April 4TH, 2017.

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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, 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 “City of Framingham.” In this charter, the City 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. 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 council”, “full school committee” or “full multiple-member body”: the entire authorized complement of the 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, except with regard to publication required by general law, local media website.

“Majority vote”: when used in connection with a meeting of the 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, or other vote or proceeding adopted, or which might be adopted by the council or the school committee.

“Municipal or municipality”: the City of Framingham.

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

“Municipal bulletin board”: a bulletin board, including an electronic monitor, on which the city 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 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 in accordance with 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 council, the school committee, or executive ad hoc or working groups advisory to the mayor.

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

“Organization plan” or “reorganization plan”: a plan submitted by the mayor to the 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 or full school committee unless some other number is required by applicable law or by ordinance.

“Referendum”: a measure adopted by the 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 council not requiring the signature of the mayor and having no force of law.

“Salary”: total compensation or other emolument payable from the municipal treasury for services, including, but not limited to, payment for benefits, incentives, bonuses or expenses.

“Stipend”: a fixed sum of money paid periodically for services or to defray expenses, not including any other form of compensation.

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

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

Article II: LEGISLATIVE BRANCH

1. COMPOSITION, TERM OF OFFICE

- a) Composition: There shall be a council of eleven (11) members which shall exercise the legislative powers of Framingham. Two (2) of these members, to be known as 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 councilors, shall be nominated and elected by and from the voters of each district, with one district 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 councilors-at-large shall be four (4) years. The term of office for district councilors shall be two (2) years. All councilor terms shall begin on the first day of January in the year following the councilor's election, and shall continue until their successors have been qualified.
- c) Eligibility: Any voter shall be eligible to hold the office of councilor-at-large. Any voter, who is a resident of the district on or before June 1 in any municipal election year, shall be eligible to serve as the district councilor for that district. If a councilor-at-large or a district councilor removes from Framingham, or a district 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.
- d) Qualifications: The council shall be the judge of the election and qualification of its members.
- e) Term Limit: No person shall hold the office of councilor-at-large for more than three consecutive full 4-year terms and no person shall hold the office of district councilor for more than six consecutive full 2-year terms.

2. COUNCIL OFFICERS

- a) Election and Term of Council Chair: As soon as practicable following the taking of the oath of office and councilors have otherwise qualified for office, as provided in Article IX, section 11, the councilors shall elect from among its members a council chair who shall serve for a two (2) year term of office.
- b) Powers and Duties of Council Chair: The council chair shall preside at all meetings of the council, shall regulate its proceedings and shall decide all questions of order. The council chair shall have the same powers to vote upon all measures coming before the council as any other councilor. The council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance, by council rules, or by other vote of the council.
- c) Appointments of the Council Chair: The council chair shall appoint all members of all committees established by the rules of the council, whether special or standing, including, but not limited to a finance subcommittee.
- d) Council Vice-Chair: The councilors shall also elect from among their members a council vice-chair who shall serve as acting council chair during the temporary absence or

disability of the council chair during the current term of office. The powers of the vice chair acting as 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 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 councilor shall hold any compensated appointed municipal office or appointed municipal employment until one (1) year after the date on which the former councilor's service on the council has terminated.
- b) Interference with Administration: Neither the council nor any councilor shall give orders or directions to any municipal officer or employee, either publicly or privately.

4. COMPENSATION, EXPENSES

- a) Compensation: The councilors shall receive such stipend for their services as may from time to time be set by ordinance. Any ordinance increasing the stipend of councilors (i) must be adopted during the first eighteen (18) months of the then councilors' terms; (ii) shall not be effective until after the next election and qualification of councilors; and (iii) shall only be adopted by a two-thirds (2/3) vote of the full council on a roll call vote. At-large councilors shall be eligible to receive any increase received by district councilors, notwithstanding the longer term of office.
- b) Expenses: Subject to prior authorization by the council, 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 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 may be exercised in a manner determined by the council.
- b) Quorum: The presence of a majority of members of the full council 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 forty-eight (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 council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the council. The mayor shall receive notice of any such request at the same time as the officer, member, or employee is notified.
- c) Mayor: The council may require the mayor to provide specific information to it on any matter within the jurisdiction of the council. The 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 council.

- d) Notice: The 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 council seeks information, and no person called to appear before the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of that person. The mayor shall receive a copy of all such notices.

8. OFFICERS APPOINTED BY COUNCIL

- a) Auditor: The 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 council in such detail and with such frequency as the council shall, by ordinance, by rule or by other vote, direct. All officials and employees of the municipality shall cooperate with the auditor in the performance of this audit function. The auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the council.
- b) City Clerk: The council shall appoint a city clerk to serve for a term of three years and until a successor is chosen and qualified. The city clerk shall, with the approval of the council, appoint an assistant clerk to serve coterminously with the city clerk. The city 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 city clerk shall have any other powers and duties that are given to city clerks by the general laws, by this charter, by ordinance or by other vote of the council.
- c) Secretary of the Council: The council shall appoint a secretary of the council to serve for a term of three (3) years and until a successor is chosen and qualified. The secretary of the 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 council.
- d) Salaries/Compensation: The officers appointed or elected by the council shall receive the salaries or other compensation that may from time to time be provided for these offices, by ordinance.
- e) Removal/Suspension: Any person appointed or elected by the council may be removed or suspended by the council by the use of the procedures established in the municipality's personnel ordinance for the removal of municipal employees.

