

## **Article I**

### **General Provisions Applicable to All Positions and Multiple Member Bodies**

# Article I: General Provisions Applicable to All Positions and Multiple Member Bodies

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## Section 1. Positions, Boards and Committees

- 1.1 The elected positions in the City pursuant to the Charter shall be the Mayor, elected for a term of four years, members of the City Council and School Committee, elected as described in Section 1.3.1 below, and the multiple member bodies set forth in Section 1.3.1 below.
- 1.2 The City shall have appointed positions that are considered a Municipal Officer, a Senior Management position, and other appointed staff positions.
  - 1.2.1 The following positions appointed by the indicated authority for the stated terms are considered Municipal Officers of the City, and are considered “Designated Municipal Officers” for purposes of the ethics reporting requirements of Article IX, Section 18 of the Charter.

The Term of Office field indicated in **bold** was changed from the current bylaws.

### Division Heads

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Administration and Finance/ Chief Financial Officer	Mayor	Co-terminus with Mayor
Chief of Police	Mayor subject to review by Council	Three Years
Fire Chief	Mayor subject to review by Council	Three Years
Human Resources	Mayor subject to review by Council	Three Years
Parks and Recreation	Mayor subject to review by Council	Three Years
Public Works	Mayor subject to review by Council	Three Years
Inspectional Services/ Building Commissioner	Mayor subject to review by Council	Three Years
City Solicitor	Mayor	Co-terminus with Mayor
Capital Project & Facilities Management	Mayor subject to review by Council	Three Years
Public Health	Mayor subject to review by Council	<b>Three Years</b>
Planning and Community Development	Mayor subject to review by Council	Three Years
Library	Mayor, as recommended by the Library Trustees	Three Years
Cemetery	Mayor, as recommended	Three Years

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<u>Position</u>	<u>Appointing Authority</u> by the Cemetery Trustees	<u>Term of Office</u>
Superintendent of Schools	School Committee	By contract pursuant to G.L. c. 71, §41
Administration and Finance/ Chief Financial Officer	Mayor	Co-terminus with Mayor

## Department Directors

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
City Accountant	Mayor	Three Years
Treasurer-Collector	Mayor	Three Years
Chief Assessor	Mayor	Three Years
Technology Services	Mayor	Three Years
Media Services	Mayor	Three Years
Chief Procurement Officer	Mayor	Three Years
Callahan Senior Center	Mayor	Three Years
Town-Owned Buildings	Mayor	Three Years
Veterans Benefits and Services	Mayor	Three Years

## Other Municipal Officers

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Citizen Participation Officer (new)	Mayor	Co-terminus with Mayor
Chief Operating Officer (new)	Mayor	Co-terminus with Mayor
Auditor (new)	Council	Three Years
City Clerk	Council	Three Years
Assistant City Clerk	Council	Co-terminus with City Clerk
Secretary of the Council (new)	Council	Three Years

### 1.2.2 Senior Management Positions

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The following positions appointed by the indicated authority, subject to the consent of the Mayor pursuant to Article III, Section 3(a) of the Charter, for the stated terms are considered Senior Management Positions of the City. These positions are not considered Municipal Officers of the City. The entry in the Term of Office field in **bold** was changed from indefinite in the former Town bylaws.

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Animal Control Officer	Police Chief	<b>Three Years</b>
City Engineer	Public Works Division Head	Three Years
Assistant Town Engineer	Public Works Division Head	<b>Three Years</b>
Sealer of Weights and Measures	Inspectional Services Division Head	<b>Three Years</b>
Fair Housing Officer	Human Resources Division Head	Three Years
Human Services Policy and Program Coordinator	Human Resources Division Head	Three Years
Conservation Administrator	Planning and Economic Development Division Head	Three Years

### 1.2.3 Other Staff Positions

The following positions appointed by the indicated authority for the stated terms are staff positions, and are appointed subject to the consent of the Mayor pursuant to Article II, Section 3(a) of the Charter.

