

Article II

Functions and Authority of Permanent Officers, Municipal Officials, and Multiple Member Bodies

Article II: Functions and Authority of Permanent Officers, Municipal Officials, and Multiple Member Bodies

Section 1. Mayor¹

1.1 Qualifications, Term of Office, Compensation

1.1.1 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.

1.1.2 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.

1.1.3 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.

1.1.4 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.

1.1.5 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.

1.1.6 Term Limit: No person shall hold the office of mayor for more than three consecutive full 4-year terms.

1.2 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.

1.3 Appointments by Mayor

1.3.1 Municipal Positions: The mayor shall appoint, subject to the review of the appointments by the council under Article II of the Charter, 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

¹ Text from Charter Article III, Section 1

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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 of the Charter 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.

1.3.2 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. 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.

1.4 Legal Actions

The Mayor shall defend all suits brought against the City, and may settle any claim or suit to which the City is a party, which does not require the payment of more than twenty five thousand dollars; and, further, may settle any claim or suit resulting from the taking of land for any municipal purpose which does not require the payment of more than twenty five thousand dollars. All such aforementioned settlements shall be itemized and identified in the Annual Report. Any settlement requiring a payment greater than those set forth in this section, except as authorized by law, shall be made only when authorized by a vote of the Council. The Mayor shall bring any suits to collect sums due the City.

1.5 Tax Delinquency Property

Whenever any land acquired by the City for tax delinquency is to be sold by the Treasurer-Collector, the Mayor or a custodian designated by the mayor, it shall be sold at public auction, after not less than fourteen (14) days notice in one or more newspapers published in the City. Such notice of an auction sale must contain a description of the property sufficient to identify it, and must state the date, time, place, terms and conditions of sale. Any real property acquired by the City for tax delinquency held for more than five years and having an assessed value of more than \$15,000 shall not be sold without a review by and a two-thirds majority vote of the Council. All such aforementioned sale of tax land shall be itemized and identified in the Annual Report.

1.6 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.

1.7 Temporary Absence of the Mayor

- 1.7.1 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.

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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.

1.7.2 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.

1.8 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.

1.9 Strategic Planning

1.9.1 Master Plan

1.9.1.1 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.

1.9.1.2 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.

1.9.1.3 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 above.

1.9.1.4 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 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.

1.9.2 Long Range Strategic Plan

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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, 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.

1.10 Organization of Municipal Agencies²

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.

The Organizational Chart of the City shall be posted on the municipal bulletin board and attached to these ordinances as Appendix E each time it is updated.

Section 2. City Clerk

- 2.1 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 ordinance, or by other vote of the council.³
- 2.1.1 The City Clerk shall permanently keep one or more copies of the City reports. The City Clerk shall notify, or cause to be notified, all persons chosen or elected by the City or appointed on committees, of their election, choice or appointment. The City Clerk shall furnish all officers, boards and committees with a copy of all votes affecting them. The City Clerk shall not allow original papers or documents of the City to

² Text from Charter Article V, Section 1

³ Text from Charter Article II, Section 8(b)

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- be taken from the City Clerk's office, except as they remain in the City Clerk's custody, or by authority of law.
- 2.2 The City Clerk shall make available forms, with appropriate headings, upon which petitions, reports and other papers in the ordinary course of City proceedings may be prepared.
- 2.3 The City Clerk shall furnish the various City officers, boards, and committees a copy of such actions of the Council, as affects them respectively, immediately after the Council action is taken.
- 2.4 The City Clerk shall publish updated City Ordinances pursuant to Article IX, Section 6 of the Charter.
- 2.5 The City Clerk shall have the authority to establish the format of City Ordinances and require that the format of proposed additions or amendments be altered to make the format of the additions or amendments consistent with the City Ordinance format. Such formatting as required should be accomplished prior to presentation of a proposed ordinance to the Council. Further, the City Clerk shall be responsible for reviewing the format of all existing and proposed City Ordinances (exclusive of zoning ordinances) or amendments thereto and shall make appropriate formatting changes. Such change may include changes to spacing, capitalization, font size, the use of underlining or italics. The City Clerk is also authorized to renumber sections or subsections of the Ordinances where such renumbering may include reordering of Ordinance sections or subsections and may include changing from numeric numbering to alphabetic numbering or the reverse.
- 2.6 The City Clerk shall administer and enforce the Ethics Reporting Requirement in accordance with Article 1, Section 11.
- 2.7 The City Clerk shall post official notices of meetings and other official municipal notices on the municipal bulletin board.