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. 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 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 council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided no councilor shall object. If any single member objects, a vote on the measure shall be postponed to the next meeting of the council. On the first occasion that the question of adopting any measure is put to the council, except an emergency measure as defined in Article II, section 9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the council. This procedure to postpone a vote shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- c) Any ordinance authorizing the granting of a special permit in accordance with Massachusetts zoning laws shall limit such authority to the council, planning board or zoning board of appeals, and any such ordinance shall further require a two-thirds (2/3) vote of such bodies with more than five (5) 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.
- d) Publication: Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under Article II, section 9(a), 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. COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- a) Submission of Names to Council: The mayor shall submit to the council the name of each person the mayor desires to appoint to any office as a division head, the citizen participation officer, or as a member of a multiple-member body. The council shall refer each name that is submitted to it to a standing committee of the council which may investigate each candidate for appointment and may make a report, with recommendations, to the full 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 council, to give any information relevant to the appointment as such committee, or the council, may require.
- b) Effective Date for Certain Appointments: Appointments made by the mayor for division heads or the citizen participation officer 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 council, unless the full council by a two-thirds (2/3) vote shall within those thirty (30) days vote to reject the appointment, or unless the full council has sooner voted to affirm the

appointment. The question of approval or rejection of any appointment made by the mayor shall not be subject to the procedures provided for in Article VIII.

- c) Approval of Multiple-Member Body Appointments: Appointments made by the mayor for multiple-member body members shall be submitted to the council for its approval, provided that said appointments shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk unless the majority of the full council rejects said appointment within thirty (30) days or the full 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 procedures provided for in section Article VIII.

11. FILLING OF VACANCIES

- a) Councilor-at-Large: Vacancy
- i. Vacancy during Initial 16 Months of Term: If a vacancy shall occur in the office of councilor-at-large during the first sixteen (16) months of the term for which councilors are elected, the vacancy shall be filled by a special election. A preliminary election will be held within sixty (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.
 - ii. Vacancy between 17 and 21 Months of Term: If a vacancy shall occur in the office of councilor-at-large during or after the seventeenth (17th) month, but before the twenty-first (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 21 Months of Term, but prior to 42nd Month of Term: If a vacancy shall occur after the twenty-first (21st) month of the term to which elected, but before the forty-second (42nd) month, the vacancy shall be filled by a special election. A preliminary election will be held within sixty (60) days following the vacancy, and the special election shall be held thirty-five (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 forty-second (42nd) month of the term to which elected shall be filled at the next regular municipal election. The candidate so elected shall take office immediately, and serve for the remaining two (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 twenty (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 twentieth (20th) 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 two 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 II, sections 11(a) or 11(b), 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 twenty-one (21) 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: Any registered voter of Framingham 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 day of January following the regular municipal election at which elected and shall continue until a successor is qualified.
- c) Compensation: The 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 on a roll call vote.
- d) Expenses: Subject to appropriation by the 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.
- f) Term Limit: No person shall hold the office of mayor for more than three consecutive full 4-year terms.

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 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.

3. APPOINTMENTS BY THE MAYOR

- a) Municipal Positions: The mayor shall appoint, subject to the review of the appointments by the 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. 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, city solicitor, chief operating officer 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 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 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 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. All such committees, boards, commission or officers, with the exception of members 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's appointments shall include, but not be 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. Historian
- xviii. Historic Commission
- xix. Historic District Commission
- xx. Housing Authority
- xxi. Human Relations Commission
- xxii. Loring Arena Committee
- xxiii. Park and Recreation Commission
- xxiv. Planning Board
- xxv. Police Advisory Committee
- xxvi. Regional Vocational School Committee
- xxvii. Registrar of Voters
- xxviii. Retirement Board
- xxix. Traffic Commission
- xxx. Veterans Council
- xxxi. Zoning Board of Appeals

- 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 Operating Officer: The mayor shall appoint a chief operating officer to assist in the coordination and direction of the operations of the various departments and functions of the government. The chief operating officer 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) City Solicitor: The mayor shall appoint the city solicitor 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 city solicitor's duty, either personally or by such assistants as 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 city solicitor 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 city clerk, setting forth the reason(s) 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 thirty (30) days after the date of filing in the office of the city 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 city 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 ninety (90) days, and not more than one extension of ninety (90) days may be made when a permanent vacancy exists in the office.

6. COMMUNICATIONS; SPECIAL MEETINGS

- a) Communications to the Council: Within twelve (12) weeks after the start of each fiscal year the mayor shall submit to the 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 council for its consideration such measures, in the judgment of the mayor, as 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 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 council action.
- b) Special Meetings of the Council: The mayor may at any time call a special meeting of the 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 councilor. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (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 make an address to a joint meeting of the council, school committee, all elected and appointed members of municipal committees, boards, commission or officers, division heads, department directors and residents reporting on the state of affairs of Framingham.

7. APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the council relative to the affairs of the municipality, except memorial resolutions, the selection of municipal officers chosen by the council and any matters relating to the internal affairs of the 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 council. The council shall enter the objections of the mayor on its records, and, not sooner than ten (10) days, nor later than thirty (30) days after the date of its return to the council, shall again consider the same measure. If the 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 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 council within ten (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 ten (10) successive days, the council chair shall be the acting mayor. In the event that the council chair chooses not to serve or is unable to serve, the council shall elect one of its members to serve as acting mayor.