<b>Position</b>	<b>Appointing Authority</b>	<b>Term of Office</b>
Historian (Not a paid position)	Mayor	Indefinite
Insect Pest Control Officer	Public Health Division Head	Indefinite
Fence Viewer (2) – MGL Ch.49, Sec.1	Inspectional Services Division Head	Indefinite
Tree Warden	Public Works Division Head	Indefinite

**1.3** The City shall have public bodies that are elected or appointed. Pursuant to Article III, Section 2 of the Charter, the Mayor is an Ex Officio member of every multiple-member body of the City with the right to attend and participate in any meeting at any time, including executive sessions. Pursuant to Article IV, Section 1(a) of the Charter, the Mayor is also an Ex Officio member of the School Committee, but shall only vote to break a tie and is ineligible to serve as the School Committee's chair, vice-chair or clerk.

**1.3.1** The following public bodies are elected with the indicated number of members for the stated terms.

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<b>Board</b>	<b><u>Number of Members</u></b>	<b><u>Term of Office</u></b>	<b><u>Number Elected/Election Year</u></b>
<b>City Council (also referred to as Council)</b>	Eleven	See below	See below
At-large Councilors	Two	Four Years	Two at 1 election Zero in 1 election
District Councilors	Nine	Two Years	Nine in each election
Library Trustees	Twelve	Four Years	Six in 2 elections *subject to transition provision of Article X, Section 7(f) of the Charter through January 1, 2022
Cemetery Trustees (Trustees of the Edgell Grove Cemetery and other municipal cemeteries)	Five	Four Years	Three in 1 elections Two in next election *subject to transition provision of Article X, Section 7(g) of the Charter through January 1, 2022
School Committee	Nine	Two Years	Nine in each election
Regional Vocational School Committee Framingham Representatives (now elected, must be changed to appointed by revision to the regional school agreement)	Eight	Three Years	Three in 2 years Two in 1 year *subject to transition provision of Article X, Section 7(b) of the Charter

**1.3.2** The following public bodies are appointed with the members appointed by the indicated authority for the stated terms. All appointments to multiple-member bodies should take into consideration the Charter requirement that all members, with the exception of the board of assessors, must be residents of Framingham and the Charter goal that multiple-member bodies should to the extent practicable consist of members from the entire City, reflecting the demographic and geographic diversity of Framingham.

<b>Board</b>	<b><u>Number of Members</u></b>	<b><u>Term of Office</u></b>	<b><u>Appointing Authority</u></b>	<b><u>Number Appointed/Yr.</u></b>
Planning Board (previously elected)	Five	Three Years	Mayor subject to review by Council	Two in 2 years One in 1 year
Planning Board Associate Member	One	One	Mayor subject to review by Council	As needed

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<b><u>Board</u></b>	<b><u>Number of Members</u></b>	<b><u>Term of Office</u></b>	<b><u>Appointing Authority</u></b>	<b><u>Number Appointed/Yr.</u></b>
Housing Authority (previously elected) (see G.L. c. 121B, §5)	Four	Five Years	Mayor subject to review by Council	One in 1 year (2018) One in 2 <sup>nd</sup> year (2019) Zero in 2020 (appointment year for DHCD member) One in 4 <sup>th</sup> year (2021) One in 5 <sup>th</sup> year (2022), and thereafter, as terms of mayoral appointments expire *subject to transition provision of Article X, Section 7(b) of the Charter
	One	Five Years	DHCD (or Mayor subject to review by Council if DHCD does not appoint a member within 120 days of when vacancy is created in position)	One in 3 <sup>rd</sup> year (2020), and thereafter as term of DHCD appointment expires
Zoning Board of Appeals	Three Members	Three Years	Mayor subject to review by Council	One
Zoning Board of Appeals Associate Members	Four	One Year	Mayor subject to review by Council	Four
Sign Review Board (see Section 1.12 of Sign Ordinance)	Three Members	From ZBA Associate Members	Mayor subject to review by Council	--
Board of Health – G.L. c. 111, §26	Three	Three Years	Mayor subject to review by Council	One per year
Park and Recreation Commission	Five	Three Years	Mayor subject to review by Council	Two in 2 years One in 1 year
Historic District Commission	Seven Members (Five Alternate)	Three Years	Mayor subject to review by Council	Approximately One-Third
Economic Development and	Seven	Three Years	Mayor subject to review by Council	See Chapter 124 of the Acts of

