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MEMORANDUM

To: Board of Selectmen
Robert J. Halpin, Town Manager
Mary Ellen Kelley, Chief Financial Officer
Valerie Mulvey, Town Clerk
Heather Connolly, Chair, School Committee
George P. King, Jr., Chair, Bylaw Review Committee

From: Christopher J. Petrini *C.J.P.*
Town Counsel
Christopher L. Brown *CLB*
Petrini & Associates, P.C.

Date: November 6, 2017

Re: **Town/City Official Charter Transition Post-Election Tasks**

We are writing this memorandum to the Board, the Town Manager, and several other officials to provide an update regarding the major tasks assigned to Town officials, the Mayor-elect and the Council-elect regarding the transition following the November 7, 2017 general election to the City government that will take effect on January 1, 2018. Aside from the specific transition tasks that will be outlined below, the Board and Town Manager should continue to abide by the Charter's limitation on Town actions during the transition period under Article X, Section 7(a) of the Home Rule Charter, limiting their actions "to those matters essential and necessary to the current operations of the municipality, such as the annual budget, taking no actions contrary to or that frustrates the purpose of the adoption of this charter by the voters." During the post-election phase of the transition period, the Board and Town Manager should be in our opinion particularly conservative in designating matters that the Board and Town Manager considers essential and necessary to current municipal operations,

particularly with regard to any matters of policy-making or actions of the Board which reasonably can be deferred until after the new City government takes office on January 1st.

Here is a list of post-election transition tasks set forth in the Charter that need to be addressed in the next eight (8) weeks:

Task #	Task Description	Charter Cite	Due Date	Comments
1.	Selectmen – Continue to maintain sufficient board and commission memberships to assure a quorum for conduct of business plus one member.	Article X, Section 7(a)	Transition period 4/5/17 – 12/31/17 until January 1, 2018	No other appointments between 11/7/17 – 12/31/17 “unless necessary for matters not admitting of delay”.
2.	Selectmen – Provide a list of vacancies on boards and commissions to Mayor-elect.	Article X, Section 7(a)	After November election	Recommend that this list be provided to the Mayor-elect no later than December 1, 2017.
3.	Selectmen – fill any vacancies in (1) housing authority, (2) regional vocational school committee, (3) planning board or (4) city clerk by making interim appointments not to exceed 90 days beyond January 1, 2018.	Article X, Section 7(b)	Up to January 1, 2018	
4.	Clerk – provide copy of vote ratifying charter and petitions for “An Act Requiring Candidates for Mayor and Council in Framingham to Adhere to and Report in Accordance With Section 19 of Chapter 55” and “An Act to Clarify and Restate the Applicability of the Civil Service Laws to Employee	Article X, Sections 7(p) and 7(q)	No later than 30 days following date of adoption of charter (May 4, 2017)	If this has not been done yet it should be done as soon as possible.

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	Positions in the City of Framingham” to state legislators representing Framingham.			
5.	Bylaw Review Committee – The Bylaw Review Committee should submit its report to the Mayor-elect of its review of Town Bylaws, with recommendations regarding revisions or amendments to Town Bylaws to bring them into conformity with and fully implement provisions of the Charter.	Article X, Sections 7(h)(ii) and 7(r)	“Forthwith” after November election	No specific due date cited in Charter but we recommend that this be completed by December 1, 2017.
6.	Clerk/Council Elect – Clerk shall serve as adviser to Council-elect in scheduling and holding meetings for (1) electing officers, (2) adopting interim rules for conduct of Council business, and (3) commencing review of Mayor-elect’s nominees to board of license commissioners.	Article X, Section 7(h)(i)	“Forthwith” after November election	No specific due date cited in Charter but we recommend that this be completed by December 1, 2017.
7.	Selectmen/City Solicitor/ Mayor-elect – keep Mayor-elect informed of recommendations of Bylaw Review Committee (in particular recommended highest priority revisions).	Article X, Section 7(h)(ii)	“Forthwith” after November election	No specific due date cited in Charter but we recommend that this be completed by December 1, 2017.
8.	Selectmen/School Committee/Mayor-elect - meet “regularly” with Mayor-elect.	Article X, Section 7(h)(ii)	“Forthwith” after November election	We recommend that the Mayor-elect be invited to attend the next open session of the Board of Selectmen on November 14,