Section 3. City Treasurer-Collector

- 3.1 The Treasurer-Collector as collector of taxes shall collect, under the title of City Collector, all accounts due the City.
- 3.2 The Treasurer shall make a record, in a book kept for the purpose, of each appropriation, with the list of the warrants drawn against such appropriation, and shall also make a record kept for the purpose, of all bonds, notes, or other evidence of indebtedness of the City.
- 3.3 The Treasurer shall be the custodian of all deeds, contracts, bonds and insurance policies belonging to the City except that the bond of the Treasurer shall be in the custody of the Mayor.
- 3.4 The Treasurer shall see that all deeds of the City are properly recorded and shall keep separate records in which shall be entered the number and a brief description of the property conveyed.
- 3.5 It shall be the duty of the Treasurer to make, in the annual printed report of the City, a report which shall specifically state the objects, if any, for which the debt of the City may have been increased during the preceding year. The report shall give a classified statement of the indebtedness of the City and the objects for which it was incurred. Said report shall also include:
- 3.5.1 A list of all notes issued during the year and the purposes for which the money was borrowed, giving the dates, amount, term, rate of interest, time of maturity, the premium, if any, received thereon and the names of the parties from whom the funds were borrowed.
- 3.5.2 A list of all notes paid during the year, and a list of all outstanding notes, with the dates on which they will mature.
- 3.5.3 A full exhibit of all moneys, properties and securities, which may be placed in his charge by virtue of any statute or bylaw or by virtue of any gift, devise, bequest or deposit.
- 3.5.4 A statement of the amount of money received by the City from sources other than taxation during the preceding year, also the expenditures and debt of the City for each of the preceding five years.
- 3.5.5 A list of all insurance held by the City.

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- 3.7** The Treasurer shall be Treasurer of the Sinking Fund.
- 3.8** The Treasurer of the City is authorized to execute and deliver from time to time discharges on bonds and/or mortgages taken under the provisions of Massachusetts General Laws.
- 3.9** The duties and responsibilities of the Commissioners of Trust Funds shall be performed by the City Treasurer.

Section 4. City Solicitor

- 4.1** 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
- 4.2** The Mayor shall have authority to prosecute, defend and compromise, subject to the provisions of these Ordinances, through the City Solicitor, all litigation to which the City is a party, and to employ special counsel, whenever in their judgment there is a necessity therefor.
- 4.3** The City Solicitor shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required by vote of the Council, Municipal Officer, or any Multiple Member Body. Also, when required by any boards or committees of the City, the City Solicitor shall furnish a written opinion on any legal question that may be submitted to him or her in regard to any matter which concerns the said board or committee. The City Solicitor shall at all times furnish legal advice to any officer of the City upon any subject concerning the duties incumbent upon such officer by virtue of that office, upon request of such officer submitted through the Mayor.
- 4.4** The City Solicitor shall prosecute all suits ordered to be brought by the City, and shall appear before any court in the Commonwealth in defense of all actions or suits brought against the City or its officers in their official capacity. The City Solicitor shall try any and all cases to which the City shall be a party, before any tribunal in this Commonwealth, or before any board of referees or commissioners.
- 4.5** The City Solicitor shall not make final settlement of any litigation to which the City is a party, unless duly authorized to do so by the Mayor, according to the provisions of these Ordinances, or by the Council.
- 4.6** Immediately upon being notified by the Chief of Police or Director of Public Works, or upon the receipt of notice from any other source, of injury to person or property, under circumstances which may give rise to a claim for damages against the City, the City Solicitor shall make a careful and complete investigation of all the facts relative thereto, and report to the Mayor.
- 4.7** The City Solicitor shall, if requested by the Mayor or Chief of Police, prosecute in the local district court any case for violation of the Statutes of the Commonwealth or Ordinances of the City.
- 4.8** The City Solicitor shall annually make a written report to the Mayor to be printed in the Mayor's Annual Report to the Council, concerning the professional services rendered by him or her during the preceding year. Said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of on behalf of the City during the year; and, also a statement of each case which is still pending, and the status of the same, together with such other information and recommendations as may be deemed advisable.
- 4.9** The City Solicitor shall notify in writing all officers, boards or committees of the City of any changes in the laws of the Commonwealth affecting such officers, boards, or committees.
- 4.10** The City Clerk shall compile annually a complete list of all special acts relative to the City and all general laws accepted by the City, which shall be appended to these ordinances as Appendices C & D, respectively.