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<b>Board</b>	<b><u>Number of Members</u></b>	<b><u>Term of Office</u></b>	<b><u>Appointing Authority</u></b>	<b><u>Number Appointed/Yr.</u></b>
Industrial Corporation				1995
Human Relations Commission	Thirteen	Three Years	Mayor subject to review by Council	Five in 1 year; Four in 2 years
Historical Commission	Minimum Three, Maximum Seven	Three Years	Mayor subject to review by Council	Approximately One-Third
Conservation Commission	Seven	Three Years	Mayor subject to review by Council	Two in 2 years Three in 1 year
Council on Aging	Seven to Eleven	Two Years	Mayor subject to review by Council	See Art. II, Sec 13 of Former Town Bylaws
Disability Commission	Nine	Three Years; Also, see Article II, Section 23.3.1 of Former Town Bylaws	Mayor subject to review by Council	Three
Agricultural Advisory Committee	Five with up to four alternates	Three Years	Mayor subject to review by Council	Two in two years One in one year
Framingham Emergency Management Agency (FrEMA)	As necessary	Three Years	Mayor subject to review by Council	See Article V, Section 4 of Former Town Bylaws
Local Emergency Planning Committee (LEPC)	As necessary	Three Years	Mayor subject to review by Council	See Article V, Section 4 of Former Town Bylaws
Metrowest Area Planning Council Member	One	One year	Mayor subject to review by Council	One Year

The following new committees were created by the charter. The fields indicated in **bold** were not specified in the charter and the number of members and specific terms are recommended.

<b>Board</b>	<b><u>Number of Members</u></b>	<b><u>Term of Office</u></b>	<b><u>Appointing Authority</u></b>	<b><u>Number Appointed/Yr.</u></b>
Board of Licensing Commissioners (Article V, Section 5 of the Charter)	Five w/Chair, Vice Chair and Clerk designated by Mayor from members	Three Years	Mayor subject to review by Council	<b>Two in 2 years One in 1 year</b>

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Strategic Initiative & Financial Oversight Committee (Article VI, Section 11 of the Charter)	Nine (one of mayoral appointments designated as chair)	Three Years Three Years Three Years	Council School Committee Mayor	One in 3 years One in 3 years One in 3 years
Traffic Commissioners (Article V, Section 6(a) of the Charter)	Four residents from designated areas of the City	Three Years	Mayor (Chair and vice chair appointed by commission members)	One in 2 years Two in 1 year
	Police Chief	--	--	--
	Fire Chief	--	--	--
	Public Works Director	--	--	--
	Superintendent of Schools	--	--	--

The following multiple member bodies are not currently listed in the bylaws but are listed on the town website.

<u>Committee</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Registrar of Voters (See G.L. c. 51, §15)	Three	Three Years	Mayor subject to review by Council	Two in 1 year One in 1 year Maintaining balance of two leading political parties
	City Clerk	--	--	
Board of Assessors	Three (Framingham residency not required)	Three Years	Mayor, subject to review by Council	One in 3 years
Retirement Board (see G.L. c. 32, §20)	City Auditor	--	--	--
	One	Three Years	Mayor subject to review by Council	
	Two	Three Years	Elected by Retirement System Members and Retirees	One in 2 years Zero in 1 year
	One (not a City employee, retiree or official)	Three Years	Appointed by Other Four Retirement Board Members	One in 1 year