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				2017 and the next regular meeting of the School Committee.
9.	Municipal officials/agencies/ employees/ Mayor-elect – Meet with Mayor-elect upon request during regular business hours so that the Mayor-elect may acquire any advance knowledge and information necessary to assume full powers of Mayor on January 1, 2018.	Article X, Section 7(h)(ii)	“Forthwith” after November election	Ongoing, but meetings should begin to occur on November 8, 2017 or thereafter.
10.	Town (Facilities/Town Manager) – provide suitable offices and access to clerical services and office equipment to Mayor-elect and Council-elect to allow them to undertake their transitional assignments.	Article X, Section 7(h)(iii)	“Forthwith” after November election	
11.	Selectmen – Keep Mayor-elect’s nominees for board of license commissioners apprised of BOS’s activities in year-end renewal of licenses to acquaint board nominees with these procedures.	Article X, Section 7(o)	After Mayor-elect names nominees to Board of License Commissioners following November election	BOS should invite Board of License Commissioners to BOS meetings where license renewal applications are considered and voted per Article X, Section 7(o).
12.	Mayor – Negotiate amendment to existing regional school agreement with other member communities to allow the Mayor to appoint the Framingham members and submit	Article X, Section 7(b)	None specified	

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	amendment to Council.			
13.	Councilors-elect – Meet for sole purposes of (1) electing officers, (2) adopting interim rules for conduct of Council business, and (3) commence review of Mayor-elect’s nominees to board of license commissioners. Meetings are called by the Councilor-elect most senior in age.	Article X, Section 7(h)(i)	Forthwith after November election	Town Counsel will look for examples of interim rules of conduct governing Council business and provide such draft rules to Council for consideration.
14.	Council – Adopt permanent rules for conduct of business of Council.	Article X, Section 7(h)(i)	Within 6 months of assumption of office (June 30, 2018)	
15.	Mayor – Appoint Board of License Commissioners.	Article X, Section 7(i)	Within 15 days of assumption of office or by January 16, 2018	Nomination by Mayor-elect and review by Council-elect may occur prior to assumption of office as per Article X, Section 7(h)(i).
16.	Mayor – Appoint Traffic Commission.	Article X, Section 7(j)	Within 60 days of assumption of office or by March 1, 2018	
17.	Mayor/Board of License Commissioners – Meet; assume authority under G.L. c. 138 and c.	Article X, Section 7(o)	Meeting “[a]s soon as practicable” after	Nomination by Mayor-elect and review by

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	140 upon being administered oath of office, and any other authority delegated to it by ordinance on 30 th day following assumption to office of Mayor (Mayor shall exercise authority to the extent necessary until board is duly constituted).		election but no later than 15 days for Mayor and Council take office.	Council-elect may occur prior to assumption of office.
18.	Mayor/Mayoral Bylaw Review Committee/City Solicitor/Special Counsel – after election, Mayor shall appoint a 7-member-committee, including at least two of the 2016 Charter Commission. Once Mayoral Bylaw Review Committee (“Mayoral BRC”) committee is appointed by the Mayor, the pre-City Bylaw Review Committee is terminated. Mayoral BRC to submit a report within one year following its creation. Review under supervision of city solicitor or special counsel.	Article X, Section 7(r)	Upon Mayor’s assumption of office	
19.	Division Heads – may “promulgate rules and regulations providing details of the organization of their division as may be necessary to carry out the functions of the departments within each division’s jurisdiction.”	Article X, Section 7(s)	Pending adoption of an ordinance by the Council providing such detail	
20.	Division Heads – The provision of Article V reorganizing various departments or divisions shall take effect upon appointment by the Mayor of the first person to serve as	Article X, Section 7(s)		

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	head of such division per Article X, Section 7(s).			
21.	Council - create committee chaired by City Clerk to create and oversee a community-wide process to design a new seal or adapt the current seal for the City of Framingham by 2020.	Article X, Section 7(w)	None specified (aside from 2020 date for process for new/adapted seal to be completed) •	
22.	Mayor/Council – investigate feasibility and efficacy of actions recommended in Charter.	Article X, Section 8	Upon taking office	
23.	Traffic Commission – examine potential to establish a Traffic and Transportation Department, holding at least 2 public hearings and presenting its findings and recommendations to Mayor and Council.	Article X, Section 10	Within two years of the Commission’s establishment	