The mayor shall, by a letter filed with the council and a copy filed with the city 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 ten (10) successive days; such officer or employee shall 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 sixty (60) days nor shall an acting mayor approve or disapprove of any measure adopted by the council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any councilor is serving as acting mayor, that councilor shall not vote as a 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 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 council.

10. VACANCY IN OFFICE OF MAYOR

- a) Special Election: If a vacancy in the office of mayor occurs during the first three (3) years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the council shall immediately, in the manner provided in Article VII, order a special election to be held not less than ninety (90) nor more than one hundred twenty (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 one hundred twenty (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 next regular municipal election.
- b) Council Election: If a vacancy in the office of mayor occurs in the fourth (4th) year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the council chair shall become the mayor, provided, however, that if the council chair chooses not to serve or is unable to serve, the council shall elect another councilor to serve as mayor. Upon the qualification of the council chair, or other councilor chosen to serve as the mayor under this section, as the case may be, a vacancy shall exist in

that council seat on the council and shall be filled in the manner provided in Article II, section 11. The council chair or other 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 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 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 council may direct.
- ii. Adoption: The plan shall be approved by the planning board as required by section 81D. Once approved by the board, the mayor shall submit the plan to the council for adoption, with or without amendments.
- iii. Revising the Plan: Upon the taking of office of a newly elected or re-elected mayor, the mayor shall review the plan to determine if revisions, amendments, and/or additions are necessary and present such proposals to the planning board for deliberation and approval. Any revisions, amendments and additions shall be subject to the adoption process as provided in (ii) above.
- iv. New Master Plan: A new master plan shall be prepared every twenty (20) years, provided however, that if the twentieth (20th) year is within two (2) years of a mayoral election, such new plan shall be undertaken within one year of a newly elected or re-elected mayor taking office. A new plan shall be prepared and adopted as provided in (i) and (ii) above within three (3) years of (a) the expiration of the plan then in effect, or (b) upon the taking of office of a newly elected or re-elected mayor, whichever is later.

b) Long Range Strategic Plan

- i. Content: The Mayor shall prepare a long range strategic plan every ten (10) years in the year ending in “0.” This plan shall be prepared in consultation with the Strategic Initiative and Financial Oversight Committee as established in Article VI, division and department heads, multiple member bodies of the municipality, the council, school committee and residents, 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

master plan then in effect. Such plan shall be updated every two years and voted on by the council.

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 (9) 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 (2) years, beginning on the first day of January in the year following their election, and shall continue 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; if, in the first eighteen (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.
- d) Prohibitions: No member of the school committee shall hold any school department position for which a salary is payable from the municipal treasury, except positions receiving a stipend. No former member of the school committee shall hold any compensated school department office until one (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 on a roll call vote.
- f) Expenses: Subject 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 Officers
 - 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 IX, section 11, the school committee shall organize by electing a chair, vice-chair and clerk from their members for the present term of office, provided, however, that the mayor shall be ineligible to serve in any of these positions.
 - ii. Powers and Duties of School Committee Chair: 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.

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 (12) library trustees shall be for four (4) years each, beginning on the first day of January in the year following their election, and continuing until their successors have been qualified. The terms of office shall be so arranged that six (6) trustees shall be 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.
- 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, each 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 is payable from the municipal treasury, except positions receiving a stipend. No former member of the board of library trustees shall hold any compensated position in the library department until at least one (1) 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 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 (5) cemetery trustees shall be for four (4) years each, beginning on the first day of January in the year following their election, and continuing 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.
- 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 (1) of the Trustees to serve as chair, one (1) to serve as vice-chair and one (1) to serve as clerk, each 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 is payable from the municipal treasury, except positions receiving a stipend. No former member of the board of cemetery trustees shall hold any compensated position in the cemetery department until at least one (1) 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 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 city 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 twenty-one (21) days, but no longer than thirty (30) days. After the period for submission of applications has expired, the city clerk shall provide the applications received to the board or committee where the vacancy exists and the council for review. A joint meeting of the council and the board or committee where the vacancy exists shall be held within forty-five (45) days following the receipt of applications from the clerk. The council may schedule such joint meeting during a regularly scheduled council meeting or call a special meeting for this purpose. Upon the election of a resident by a majority of the combined membership of the 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 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 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 council shall give notice by publication in a local newspaper and hold one (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 seven (7) nor more than fourteen (14) days after the publication. The proposed plan shall also be available in the office of the city clerk, the public library, and on the municipal bulletin board. An organization or reorganization plan shall become effective at the expiration of sixty (60) days after the date the proposal is submitted to the full council by the mayor unless the 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 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 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 city

accountant, the city 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 other licenses for which the municipality has statutory and regulatory authority unless otherwise assigned to another municipal office or officer by general law. 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 (5) 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 city 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 among 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 IX, 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 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 (30) days, shall become effective on the 30th day following the day on which notice of proposed rule or regulation is filed with the council, unless the council shall within such period by majority of the full 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 local newspaper , and shall be posted on the municipal bulletin board.

Ten (10) 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 local newspaper 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, city solicitor.