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<u>Committee</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Bicycle and Pedestrian Advisory Committee	Seven	Three Years	Mayor subject to review by Council	Three in 2 years One in 1 year
Cable Advisory Committee	Five	Three Years	Mayor, subject to review by Council	Two in 1 year One in 2 years
Community Development Committee	Seven	Three Years	Mayor subject to review by Council	Three in 2 years One in 1 year
Cultural Council	Eleven	Three Years	Mayor subject to review by Council	Four in 2 years Three in 1 year
Cushing Memorial Chapel Advisory Committee	Eight Residents,	Three Years	Mayor subject to review by Council	Three in 2 years Two in 1 year
	One from FHC	Three Years	Mayor subject to review by Council	One in 1 year
Elderly & Disabled Tax Fund Committee (see G.L. c. 60, §3D)	Dir. Facilities Management	--	--	--
	Three	Three Years (was Indefinite)	Mayor subject to review by Council	One in 3 years
	Treasurer	--	--	--
	Chief Assessor	--	--	--
Fair Housing Committee	Nine	Three Years	Mayor subject to review by Council	Three in 3 years
	One representative from Community Development,	Three Years	--	One in 1 year
	Three representatives from Housing Authority	Three Years	--	Three in 1 year
Veterans Council	Seven	Three Years	Mayor subject to review by Council	Three in 1 year Two in 2 years
	FSU Rep	Three Years	Mayor subject to	One in 1 year

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<u>Committee</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
	MassBay CC Rep	Three Years	review by Council Mayor subject to review by Council	One in 1 year
	VSO	--	--	--
Loring Arena Committee	Seven	Three Years	Mayor subject to review by Council	Three in 1 year Two in 2 years

**1.4** All appointments shall be in accordance with the Charter and any applicable Personnel Ordinance, and shall be for an indefinite period unless otherwise stated in these Ordinances or in the General Laws of the Commonwealth of Massachusetts.

All employees of multiple-member bodies shall be appointed by the mayor, except as otherwise provided by the general laws or constitution of the Commonwealth.

Except as stated above and in subsection 1.2, or in the following, all employees of the City shall be appointed by a Division Head or Department Director, subject to the consent of the Mayor pursuant to Article III, Section 3(a) of the Charter.

Employees of the following governmental bodies shall be appointed by the indicated authority:

<u>Body Name</u>	<u>Appointing Authority</u>
Library	Library Division Head, subject to the consent of the mayor
Cemetery	Cemetery Division Head, subject to the consent of the mayor
Housing Authority	Housing Authority, subject to the consent of the mayor
School Department	Superintendent of Schools on behalf of the School Committee
School Department -specially designated positions	School Committee

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## **Section 2. Office Hours and Meeting Times**

- 2.1** All officers, boards and committees having permanent clerical assistance shall keep their offices open for public business from 8:30 a.m. to 5:00 p.m. every weekday except as authorized by the Mayor.
- 2.2** All officers, boards and committees shall notify the City Clerk of their organization and office hours or time of stated meetings.
- 2.3** All meetings of all boards and committees elected or appointed, except the Framingham Retirement Board, Council on Aging, Registrars of Voters, Cemetery Trustees, Veterans Council, Board of Assessors, Disability Commission and Finance Committee Elderly and Disabled Tax Relief Committee, shall commence no earlier than 7:00 p.m., or no earlier than 6:30 p.m. except in emergency situations and for executive sessions, and for such emergency meetings and executive sessions the first order of business shall be the recording of the nature of the meeting. This provision shall not apply to any subcommittee, task force, or working group of an elected or appointed board, so long as the subcommittee, task force, or working group is not comprised of a quorum of members of the elected or appointing board.

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## **Section 3. Financial Provisions and Contracts**