⁴ Text from Charter Article III, Section 3(e)

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Section 5. City Engineer

- 5.1** The Public Works Division Head shall appoint a competent registered professional engineer to be City Engineer who shall serve a three-year term.
- 5.2** The City Engineer shall be responsible to the Mayor for the efficient execution of all engineering services for the City.
- 5.3** The City Engineer shall collect, arrange and index all existing plans in which the City is interested, obtaining originals wherever possible, and blueprints where originals cannot be obtained, and shall deposit the same and all future plans in a location within the City open to access by the public.

Section 6. Purchasing Department

- 6.1** The Chief Procurement Officer shall give a surety company bond for the faithful performance of his duties in such forms as the City Solicitor shall approve in a sum not less than \$100,000. The bond shall be executed, approved and delivered before he enters upon the duties of his office and within ten (10) days after his appointment, the City to pay the premium for said Bond. Should the Chief Procurement Officer fail to give the required bond, his appointment shall be void and a new appointment shall be made forthwith.
- 6.2** The Chief Procurement Officer shall serve a three-year term and shall have the following powers and duties:
 - 6.2.1** The Chief Procurement Officer shall be responsible for the procurement of all supplies, materials, equipment, contractual services needed by all of the departments, institutions, boards, commissions and other agencies which derive their support wholly or in part from City funds which are hereinafter referred to as the "Using" Agencies. "Contractual Services" means and includes all public utility services, fuel, towel and cleaning service, leases for all grounds, buildings, office or other space required by "Using" Agencies; the procurement, repair, maintenance or operation by other than City employees of equipment, machinery and other personal property. The rental with or without attendant personnel of equipment, machinery and other personal property. The term shall include contractual services in the construction or repair of public buildings, highways and other public works but shall not include professional, expert consultant or other contractual services which are in their nature unique or not subject to competition. Contractual services shall not be construed to mean the hiring of departmental personnel, medical, legal, technical or other professional services. Contractual services shall be construed to mean surety bonds, all forms of insurance, printing (except materials and printing to be used in elections). The Mayor may in case of emergency exempt purchases for any Using Agency from the provisions of this Section.
 - 6.2.2** The Chief Procurement Officer shall be responsible for the inspection of all supplies, materials, equipment and contractual services delivered to the City in order to determine conformance with the specifications set forth in the orders or contract and for such purpose may authorize any department or office to act for him.
 - 6.2.3** The Chief Procurement Officer shall have authority to order or make inventories of the supplies, materials, equipment and furnishings of any and all departments and any department possessing excess or surplus personal property of any kind shall not sell, exchange, transfer or dispose thereof without first certifying such personal property as surplus to the Chief Procurement Officer; and thereupon the Chief Procurement Officer shall circularize all departments and agencies as to their needs for such surplus property and if such need is determined, the Chief Procurement Officer may order transfer of such property from one department or agency to another.
 - 6.2.4** The Chief Procurement Officer shall have the power to sell by public auction or competitive bid, if possible, exchange or trade any supplies which have become obsolete, overage, unsuitable for use or surplus.
 - 6.2.5** In all cases where the supplies to be purchased are peculiar to the field of education, the school committee's determination as to the specifications of supplies to be purchased shall be conclusive upon the Purchasing Department.