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 twenty-one (21) days before the date the mayor is required to submit a proposed municipal budget to the 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 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 sixty (60) days before the start of the municipal fiscal year, the mayor shall submit to the 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 8; 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 council shall refer the budget to the council's Finance subcommittee. The Finance subcommittee shall hold a public hearing on the proposed operating budget, providing no less than ten (10) days' notice of such hearing. The committee will thoroughly review the budget making a presentation and recommendation to the full council within twenty-one (21) days.
- b) Finance subcommittee: The finance subcommittee of the 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 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 auditor. The subcommittee may appoint working groups of its members to report findings and recommendations to the full council.
- c) Review: The council shall consider the budget in open public meetings after the Mayor and Finance subcommittee make presentations to the full council. The 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 Council: The council shall adopt the budget, with or without amendments, within twenty (21) days after the day the proposed budget was reported out by its Finance subcommittee. In amending the budget, the council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the council shall have no authority to add programs or increase amounts except as provided by the general laws. If the 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 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, or any amendments thereto, shall be on a roll call vote.

6. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Except in the case of an emergency as determined by a roll call vote of the council, whenever the mayor shall submit to the 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 council shall not act upon the request until it has (i) been reviewed by the Finance subcommittee, (ii) been posted on the municipal bulletin board for a minimum of ten days and (iii) held a public hearing concerning the request.

7. ALLOTMENTS

On or before August first of each year, or within ten (10) days after the approval by the 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 city 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 city solicitor, and the city clerk who shall immediately transmit the notice to the 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 seven (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 council and the city clerk within seven (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) Stewards: The mayor and 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 of the 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 five (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 and/or equipment 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 six (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 (15th) 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 by, for or on behalf of the municipality by any officer or municipal agency shall be subject to the approval of the mayor, unless otherwise provided by law.

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), 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 (9) members appointed to staggered three-year terms, three (3) chosen by the council, three (3) chosen by the school committee, and three (3) 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 and school committee and shall file all of its reports with the city 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 city clerk may, with the approval of the 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 or councilor at-large is to be held, a preliminary election shall be conducted thirty-five (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 five hundred (500) signatures, and at least twenty-five (25) signatures must be certified from each district;
 - ii. for the office of councilor at-large, not less than one hundred fifty (150) signatures, and at least ten (10) signatures must be certified from each district;
 - iii. for the office of district councilor or school committee member, not less than fifty (50) signatures, all of which shall be from the district from which the nomination is sought; and,
 - iv. for the offices of, library trustee or cemetery trustee, not less than fifty (50) signatures.
- d) Financial Disclosure Requirement: For candidates for the office of mayor, councilor-at-large, district councilor and school committee member, a statement of financial disclosure must be filed as required by Article IX, section 18 at the same time nomination signatures are due to the city clerk.
- e) Determination of Candidates: The persons twice in number of the seat(s) to be filled 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.

- f) Condition Making Preliminary Unnecessary: If, at the expiration of time for filing statements of candidates to be voted upon at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts, no preliminary election shall be held in such district or districts.
- g) 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 city clerk. The city 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 (9) districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each of the nine (9) 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 be composed of voting precincts established in accordance with general laws. The council shall from time to time, but at least once in each ten (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 VIII: CITIZEN PARTICIPATION MEASURES

1. PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

- a) Individual Petitions, Action Discretionary: The council and the school committee shall receive all petitions, signed by one or more voters, which are addressed to either of them and may, in their discretion, take such action in regard to each such petition as may be deemed necessary and advisable.
- b) Group Petitions Action Required: The council or the school committee shall hold a public hearing on every petition which is addressed to it, which is signed by one hundred (100) voters, or more, and which seeks the passage of a measure. The hearing shall be held by the council or the school committee, or, in either case, by a committee or subcommittee thereof, and after the hearing shall be held, the council or school committee shall respond to the petitioners not later than thirty (30) days after the hearing is completed. 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 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 seven (7) days before the hearing. Notice by publication in a local newspaper not less than seven (7) nor more than fourteen (14) 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 or the clerk of the school committee, as the case may be. The petition shall be addressed to the council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least five hundred (500) voters, to include at least twenty five (25) voters from each district. The signatures must be certified from each district by the city clerk. The petition shall be accompanied by an affidavit signed by ten (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 City Solicitor: The secretary of the council or the 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 city solicitor. The city solicitor shall, within fifteen (15) days after receipt of a copy of the petition, in writing, advise the council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the city solicitor shall also be mailed to the petitioners committee.
- c) Submission to City Clerk: If the opinion of the city solicitor is that the petition is in a proper form, the city 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 city solicitor, together with the names and addresses of the petitioners committee who signed the originating petition. Within sixty (60) days after the date the

blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least ten per cent (10%) of the total number of registered voters as of the date of the most recent municipal election. Signatures to an initiative petition need not all be on one (1) paper but all papers pertaining to any one (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 ten (10) days after the filing of the petition the board of registrars of voters shall ascertain by what number of registered voters the petition has been signed, and what percentage that number is of the total number of registered voters as of the date of the most recent municipal election. The city 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, or the clerk 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 thirty (30) days after the date a petition has been returned to the secretary of the council, or the clerk of the school committee, and after publication under Article II, section 9(d) the 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 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, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the secretary of the council, or the clerk of the school committee, shall promptly give notice of that fact to the petitioners committee, by certified mail.
- e) Supplementary Petitions: Within ninety (90) days after the date an initiative petition has been rejected by the council, a supplemental initiative petition may be filed with the secretary of the council or the clerk 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 registered voters which is equal to three per cent (3%) of the total number of registered 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 thirteen per cent (13%) of the total number of registered voters as of the date of the most recent municipal election, 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, in total, and by district, by the city clerk, the council shall call a special election to be held on a date fixed by it not less than thirty five (35) nor more than ninety (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 a municipal election is to be held within one hundred twenty (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 seven (7) nor more than fourteen (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 city clerk, and in such other locations as may be determined by the city 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 city solicitor.)