- 3.1** Whenever any work is to be done, the whole, or a portion of which is to be paid for by private parties, the officer in charge of such work shall, before proceeding on such work, require a deposit of the estimated expense with the Treasurer, and on the completion of the work, the Treasurer shall retain the cost of such work and return the balance, if any, to the depositor.
- 3.2** All contracts entered into by, for or on behalf of the City by any officer or municipal agency are subject to the approval of the Mayor.
- 3.3** No contract, involving an obligation of the City exceeding the sum of five hundred dollars (\$500) shall be binding upon the City unless it is in writing and signed, prior to the commencement of performance thereof by the Mayor or the Mayor's designee.
- 3.4** No contract on behalf of the City extending beyond three years from the date thereof shall be made unless specific authority to do so has been given by vote of the Council; with the exception of energy usage contracts, which may be contracted for a term of up to five years without a Council vote provided applicable procurement rules and regulations are followed.
- 3.5** Whenever any property of the City valued at two hundred dollars or more is to be sold, it shall be sold at public auction, after not less than seven days' notice in one or more newspapers published in the City, unless the Council shall vote otherwise.
- 3.6** No contract for construction work, for the purchase of apparatus, supplies or materials or for the collection of garbage, ashes, or rubbish, the estimated cost of which amounts to four thousand dollars or more, shall be awarded, except in cases of special emergency involving the health or safety of the people or their property, unless proposals for the same have been invited by advertisements in at least one newspaper published in the City once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans and specifications of the proposed construction work or the proposed purchase or for the proposed collection of garbage, ashes or rubbish, as the case may be, may be had and the time and place for opening the proposals in answer to said advertisements and shall reserve to the City the right to reject any or all such proposals. All such proposals shall be sealed and shall be opened in public at the time and place specified therefore. No bill or contract shall be split or divided for the purpose of evading any provision of this Ordinance.
- 3.7** Fees and fines assessed by all officers and departments of the City received from all sources shall be turned over to the City Treasurer.
- 3.8** Budgets for all Town Officers, Boards and Committees shall be as appropriated by the City Council. However, notwithstanding the foregoing, no elected person specified in Article I, Section 1.3.1 of the Ordinances, shall receive a stipend or wages for performance of the duties for which that person was elected with the exception that City Council and School Committee Members shall receive a stipend as budgeted. This provision shall not preclude the reimbursement of documented "out of pocket" expenses incurred in the course of the performance of said duties.

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## Section 4. Affirmative Action

### 4.1 Definitions

- 4.1.1 The term "agency" includes any board, bureau, commission, committee, department or other agency of the City of Framingham including the School Committee.
- 4.1.2 The term "contract" includes any contract, sub-contract or other agreement.
- 4.1.3 The term "contractor" includes any contractor and his sub-contractors, any other sub-contractor or other contracting party.
- 4.1.4 The term "bidder" includes any bidder, sub-bidder or prospective contractor and his sub-contractors, any other sub-contractor or other contracting party.

4.2 No agency of the City shall enter into any contract for the purchase of goods or services or for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work with any contractor which does not take affirmative action to provide equal employment opportunity for all qualified persons without regard to race, color, religious creed, national origin, ancestry, sex, gender identity, age, disability, sexual orientation, genetics, status as an active member of the armed forces of the United States, or any other protected class recognized under state or federal law ("protected class status").

4.3 Each bidder and contractor shall include with all bids and all compliance and progress reports submitted to any town agency a report which shall include:

- 4.3.1 A certificate stating that he is currently in compliance with the provisions of Massachusetts General Laws, Chapter 151B governing non-discrimination in employment, and setting forth the affirmative action he is currently undertaking and will undertake during the contract period to provide equal employment opportunity for all qualified persons without regard to protected class status; and
- 4.3.2 A statement in writing, with supporting information, signed by an authorized officer or agent on behalf of any labor union or other agency which refers workers or provides or supervises apprenticeship or other training programs with which the bidder or contractor deals, to the effect that the union or other agency's practices and policies do not discriminate on the basis of protected class status, provided, in the event that the union or other agency shall refuse to execute such a statement, the bidder or contractor need only so certify in writing.
- 4.3.3 A copy of any such report shall be filed in the office of the Town Clerk and shall upon said filing become a public record.

4.4 Every town agency shall include in every contract hereinafter entered into for the purchase of goods or services or for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public works the following provisions:

- 4.4.1 During the performance of this contract the contractor agrees as follows:
  - 4.4.1.1 The contractor will take affirmative action to ensure that employees are solicited and employed, and that the employees are treated during employment, without regard to protected class status.
  - 4.4.1.2 The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to protected class status.

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**4.4.1.3** The contractor and sub-contractors will include the provisions of subsections 4.4.1.1 and 4.4.1.2 above in every sub-contract or purchase order.