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- 6.2.6** The Chief Procurement Officer shall prepare and secure with the cooperation of the various department heads standard and written specifications for supplies used by the Using Agencies. It shall be the duty of the Chief Procurement Officer to classify supplies used in the various departments, to adopt as standards the minimum number of qualities, sizes and varieties of supplies consistent with the successful operation of the City government and to prepare and adopt written specifications of all such standard supplies. Except in the case of non-competitive types and kinds of supplies, all specifications shall be definite and certain and shall permit competition. After its adoption, each standard specification shall, unless revised or rescinded, apply alike in terms and effects to any future purchase order or contract for the supply described in such specifications. The agent shall consult with the heads of Using Agencies to determine their precise requirements and shall endeavor to prescribe those standards which best meet the needs of the majority of those agencies. The agent shall have the authority to make use of laboratory, engineering facilities of the City and the technical staffs of all City departments. Once established the agent shall enforce the written specifications adopted pursuant to this section.
- 6.2.7** The Chief Procurement Officer shall require that each Using Agency shall make an inventory, during the month of November in each year, of the personal property under its charge and a copy of such inventory shall be forwarded to the Chief Procurement Officer prior to December 1 of each year. Between the first day of November and the first day of December of each year there shall be forwarded to the Chief Procurement Officer an estimate of the equipment, materials, supplies and contractual services that will be needed by each Using Agency for the ensuing year. The requirements for preparing estimates shall not prevent any Using Agency from filing with the Chief Procurement Officer at any time a justifiable requisition for any supplies, materials, equipment or contractual services, the need for which was not foreseen when the detailed estimate was filed.
- 6.2.8** The Chief Procurement Officer shall control and supervise any and all existing storerooms and warehouses and any which may be hereafter established.
- 6.2.9** Requisitions for the purchase of supplies or contractual services for any Using Agency shall be received by the Purchasing Department prior to the issuance of a purchase order or contract for such supplies or contractual services and shall be signed by the department head or his authorized agent. The Chief Procurement Officer shall examine each requisition and shall have the authority, only after consultations with the head of the Using Agency, to revise it as to quantity, quality, or estimated cost but revisions as to quality shall be in accordance with the standards and specifications provided pursuant to subsection 7.2.6.
- 6.2.10** Except in cases of emergency, in which he shall within seventy-two hours, or sooner, if possible, notify the City Accountant of said purchase, the Chief Procurement Officer shall not issue any order for delivery on any contract, or any open market order unless and until the City Accountant certified that there is to the credit of each Using Agency concerned a sufficient appropriation balance in excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment or contractual services.
- 6.2.11** The head of each department shall file with the Purchasing Department the name or names of members of his department who shall be authorized to approve requisitions.
- 6.2.12** All purchases, acquisitions and dispositions of goods, services, and real property by the City of Framingham shall be made in accordance with the provisions of the Uniform Procurement Act as set out in M.G.L. 30B as it may be amended from time to time.
- 6.2.13** Any purchase order or contract made on behalf of the City under this section or otherwise in which the Chief Procurement Officer or any employees of his department, the heads of Using Agencies, or any other officer or employee of the City having a part in the placing of such order or contract is financially interested, directly, or indirectly shall be void.
- 6.3** The Chief Procurement Officer shall submit annually within thirty days of the close of the year a report on the activities of his department, and may suggest from time to time changes in the provisions of this Article which he deems necessary.

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- 6.4** Except as provided by law, all records of the Purchasing Department shall be public, records open freely to public inspection and shall be kept on file in the office of the Chief Procurement Officer for a period of at least six years.
- 6.5** This Ordinance supersedes and nullifies the provisions of any Ordinance relative to Purchases by departments, boards, commissions and shall apply to all purchases and contracts only insofar as it does not conflict with any prevailing State or Federal Statutes applicable to the City of Framingham.

Section 8. Board of Library Trustees⁵

8.1 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.

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.

8.2 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.

8.3 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

8.4 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:

- 8.4.1** 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;
- 8.4.2** 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;
- 8.4.3** To recommend to the mayor for appointment a candidate for library director;
- 8.4.4** To accept donations and manage funds in its trust;
- 8.4.5** To have the care and custody of the Main Library and such branch libraries as may be established; and,
- 8.4.6** To expend such amounts as the Council may appropriate.

- 8.5** The Trustees shall keep on file the annual report of the City and similar reports of the former Town of Framingham and shall cause such reports to be substantially bound and lettered. They shall also have copies of

⁵ Text from Charter Article IV, Section 2

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all reports submitted to the City Clerk and transmitted to the Library Director properly preserved and made available for review.

- 8.6 The Library Trustees shall make an annual report to the City, which shall give a full financial statement of all receipts and expenditures, the number of books added, the number circulated at each library, and any other information they may desire to bring before the City.

Section 9. Strategic Initiatives and Financial Oversight Committee⁶

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 sections 1.9 and 1.10 above of this ordinance 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.

Section 10. Traffic Commission⁷

10.1 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 uniform procedures governing multiple member bodies. 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.

- a) 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

⁶ Text from Charter Article VI, Section 11

⁷ Text from Charter Article V, Section 6

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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.

Section 11. Capital Assets⁸

⁸text from Charter Article VI, Section 8

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11.1 Stewards

The mayor and council shall be active stewards of Framingham's physical assets.

11.2 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.

11.3 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.

11.4 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.

11.4.1 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.

11.4.2 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.

11.4.3 Annual Report: The mayor shall annually report on the municipality's progress regarding the capital improvement program.

11.5 Capital Budget Committee

There shall be a Capital Budget Committee to provide a means of planning for the maintenance and/or improvement of the capital assets and infrastructure of the City of Framingham comprised of seven (7) voters, one of whom shall be a member of the council Finance Subcommittee, chosen by it, and six of whom shall be appointed by the mayor. Said Committee shall meet for organization and shall elect its own officers.

Section 12. Human Relations Commission

12.1 There shall be a Human Relations Commission of thirteen (13) members who are residents of the City of Framingham and shall serve three-year terms. The membership of the Commission shall be broadly representative of the community in such areas as housing, employment, and education, and representative of the several religious faiths and racial groups.