YES _____

NO _____

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

3. CITIZEN REFERENDUM PROCEDURES

a) Petition, Effect on Final Vote: If, within thirty (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 registered voters equal to ten percent (10%) of the total number of registered 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 clerk 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 3 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

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

- a) proceedings relating to the internal organization or operation of the council or the school committee;
- b) an emergency measure adopted in conformity with the charter;
- c) the municipal budget or the school committee budget as a whole;
- d) revenue loan orders;
- e) any appropriation for the payment of the municipality's debt or debt service;
- f) an appropriation of funds to implement a collective bargaining agreement;
- g) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- h) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- i) any proceedings providing for the submission or referral to the voters at an election; and
- j) 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 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: Four hundred (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 twenty five (25) voters in each of the districts into which Framingham is divided for the purpose of elections.
 - ii. Officer Elected by District: One hundred fifty (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 city clerk shall deliver to the first ten (10) persons named on the affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the council; they shall contain the names and residential addresses of the ten (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 city clerk. The recall petitions shall be returned to the office of the board of registrars of voters within thirty (30) days after the date they are issued, signed by not less than fifteen percent (15%) of the total number of registered 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 residential addresses of at least one percent (1%) of the registered 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 ten (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 registered 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 as containing a sufficient number of signatures, the board shall immediately submit the petitions, with their certificate, to the council. Upon receipt of the certified petition forms, the council shall immediately give written notice to the officer whose recall is sought of the validity of the petitions. If the officer whose recall is sought does not resign the office within five (5) days after delivery of the notice, by its having been delivered to the last known place of residence of the officer, the council, after consultation with the city clerk, shall order a special election to be held on a date no less than thirty five (35) nor more than ninety (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 six (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 six (6) months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.
- h) Filling of Vacancy:
 - i. If the office of mayor is declared vacant as the result of a recall election, the council shall immediately call a special election to be held on a date fixed by it not less than ninety (90) nor more than one hundred twenty (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 such election.
 - ii. Vacancies in any other elected office shall be filled under Article II, section 11 or Article IV, section 4, as applicable. 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 IX: 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 city 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 five (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 eleven (11) members: three (3) residents selected by the 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 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 council agenda for action before the fifteenth day of June in that year and, if not so scheduled by the secretary of the council, the matter shall come before the 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 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 five (5) or in a zero, the mayor and 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 nine (9) members, four (4) of these members shall be appointed by the council and five (5) of the members shall be appointed by the mayor. Two (2) of the persons appointed by the council

shall be councilors and the remaining members shall be residents of the municipality. The special committee shall file its report with the secretary of the 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 agenda for action before the fifteenth day of June in that year and, if not so scheduled by the secretary of the council, the matter shall come before the 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 city solicitor. 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 prepared 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 forty eight (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.
- 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 city 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 required by law.
- d) Quorum: A majority of the members of a full multiple-member body shall constitute a quorum. 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 AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. Any reference to the masculine gender is intended to include the feminine, and any reference to the feminine gender is intended to include the masculine.

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 seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be included; when the period is seven (7) days or more, every day shall be counted.

11. OATH OF OFFICE OF ELECTED OFFICIALS

Elected officials shall, on the first 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 city 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.

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 administered shall be entered in the meeting minutes of the council.

After the oath has been administered to the 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. If the city clerk is unable to preside during this election, the council member senior in years of service on the council shall preside during the election. If two (2) or more members are equally senior in years of service on the council, the member senior both in years of service and age shall preside. The chair and vice-chair shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any person qualified to 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 city 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 two (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 city clerk, or, in the case of the absence of the city clerk, by any person qualified to administer oaths or affirmations.

12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the council, or appointed to an office of the municipality, shall receive a certificate of such election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the 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 city 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 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 fourteen (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 fourteen (14) days have elapsed following the posting.

16. ELIGIBILITY FOR BENEFIT PROGRAMS

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, councilor or school committee member, or elected mayor, councilor or school committee member, or the superintendent of schools, chief financial officer, chief procurement officer, chief operating officer, 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 city clerk on or before the date on which a certificate of nomination or nomination papers for such candidate are due. 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 thirty (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 city clerk.

Every candidate for mayor, council or school committee who has not filed nomination papers with the city 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 city clerk. No elected Designated Municipal Officer shall be required to file a statement of financial interests for any year in which such officer ceased to be a Designated Municipal Officers if such officer served less than thirty days in such year.

- b) No candidate for mayor, 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 to serve in public office unless such person has filed a statement of financial interests with the city clerk as required by this section. A vacancy in said public office shall be declared thirty (30) days after final notice has been given in accordance with this section by the city clerk to a person currently holding office in violation of this section.
- c) No division head shall be allowed to continue in such division head's duties or to receive compensation from public funds unless such division head has filed a statement of financial interests with the city clerk as required by this section.
- d) The city 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 city clerk.
- e) The statement of financial interests filed pursuant to the provisions of this section shall be on a form prescribed by the city clerk that shall be substantially similar to 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, shall be found in violation of this section.
- h) The mayor shall propose to the 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 council upon a recommendation of the mayor, except in the case of school property which shall only be dedicated or named by majority vote of the full school committee with the approval of the mayor. officers, committees, boards or commissions may make recommendations from time to time to the mayor regarding the naming of property within the control of said officer, committee, board, or commission's control.