**4.4.2** If the contracting town agency determines that any contractor is not in compliance with these contract provisions, the contracting agency shall take one or more of the following actions:

**4.4.2.1** Order the contract terminated in whole or in part.

**4.4.2.2** Permit continuation of the contract upon the submission of a specified program for immediate compliance.

**4.4.2.3** Assess liquidated damages of \$50 for each day that the contractor is found not to be in compliance.

**4.4.2.4** Withhold payments to the contractor under the contract until he is in compliance.

**4.4.2.5** Declare the contractor ineligible to bid on future contracts with that agency until the agency finds that such contractor has established and is implementing an affirmative action program.

**4.5** As used in this section affirmative action means positive steps to ensure all qualified persons equal employment without regard to protected class status at all stages of the employment process, recruitment, selection, placement, promotion, training, layoff and termination. It may include, but is not limited to the following:

**4.5.1** Inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer".

**4.5.2** Placement of solicitations and advertisements for employees in media that reaches minority groups.

**4.5.3** Notification in writing of all recruitment sources that the contractor solicits the referral of applicants without regard to protected class status.

**4.5.4** Direct solicitation of the support of responsible and appropriate community, state and federal agencies to assist in recruitment efforts.

**4.5.5** Participation in, or establishment of apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups.

**4.5.6** Modification of collective bargaining agreements to eliminate restrictive barriers established by dual lines of seniority, dual rates of pay or dual lines of promotion or progression which are based on protected class status.

**4.5.7** Review of selection, placement, promotion, training, layoff and termination procedures and requirements to ensure that they do not intentionally or unintentionally discriminate against qualified persons because of protected class status.

In determining whether the steps taken or proposed by any bidder or contractor constitute affirmative action under this section, the town agency shall take into account the relevant characteristics of the bidder or contractor, the number of persons he employs, and the location of his principal and branch offices.

**4.6**

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- 4.6.1** The Human Relations Commission shall receive and investigate or cause to be investigated complaints by employees or prospective employees of a City contractor, sub-contractor or supplier which allege discrimination contrary to this law and may on its own initiative investigate employment practices of a City contractor, sub-contractors or supplier. Findings and determinations on such investigations, together with the records and recommendations, shall be reported by the Human Relations Commission to the Board of Selectmen and the contracting agency concerned.
- 4.6.2** The Human Relations Commission shall cooperate with the Mayor and with each contracting agency by providing assistance in reviewing affirmative action plans, and to contractors seeking qualified minority group employees, and shall itself seek such employees.
- 4.6.3** The Human Relations Commission, where it deems appropriate, shall recommend to the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the U. S. Secretary of Labor, the City Solicitor, or the U. S. Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964 and applicable City and State Laws.
- 4.7** The provisions of this Section shall not apply to any contract for less than five thousand dollars or to bidders and contractors employing fewer than six persons; provided that where the contract is for less than five thousand dollars, but not less than two thousand dollars, any town agency may apply the provisions of this Section to any contract, bidder, or contractor.

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## Section 5. General Provisions