12.2 The purpose of the Commission shall be to deal with the causes of intergroup disunity which underlie the urban crisis, including, but not limited to, the elimination of conditions of bias discrimination and prejudice against minority groups, and to establish affirmative action programs to insure equal enforcement of law, and equal protection of law, for all groups regardless of race, color, religious creed, national origin, ancestry, sex, gender identity, age, disability, sexual orientation, genetics, status as an active member of the

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armed forces of the United States, or any other protected class recognized under state or federal law (“protected class status”).

12.3 The duties and functions are as follows.

12.3.1 The Commission shall advise and consult with the Mayor on all matters involving prejudice or discrimination due to any protected class status.

12.3.2 The Commission shall render an annual report to the Mayor and the Council.

12.3.3 The Commission shall invite and encourage the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, veterans organizations, and other groups in the City of Framingham in carrying on its work. The Commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.

12.3.4 The Commission shall request and obtain such cooperation, assistance and data from City departments as may be reasonably necessary to carry out its work.

12.3.5 The Commission shall receive and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of any protected class status and may conduct public hearings with regard thereto; obtain factual data and conduct public hearings to ascertain the status and treatment of the diverse minority groups in the City, and shall make recommendations as to the best means of progressively improving human relations in the City, and publish its findings of fact and recommendations in accordance with this Ordinance.

12.3.6 A complaint charging that any person has engaged or is engaging in any discriminatory practice may be made by the Commission itself or by an aggrieved individual. The term "person" as used in the Ordinance shall include one or more individuals, partnerships, associations, corporations, legal representatives, trustees, and the City and any of its departments, divisions, boards, officials, agents and employees. A complaint must be filed with the Commission within forty-five (45) days after the alleged discrimination.

12.3.7 The Commission shall make a prompt and full investigation of each complaint of all such unlawful practices as defined in the Massachusetts General Laws, Chapter 151B, Section 4.

12.3.8 If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, the Commission may hold a public hearing to determine whether or not a discriminatory practice has been committed. The Commission shall serve upon the person charged hereinafter referred to as the respondent, by registered mail, a statement of the charges made in the complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the serving of the statement of charges. The respondent shall have the right to file an answer to the charges, to appear at the hearing in person or to be represented by an attorney or any other person, and to examine and cross-examine witnesses and to present evidence in his own behalf.

12.3.9 If upon all the evidence presented, the Commission finds that the person charged with the complaint has not engaged or is not engaging in any discriminatory practice, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented, the Commission finds the respondent has engaged or is engaging in a discriminatory practice, it shall attempt to eliminate the discrimination by means of conciliation and persuasion. The Commission shall not make public the details of any conciliation proceedings unless required by law so to do, but it may publish the terms of conciliation when a complaint has been satisfactorily adjusted without identification of the parties. If the Commission is unable to eliminate the discrimination by means of conciliation and persuasion, it shall state its findings of fact and shall issue recommendations as the facts warrant.

Section 13. Council on Aging

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- 13.1** The Council on Aging shall consist of not less than seven (7) nor more than eleven (11) members, and shall function pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 8B, for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Commission on Aging of the Commonwealth.
- 13.2** All members shall serve without compensation. Members of the Council on Aging shall be residents of the City during their term of office. The Council on Aging shall be responsible to the Mayor, and within the limits of available funds, it may appoint such Clerks and other employees as it may require to carry out its authorized programs.
- 13.3** The terms of office of all of the members of the Council on Aging shall commence on the first day of January in the year of their appointment and shall be for three (3) years, or until their successors shall have been duly appointed and qualified. Any vacancy in the membership of the Council on Aging shall be filled by the appointing authority as set forth in section 13.2 for the remainder of the unexpired term. The Council on Aging shall, annually, in the month of January elect such officers, in addition to its Chair, and such Chairs of committees as it deems appropriate.
- 13.4** The Council on Aging may designate as ex-officio, non voting members, in addition to the members herein before provided, the head of any department, or multiple-member bodies of the City, or a person designated by such head, to act in his stead, and any other person from interested and representative groups in the community.

Section 14. Animal Control Officer

14.1 Disturbing the peace by barking

No person shall own or keep in the City any dog which, by barking, biting, howling or in any other manner disturbs the quiet of any person for a prolonged period such that a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment.