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 re-appointed, 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 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:
 - i. Chapter 19 of the Acts of 2013, An Act Authorizing the Town of Framingham to Place Municipal Charge Liens on Certain Properties in the Town of Framingham for Nonpayment of Any Local Charges, Fee or Fine;

- ii. Chapter 147 of the Acts of 1997, An Act Exempting the Position of Deputy Police Chief in the Town of Framingham from the Provisions of the Civil Service Law;
- iii. Chapter 590 of the Acts of 1987, An Act Exempting the Position of Chief of Police in the Town of Framingham from the Provisions of the Civil Service Law;
- iv. Chapter 126 of the Acts of 1986, An Act Exempting the Offices of Sealers and Deputy Sealers of Weights and Measures of the Town of Framingham from the Civil Service Law and Providing for the Appointment of the Sealers and Deputy Sealers of Weights and Measures by the Selectmen of Said Town;
- v. Chapter 124 of the Acts of 1995, An Act Establishing An Economic Development Industrial Corporation in the Town of Framingham;
- vi. Chapter 10 of the Acts of 1987, An Act Authorizing the Town of Framingham to Appoint Non-Resident Assessors;
- vii. Chapter 339 of the Acts of 1983, An Act Exempting the Office of Town Accountant of the Town of Framingham from the Civil Service Law and Providing for the Appointment of the Town Accountant by the Selectmen of Said Town;
- viii. Chapter 235 of the Acts of 1924, An Act to Annex Part of the Town of Sherborn to the Town of Framingham;
- ix. Chapter 273 of the Acts of 1890, An Act to Annex A Part of the Town of Sherborn to the Town of Framingham;
- x. Chapter 216 of the Acts of 1871, An Act to Annex A Part of the Town of Natick to the Town of Framingham;
- xi. Chapter 26 of the Acts of 1833, An Act to Set Off A Part of Holliston, and Annex the Same to the Town of Framingham;
- xii. Chapter 21 of the Acts of 1790, An Act to Set Off the Northwestwardly Corner of Framingham in the County of Middlesex, and to Annex the Same to the Town of Marlborough in the Same County;
- xiii. Chapter 60 of the Acts of 1785, An Act to Set Off Daniel Fay, Elisha Bemis, Phineas Bemis, John Leonard and Lydia Peirce, from the Town of Framingham, in the County of Middlesex, and to Annex Them to the Town of Southborough in the County of Worcester;
- xiv. Chapter 133 of the Resolves of 1781, Resolve on the Petition of David Fay, Elisha Bemis and Others;
- xv. Chapter 33 of the Resolves of 1719-20, Order of Savil Simpsons Petition, Annexing His Land to Framingham;
- xvi. Chapter 44 of the Acts of 1702, Order for Settling the Bounds Between the Town of Sudbury and the Farms Annexed to Framingham;
- xvii. Chapter 38 of the Acts of 1700, Order for Annexing to the Town of Framingham the Farms of David Rice, Thomas Drury, and Others, adjacent to the Town of Sudbury;
- xviii. Chapter 51 of the Resolves of 1700, Resolve and Order for an Explanation of a Former Order Relating to Framingham and Annexing Thereto All the Lands in Sherburne Which, in 1679, Belonged to Thomas Danforth and Were Excepted into Confirmation of the Township of Sherburne by the Grand Ct.; and,
- xix. Chapter 32 of the Acts of 1700, Order for Erecting the Plantation called Framingham into a Township by the Same Name.

b) Certain 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:

- i. Chapter 126 of the Acts of 2016, An Act Increasing the Membership of the Board of Health in the Town of Framingham;
- ii. Chapter 63 of the Acts of 2016, An Act Relative to Town Meetings in the Town of Framingham;
- iii. Chapter 9 of the Acts of 2010, An Act Relative to Town Meetings in the Town of Framingham;
- iv. Chapter 57 of the Acts of 2008, An Act Relative to Town Meeting Members in the Town of Framingham;
- v. Chapter 97 of the Acts of 2006, An Act Authorizing Recall Elections in the Town of Framingham;
- vi. Chapter 75 of the Acts of 2005, An Act Amending the Personnel Powers of the Town Manager in the Town of Framingham;
- vii. Chapter 372 of the Acts of 2004, An Act Relative to Town Meeting Members in the Town of Framingham;
- viii. Chapter 350 of the Acts of 2004, An Act Relative to the Appointment of Members of Certain Commissions in the Town of Framingham;
- ix. Chapter 169 of the Acts of 2003, An Act Relative to Preliminary Elections in the Town of Framingham;
- x. Chapter 338 of the Acts of 2002, An Act Relative to Representative Town Government in Framingham;
- xi. Chapter 34 of the Acts of 2002, An Act Relative to Voting Precincts in the Town of Framingham;
- xii. Chapter 341 of the Acts of 1998, An Act Relative to Preliminary Elections in the Town of Framingham;
- xiii. Chapter 338 of the Acts of 1998, An Act Relative to Town Meeting Members in the Town of Framingham;
- xiv. Chapter 333 of the Acts of 1998, An Act Relative to the Board of Selectmen-Town Manager Form of Government in the Town of Framingham;
- xv. Chapter 418 of the Acts of 1996, An Act Establishing A Department of Finance in the Town of Framingham;
- xvi. Chapter 27 of the Acts of 1996, An Act Establishing a Board of Selectmen-Town Manager Form of Government in the Town of Framingham;
- xvii. Chapter 54 of the Acts of 1992, An Act Relative to Town Meeting Members in the Town of Framingham;
- xviii. Chapter 277 of the Acts of 1991, An Act Authorizing the Registrar of Voters and Assistant Registrar of Voters in the Town of Framingham to be Town Meeting Members;
- xix. Chapter 632 of the Acts of 1989, An Act Relative to the Qualifications for the Position of Executive Administrator;
- xx. Chapter 338 of the Acts of 1983, An Act Relative to the Filing of Withdrawal from Nomination at a Preliminary Election in the Town of Framingham;
- xxi. Chapter 284 of the Acts of 1982, An Act Relative to the Appointment of the Treasurer-Collector in the Town of Framingham;