- 5.1** No elected or appointed City officer may represent a client before any City board, commission or committee.
- 5.2** Deleted.
- 5.3** Permanent officers, board members and committee members of the City appointed for specific terms shall hold office from the first day of January of the year of such appointment, or from the date of appointment and qualification when such appointment is to a new position or fills the expired or unexpired term of a previous office holder and shall continue in office for the specified term or until a successor has been appointed and has been qualified under the Ordinances.
- 5.4** Deleted.
- 5.5** The prohibition against holding two elective City Offices simultaneously shall not apply if one office is that of elected Charter Commission Members.
- 5.6** All cars owned by the City of Framingham shall be designated by a circular label not less than six inches in diameter bearing the words "City of Framingham", and the name of the City Department.
- 5.7** Whenever the Council or the Mayor shall establish a committee, commission, board or council, unless the term of office of members be otherwise so stated, the term of office of each appointee thereto shall expire upon the appointment of a replacement. However, nothing herein shall prevent the Council or Mayor from designating a longer term of office or extending the same to a later date, nor shall the provisions herein be applied in any manner contrary to other provisions of law.
- 5.8** In any instance wherein the majority of a committee, commission, board or council appointed by act of the Council or Mayor votes that the appointing authority replace one or more members of such committee, commission, board or council, the appointing authority shall have the power to revoke a previous appointment and the same shall be effective upon notice of the revocation being mailed, postage pre-paid, to the last known address of each appointee to be notified. Nothing herein shall require either the Council or Mayor to withdraw or revoke said appointments, nor shall the provisions herein be applied in any manner contrary to other provisions of law.
- 5.9** Deleted.
- 5.10** Each board, committee, or commission shall provide for keeping of minutes of its meetings. Each board, committee, or commission shall provide minutes to the City Clerk in a timely manner according to Open Meeting Law (MGL, c.30A, sec. 18-25) practices of posting meeting minutes. All members present and all members absent shall be listed in minutes.
- 5.10.1** All votes taken shall be reported in the minutes. For elected boards, the minutes shall include the name and vote of each member voting.
- 5.10.2** The minutes of each public meeting of a board, committee, or commission shall be prepared by the clerk or his or her designee of the respective board, commission or committee, and sent to the City Clerk within ten (10) days, not including weekend days or holidays, following the next meeting of the boards, committee, or commission; but not later than 45 days after the date when the meeting was held. The minutes shall indicate whether they have or have not been approved by the board, committee or commission when submitted to the City Clerk. If a meeting is cancelled, or if no quorum is present at a scheduled meeting, the City Clerk shall be notified and minutes do not have to be provided.



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- 5.10.3** The City Clerk shall log the receipt of minutes and send them to the Framingham Public Library in hard copy form, where they shall be kept for a period of seven (7) years. If minutes are provided to the City Clerk in electronic form and they have been prepared according to the standards defined by the Framingham webmaster, they shall be posted on the Framingham website in addition to being sent to the library.
- 5.10.4** The City Clerk shall note the receipt of minutes. If after 45 days from the date of a posted public meeting of a board, committee, or commission, the City Clerk has not received a copy of the minutes, then the City Clerk shall notify the chairperson of the board, committee, or commission that the minutes have not been received.
- 5.11** A board, committee, or commission may hold an executive session according to the Open Meeting Law (MGL, c. 30A, sec. 18-25) practices and shall provide for keeping of minutes of executive sessions.
- 5.11.1** A board, committee or commission shall notify the City Clerk of all executive sessions that were held or will be held. If a board, committee, or commission adjourns a public meeting to go into executive session the City Clerk shall be so notified so that the executive session can be entered into the City Clerk's log of meetings.
- 5.11.2** When a board, committee, or commission adjourns a public meeting to go into executive session the minutes of that public meeting shall indicate the reason of the executive session and the vote by each member to go into executive session.
- 5.11.3** Minutes of an executive session shall indicate the attendance at such meeting and how each member voted when a vote is taken. Minutes of an executive session may be withheld from the public record until they are released by a vote of the board, committee, or commission.
- 5.11.4** Annually the chair shall request that the board, committee or commission vote to release previous minutes of executive sessions, or portions thereof, as a public record or to retain minutes of previous executive sessions as non-public records.
- 5.11.5** Executive session minutes of a board, committee, or commission, appropriately marked, shall be kept by the clerk of the board, committee or commission; or shall be stored at the office of the board, committee, or commission, if available; or shall be sent to the City Clerk who shall store these minutes separate from minutes of public sessions. For executive session minutes that have not yet been released, the City Clerk may only release a copy to the chair of the board, commission or committee and shall do so when requested.
- 5.11.6** Executive session minutes that involve the City Solicitor shall be reviewed by the City Solicitor before being released. Release of executive session minutes that involve meetings with the City Solicitor must be approved by the Mayor to waive the attorney-client privilege for specific communications.
- 5.12 Deleted.**
- 5.13** The City Clerk shall update the tables in Section 1 of this Article as Officers, Boards and Committees are created or deleted pursuant to the Charter or other applicable law. In addition any Officer, Board or Commission required by State statute shall be included.
- 5.14** At least 60 days before the expiration of an appointee's term, an appointing authority shall provide a public posting that a term of an appointment will expire and a new appointment will be made.