14.2 Complaint of nuisance or dangerous dog

If any person shall make a complaint in writing to the Chief of Police of the City that any dog owned or harbored within its jurisdiction is a nuisance or dangerous dog by reason of vicious disposition or excessive barking or other disturbance, the Hearing Authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complaint at a public hearing in the municipality to determine whether the dog is a nuisance or a dangerous dog in accordance with G.L. c. 140, § 157. For purposes of this section, the "Hearing Authority" shall have the same definition as set forth under G.L. c. 140, § 136A.

14.3 Restraint of dogs

No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the City of Framingham or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the City of Framingham unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.

14.4 Duties of Animal Control Officer

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large in any street or public place within the City of Framingham or in violation of any of the provisions of this Ordinance, and to impound such dog in the place provided therefor. The Animal Control Officer, upon receiving any such dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the Animal Control Officer shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the City for impounding and maintenance of such dog as provided by law.

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14.5 Muzzling or confinement of dogs

The Animal Control officer may, pending the outcome of a review by the Hearing Authority under G.L. c. 140, Section 157, order a dog to be muzzled or confined to its owner's premises, whichever in his or her judgment may be required, for any of the following reasons:

- 14.5.1** If found at large or unmuzzled, as the case may be, while an order of the Chief of Police the confinement or muzzling of such dog is in effect.
- 14.5.2** For having attacked or bitten any person.
- 14.5.3** For having killed or maimed or otherwise damaged any other domesticated animal.
- 14.5.4** For behaving in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

14.6 A person aggrieved by any order of the Hearing Authority may seek judicial review in the manner provided in Massachusetts General Laws Chapter 140, Section 157.

14.7 Any owner or keeper of a dog who shall fail to comply with the provisions of this Section shall be punished as follows:

First Offense.....	Warning
Second Offense	\$50.00
Third Offense	\$60.00
Subsequent Offenses	\$100.00

14.8 Anyone who is an owner or keeper of an unlicensed dog and who has neglected in previous years to get a license will be subject to a fine of ten dollars (\$10) for each year the person is in arrears. Fines are payable to the City Clerk's Office.

14.9 Dog Licenses are available at City Clerk's Office starting January 2nd, of each year. Fees for such licenses to be set by the Council. All fees are turned over to the Treasurer monthly. Licenses not purchased between January 2nd through February 28th are subject to a fifty dollar (\$50) penalty.

14.10 Every person maintaining a kennel shall obtain a kennel license which can be purchased through the City Clerk's Office. Fees for such licenses to be set by the Council. Kennel Licenses must be approved by the Board of Health, as well as by the Animal Control Officer under G.L. c. 140, §137A. Every person owning more than three dogs must purchase a kennel license.

Section 15. Board of Assessors

15.1 The Board of Assessors shall include in its annual report to the City a listing of all abatements of real estate taxes granted in the year covered by its Annual Report, except those granted under the provisions of Massachusetts General Laws Chapter 59, Section 5, as amended (Ter. Ed.). Such listing shall include Parcel ID, Address and Unit, Owner or owners of record, Assessed Value, Original Tax, Reasons for Abatement, Value Abated, Tax Abated, Use Code and the Number of abatements granted on the property in the past five years. Listing shall be in order of street address. Said listing shall be printed in the City Report, each year, as a part of the annual report of the Board of Assessors.

15.2 The Assessors may order all buildings on public streets to be numbered and so shall order, when requested by a majority of the people owning real estate on any such street. The owner of every such building on a public street shall comply with such order within ten days thereafter. The owner of an unnumbered building may request the Assessors to designate the number for such building and the Assessors shall comply with such request within ten days. The Assessors may recommend such numbering of buildings on a private way.

Section 16. Real Property Committee

Deleted.

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Section 17. Technology Services Department

17.1 Technology Services Department (“TS Department”)

Deleted.

17.2 Mission of the TS Department

Deleted.

17.3 Structure of the TS Department

Deleted.

17.4 The TS Users Group

Deleted.

17.5 City Appropriations for Technology Services; Annual Report.

17.5.1 Budget and Appropriations

- (a) The Annual Budget for the TS Department shall include all recommended expenditures for computer hardware, software, and services that are to be made from the appropriation for the TS Department.
- (b) If the appropriation for any board, officer, or department other than the TS Department includes funds for computer hardware, software, or services, those funds shall not be authorized to be expended unless the technical specifications pertaining to the proposed expenditure have been approved by the TS Director as compatible with the technical specifications of the City's Technology Services.

17.5.2 Annual Report

Deleted.

17.6 Transition

Deleted by the 1997 Annual Town Meeting, Article 30.

Section 18. Parks, Recreation & Culture Division

18.1 The City of Framingham shall have a Parks, Recreation & Culture Division for the purposes of promoting and managing recreational programs, public parks, and recreation and cultural facilities for community use and public enjoyment.