- xxii. Chapter 697 of the Acts of 1979, An Act Relative to the Date for Filing Nomination Papers for Nonpartisan Preliminary Elections in the Town of Framingham;
- xxiii. Chapter 34 of the Acts of 1979, An Act Authorizing Nonpartisan Preliminary Elections in the Town of Framingham;
- xxiv. Chapter 207 of the Acts of 1976, An Act Further Regulating the Membership of the Representative Town Government in the Town of Framingham;
- xxv. Chapter 488 of the Acts of 1976, An Act Increasing the Number of Voting Precincts in the Town of Framingham;
- xxvi. Chapter 816 of the Acts of 1975, An Act Establishing the Position of Executive Administrator in the Town of Framingham;
- xxvii. Chapter 710 of the Acts of 1974, An Act Providing for the Appointment of the Treasurer-Collector in the Town of Framingham by the Board of Selectmen of Said Town with the Advice and Consent of Its Finance Committee;
- xxviii. Chapter 804 of the Acts of 1969, An Act to Provide for the Filling of Vacancies in the Full Number of Town Meeting Members in the Town of Framingham;
- xxix. Chapter 805 of the Acts of 1969, An Act Relative to the Membership of the Representative Town Government in the Town of Framingham;
- xxx. Chapter 425 of the Acts of 1966, An Act Establishing a Town Manager Form of Government for the Town of Framingham;
- xxxi. Chapter 34 of the Acts of 1962, An Act Authorizing the Town of Framingham to Abolish the Office of Tree Warden and Transfer the Powers and Duties Thereof to the Commissioners of Public Works;
- xxxii. Chapter 166 of the Acts of 1962, An Act Providing for Party Nominations for Town Officers in the Town of Framingham;
- xxxiii. Chapter 56 of the Acts of 1953, An Act to Provide for the Filling of Vacancies in the Full Number of Town Meeting Members in the Town of Framingham;
- xxxiv. Chapter 609 of the Acts of 1953, An Act Providing that Town Meeting Members of the Town of Framingham may be Candidates for Re-Election;
- xxxv. Chapter 76 of the Acts of 1952, An Act Relative to the Establishment in the Town of Framingham of Representative Town Government by Limited Town Meetings;
- xxxvi. Chapter 143 of the Acts of 1949, An Act Establishing in the Town of Framingham Representative Town Government by Limited Town Meetings;
- xxxvii. Chapter 321 of the Acts of 1935, An Act Subjecting the Office of Town Accountant of the Town of Framingham to the Civil Service Law;
- xxxviii. Chapter 232 of the Acts of 1933, An Act Abolishing the Commissioners of Public Works in the Town of Framingham and Vesting the Powers of Said Commissioners in the Board of Selectmen;
- xxxix. Chapter 50 of the Acts of 1925, An Act to Incorporate the City of Framingham;
- xl. Chapter 358 of the Acts of 1915, An Act to Confirm Certain Acts of the Town of Framingham;
- xli. Chapter 701 of the Acts of 1914, An Act to Provide for Commissioners of Public Works in the Town of Framingham; and,
- xlii. Chapter 238 of the Acts of 1910, An Act to Authorize the Committee of General Inquiry of the Town of Framingham to Summon Witnesses and Examine Them Under Oath.

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 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. 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 this charter. 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 the date of the charter adoption to the date of installation of the mayor and 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 city 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. If, however, a vacancy shall occur in any of the multiple-member bodies above, prior to the assumption of the mayor to office on January 1, 2018, the board of selectmen shall make such interim appointment to fill any such vacancy for a period not to exceed ninety (90) days beyond January 1, 2018. For any vacancy filled on an interim basis by the board of selectmen or occurring on or after January 1, 2018, the mayor may extend the interim appointment, or make a new appointment to fill the existing vacancy for the remainder of the term of office. For a vacancy in the office of the city clerk, the board of selectmen shall make such interim appointment to fill any such vacancy for a period not to exceed ninety (90) days beyond January 1, 2018, and the council shall act to fill such vacancy for the remainder of the existing term of the city clerk within ninety (90) days of taking office. Further, members of the regional vocational school 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.

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.

Upon approval from the regional vocational school committee, and the town meetings of the other member towns, the Framingham 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. Such amendment shall require 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 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 IX, section 18, which shall become effective on May 1, 2017 and require financial disclosures from all candidates at such time. 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 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 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 four (4) members of the Board of Library Trustees elected in 2015 and the two (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 six (6) members of the Board of Library Trustees elected in November 2019 shall assume office. The four (4) members of the Board of Library Trustees elected in 2017 and the two (2) members receiving the highest vote totals in the 2016 municipal election shall have their terms extended until January 2022 when the six (6) members of the Board of Library Trustees elected in November 2021 shall assume office. Thereafter, six (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 two (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 three (3) trustees elected at the 2021 municipal election assume office. Thereafter, two (2)

trustees and three (3) trustees shall be elected at alternate municipal elections for terms of four (4) years.

- h) Forthwith following the first election under this charter in November 2017, the persons elected as mayor and councilors shall begin the process of transition from the existing form of government to the new form of government.
 - i. The councilors-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 until such time following assumption of office when the 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 councilors-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 city clerk shall serve as an advisor to the council-elect in this endeavor. The 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 rules as stated in Article II, section 6(d).
 - 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 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 subsection (r) below, and may consult with the board of selectmen and city solicitor 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-elect to allow them to undertake their transitional assignments.
 - iv. At noon on the first day of January (January 1, 2018), the officials elected at the election of November 7, 2017 shall be sworn to office in accordance with Article IX, section 11. At that time, 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. The terms of the school committee members then in office shall be terminated, and the school committee members elected at the election of November 7, 2017 shall be sworn to office. The council and school committee shall organize as provided in Articles II and IV. Every 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, respectively. The board of library trustees and board of cemetery trustees shall continue to operate under existing bylaws and procedures, to the extent applicable, until such time as members are elected according to the provisions of the charter.

- i) The board of license commissioners established by Article V, section 5 of this charter shall be appointed by the mayor within fifteen (15) days upon the assumption of office; the initial terms of office for the members shall be as follows: two (2) members shall serve one (1) year terms, two (2) members shall serve two (2) year terms, and one (1) member shall serve a three-year term. Following the completion of such terms, their successors shall serve three (3) year terms.
- j) The traffic commission established by Article V, section 6 of this charter shall be appointed by the mayor within sixty (60) 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 (3) years, the members representing the downtown area shall serve for two (2) years, and the residents at-large shall serve for one (1) year. Following the completion of such terms, their successors shall serve three year terms. Municipal officers or their designees serving on the commission are permanent members.
- 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 as of December 31, 2016. The initial stipend for the councilors shall be established as \$5,000 for each councilor and \$7,500 for the 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 day of January (January 1, 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, the provisions above shall not apply, and the interim manager shall be terminated upon the taking of office of the mayor. If an officer or employee is serving as the interim or acting manager at the time the mayor and 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 day of January (January 1, 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 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) above 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 office 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, section 8(a).

The remaining powers of the city 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 council have been elected, but no later than fifteen (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 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 upon being administered the oath of office, and any other authority delegated to it by ordinance, on the thirtieth day following the assumption to office of the mayor. The mayor shall exercise said authority only to the extent necessary until the board is duly constituted to allow the council adequate time to review the nominees.
- p) Not later than thirty (30) days following the date of the adoption of this charter by the voters the city 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 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 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 city 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 CITY 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 City 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 City 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 City 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 City 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 City 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 City 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 City 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 (7) 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 necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two (2) 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-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 city solicitor, 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 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 (2) 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 city solicitor, 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 Framingham that such assumption be on a gradual basis as the mayor, 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 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.
- w) Framingham officials shall gradually transition from "Town of Framingham" to "City of Framingham" so as to minimize the fiscal impact. The mayor shall assess the fiscal and operational impacts of the change from "Town" to "City" and work with the city's divisions, departments, boards, and officers to implement this change, including, but not limited to, determining priorities, estimation of expected costs, and timeline. The Council shall create a committee chaired by the City Clerk to create and oversee a community-wide process to design a new seal or adapt the current seal for the City of Framingham by 2020. The current Town seal shall remain the official seal of Framingham until such time as the Council has approved a replacement.

8. RECOMMENDATIONS

The mayor and council shall investigate the feasibility and efficacy of taking the following actions upon taking office; the list below is 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 to be the special permit granting authority;
- 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 shall consult with the planning board and zoning board of appeals and seek their recommendations prior to the adoption of any ordinance transferring any special permit granting authority to the 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 two (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 two (2) public hearings to address this examination, and shall present its findings and recommendations to the mayor and council.

Framingham Charter Commission
Memorial Building
150 Concord Street
Framingham, MA 01702

PRSR STANDARD
U.S. POSTAGE PAID
FRAMINGHAM, MA
PERMIT No. 163

Ballot Question

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 Council composed of 9 district members serving 2-year terms and 2 at-large members serving 4-year terms. The Mayor replaces the Board of Selectmen as the chief executive, and the Council, meeting at least monthly, replaces the Representative Town Meeting. The Mayor and at-large-councilors are limited to a maximum of three consecutive terms in office and district councilors are limited to six consecutive terms in office.

The School Committee will have 9 district members serving 2-year terms; the Mayor serves as the 10th member only voting to break a tie. The terms of the Board of Library Trustees and the Board of Cemetery Trustees will be 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 our community's financial condition and make recommendations on its future needs.

Several citizen "safeguard" provisions allow citizens to petition for measures through an initiative process, repeal a measure enacted by the Council through a referendum process, and remove from office the Mayor, Council members, or School Committee by petitioning for a recall election. The proposed charter also establishes procedures for voters to bring matters before the Council and School Committee for a hearing, and creates the position of citizen participation officer to improve communication and outreach between the residents and the municipal government. The Charter creates new local financial reporting, campaign spending disclosures and ethics compliance requirements for various officials and candidates.

Finally, the Charter provides for an automatic and periodic review of the Charter to ensure that it continues to evolve to meet our community's needs. The first such review will be five years after the adoption of this charter.

Town Election: Tuesday, April 4, 2017