18.2 All management functions and staff shall be coordinated and directed by the Division Head who shall be appointed by the Mayor.

Section 19. Administration and Finance Division

19.1 Establishment, Scope⁹

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.

⁹ Text from Charter Article V, Section 3

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19.2 Chief Financial Officer (CFO)/Director of Administration and Finance¹⁰

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.

19.3 The responsibilities and duties of the Chief Financial Officer/Director of Administration and Finance (“CFO”) shall include the following:

19.3.1 Except as otherwise expressly prohibited by general or special law or ordinance of the City, the CFO shall supervise, direct and be responsible for the overall management and administration of the Administration and Finance Division. In addition, the responsibilities of said CFO shall include, but not be limited to, the following:

- (a) to assist the mayor in coordinating and managing the City-wide annual operating and capital budget process for all City departments, officers, boards, committees and commissions, in cooperation with those entities and pursuant to Article VI of the Charter;
- (b) to assist the mayor in compiling and coordinating for all City departments, officers, boards, committees and commissions their operating and capital budgets, and submitting a proposed operating budget, capital inventory and 5-year capital improvement program to the Council pursuant to Article VI of the Charter;
- (c) to receive, evaluate and provide to the Council recommendations with respect to all requests for transfers from the City’s reserve fund;
- (d) to prepare and maintain long-term financial forecasts: including revenue expectations, future implications of operating budget program decisions and capital budget programs related to infrastructure maintenance, improvement and expansion as directed by the mayor;
- (e) to manage the financing and refinancing processes of the City, including financing strategies to maximize future flexibility relative to long-term capital expenditure forecasts;
- (f) to monitor actual line item income and expense information for all town departments and prepare financial and statistical reports relative to approved operating and capital budgets;
- (g) to advise all City officers, departments, boards, committees and commissions on financial and financing implications of operational proposals; and
- (h) to assist the mayor in preparing communications to the Council as follows:

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.¹¹

- (i) to administer the payroll system for the City.

19.3.2 Deleted.

¹⁰ Text from Charter Article V, Section 3

¹¹ Text of Charter Article III, Section 6(a)

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19.3.3 Deleted.

19.3.4 The CFO shall have access to all City books, papers and records of any sort for information necessary for the proper performance of the duties defined herein. All City officers, boards, committees and commissions shall respond promptly, thoroughly and accurately to requests for information made by the CFO. Any contract or agreement entered into by City officers, boards, committees or commissions that impacts the current or future financial condition of the City, other than those covered by the City's purchasing ordinance, shall be submitted to said CFO within seven days of signing.

19.3.5 All City departments, officers, boards, committees and commissions shall keep the CFO fully informed as to the progress of all labor negotiations. The CFO shall prepare and submit to the Council, as part of the process to consider appropriation of moneys to fund any negotiated labor agreement which affects the City, its departments, officers, boards, committees or commissions, an analysis of the financial impact on the City of any such labor agreement throughout the entirety of its proposed term together with a recommendation for action by the Council.

19.3.6 Deleted.

19.4 The various City officers, departments, boards, committees and commissions charged with the expenditure of City funds shall, not later than November fifteenth of each year, or at such other time as directed by the mayor, prepare and submit to said CFO detailed estimates of the amounts deemed by them to be necessary for the administration of their respective duties for the ensuing fiscal year and for capital items to be considered for the ensuing fiscal year and future years, with explanatory statements of the reasons for the amounts requested.

19.5 Deleted.

19.6 Deleted.

19.7 Deleted.

19.8 Deleted.

19.9 Deleted.

19.10 Deleted.

19.11 Deleted.

Section 20. (Deleted: October 19, 2010 Special Town Meeting, Article 4)

Section 21. Board of Health

21.1 The Board of Health shall be comprised according to MGL c. 111, §26, which reads as follows:

Section 26. In each city, except as hereinafter provided, the board of health shall consist of three persons, one of whom shall be a physician. No one of them shall be a member of the city council. One member shall be appointed in January of each year for three years from the first Monday of the following February. Unless otherwise provided in the city charter, the members shall be appointed by the mayor, subject to confirmation by the board of aldermen, and may be removed by the mayor for cause, and vacancies shall be filled by appointment for the residue of the unexpired term. Members of the board shall receive such compensation as the city council may determine. Boards of health in towns shall be chosen as provided in chapter forty-one. This section shall not apply to any city in which a different type of organization is authorized by special legislative act or by the acceptance of sections twenty-six A to twenty-six E, inclusive.

21.2 All management functions and staff of the Division of Public Health shall be coordinated and directed by the Division Head.

Section 22. Parks and Recreation Commission

22.1 There shall be a Parks and Recreation Commission, appointed by the mayor, consisting of five (5) members each with a term of 3 years such that the term of no more than two members shall expire in the same year.

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22.2 The role of the commission shall include:

- (a) performing statutory functions assigned to Parks and Recreation Commissions,
- (b) promoting the use of and advocating the benefits of parks and recreational services,
- (c) suggesting recreational programs to be implemented by the Park and Recreation Department,
- (d) advising the mayor and the Council in the areas of public policy and long-range planning of recreation facilities for community use and public enjoyment, and
- (e) such other responsibilities as may be assigned to them by the mayor.

Section 23. Commission on Disability

23.1 A Commission on Disability, known as the Disability Commission and hereafter called the Commission is established to cause the full integration and participation of people with disabilities in the City.

23.2 Said Commission shall consist of seven members appointed by the mayor.

23.3 The Commission membership will be consistent with MGL c. 40, §8J.

23.3.1 The terms of the members of said Commission shall be so arranged that the terms of one-third of the members expires each year, and shall be appointed for terms of three years each.

23.3.2 **Deleted.**

23.3.3 A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

23.3.4 The chairperson and other officers shall be chosen by a majority vote of said Commission members.

23.4 The duties and functions of the Commission shall:

23.4.1 Research local problems of people with disabilities;

23.4.2 Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;

23.4.3 Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability (MOD);

23.4.4 Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of the City as they affect people with disabilities;

23.4.5 Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;

23.4.6 Coordinate activities of other local groups organized for similar purposes.

23.5 Said Commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the City's annual report and shall have at least ten meetings annually.

23.6 Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the mayor and Council pursuant to G.L. c. 44, §53A., such gifts to be managed and controlled by the said Commission for the purposes of this section.

Section 24. Agricultural Advisory Committee

24.1 The purpose of the Committee shall be to:

- a) Represent the City's farming and forestry community both internally and externally.
- b) Encourage, promote, and support the pursuit of farming and forestry in the City, both as a business and a community resource.

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- c) Promote the protection, preservation and economic use of farmland and forestland within the City.

24.2 Duties and responsibilities of the Committee shall include, but not be limited to:

- a) Serving as representatives, advocates, educators, facilitators and/or mediators on farming and forestry issues both within the City and externally.
- b) Advising the mayor, Planning Board, Conservation Commission, Board of Assessors, Board of Health, and other City bodies on all matters pertaining to farming or forestry activities or lands in the City.
- c) Engaging in projects and activities, including educational programs and community events, to promote the business, activities and traditions of farming and forestry, as well as farm and forestland protection in the City.
- d) Developing and recommending ordinances, measures, policies and procedures advocating and promoting agriculture and forestry.
- e) Reporting to the mayor and Council on its projects and activities.

24.3 The Committee shall consist of five members appointed by the mayor for terms of three years each. At least three of the members shall be actively engaged in farming, forestry, or related activities. Up to four alternates may also be appointed by the mayor. Any vacancy shall be filled by the mayor for the unexpired term of the vacancy.

Section 25. Citizen Participation Officer¹²

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.

Section 26. Chief Operating Officer¹³

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.

Section 27. Auditor¹⁴

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 ordinance or by other vote of the council. The books and accounts of all departments and officers of the municipality shall be open to the inspection of the auditor. The powers of the auditor shall include those described in General Laws chapter 41, sections 50, 51, 53 and 54A.

Section 28. Division of Planning and Community Development¹⁵

¹² Text of Charter Article III, Section 3(c)

¹³ Text from Charter Article III, Section 3(d)

¹⁴ Text from Charter Article II, Section 8(a)

¹⁵ Text of Charter Article V, Section 4

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28.1 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.

28.2 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.

Section 29. Board of License Commissioners¹⁶

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.

Section 30 Board of Cemetery Trustees¹⁷

30.1 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.

30.2 Eligibility

¹⁶ Text of Charter Article V, Section 5
¹⁷ Text of Charter Article IV, Section 3

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A cemetery trustee shall at the time of election be a voter. If a cemetery trustee removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV, section 4 of Charter.

30.3 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.

30.4 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.

30.5 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

30.6 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:

- 30.6.1 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;
- 30.6.2 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;
- 30.6.3 To recommend to the mayor for appointment a candidate for cemetery director; and,
- 30.6.4 To accept donations and manage funds in its trust.

Section 31 Naming of Framingham Property¹⁸

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.

¹⁸ Text of Charter Article IX, Section 19