

ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the town of Framingham, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Framingham."

SECTION 1-2: SHORT TITLE

This instrument shall be known and may be cited as the Framingham Home Rule Charter.

SECTION 1-3: DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Framingham, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor, and a legislative branch to consist of a city council. The legislative branch shall never exercise any executive/administrative power and the executive/administrative branch shall never exercise any legislative power.

SECTION 1-4: POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of Framingham through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5: CONSTRUCTION

The powers of the city of Framingham under this charter are to be construed liberally in favor of the city, and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Framingham may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

SECTION 1-7: DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
 - (b) **City** - The word "city" shall mean the city of Framingham.
 - (c) **City Agency** - The words "city agency" shall mean any multiple member body, any department, division, or office of the city of Framingham.
 - (d) **City Bulletin Boards** - The words "city bulletin boards" shall mean the bulletin board in the city hall on which the city clerk posts official notices of meetings and upon which other official city notices are posted, and the bulletin boards at any other locations as may be designated city bulletin boards by the city council.
 - (e) **City Officer** - The words "city officer" when used without further qualification or description, shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the city.
 - (f) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
 - (g) **Full Council, Full Multiple Member Body** - The words "full council" or "full multiple member body" shall mean the entire authorized complement of the city council, school committee or other multiple member body notwithstanding any vacancy which might exist.
 - (h) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities and or cities and towns of which Framingham is a member.
- (i) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (j) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter.
- (k) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within Framingham, with either a weekly or daily circulation.
- (l) **Majority Vote** - The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.
- (m) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the city council or the school committee.
 - (n) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the city council or the school committee.
 - (o) **Quorum** - The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law or by ordinance.
 - (p) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the city council or the school committee which is protested under the referendum procedures of this charter.
 - (q) **Voters** - The word "voters" shall mean registered voters of the city of Framingham.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 COMPOSITION, TERM OF OFFICE

- **(a) Composition** - There shall be a city council of eleven members which shall exercise the legislative powers of the city. Three of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Eight of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the eight districts into which the city is divided, in accordance with section 7-4.
- **(b) Term of Office** - The term of office for all city councillors shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.
- **(c) Eligibility** - Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of election be a voter of the district from which elected, provided, however, if any district councillor shall during the first eighteen months of the term of office remove to another district in the city such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If such removal occurs after the first eighteen months of the term of office such councillor may continue to serve for the balance of the term for which elected. If a councillor-at-large or a district councillor removes from the city during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

SECTION 2-2 COUNCIL PRESIDENT

- **(a) Election and Term** - As soon as practicable after the councillors-elect have been qualified following each biennial election the members of the city council shall elect from among its members a council president who shall serve during the ensuing term of office.
- **(b) Powers and Duties** - The council president shall preside at all meetings of the city council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the city council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the city council.
- **(c) Council Vice-President** - The members of the city council shall also elect from among its members a council vice-president who shall serve as acting president during the temporary absence or disability of the council president during the ensuing term of office. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.

SECTION 2-3 PROHIBITIONS

No member of the city council shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the city council shall hold any compensated appointed city office or appointed city employment until one year following the date on which such former member's service on the city council has terminated.

SECTION 2-4 COMPENSATION, EXPENSES

- **(a) Salary** - The members of the city council shall not receive a salary nor shall the members of the city council be considered city employees for the purposes of chapter thirty-two B of the General Laws.
- **(b) Expenses** - Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5 GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6 EXERCISE OF POWERS; QUORUM; RULES

- **(a) Exercise of Powers** - Except as otherwise provided by general law or by this charter, the legislative powers of the city council may be exercised in a manner determined by it.
- **(b) Quorum** - The presence of six members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of six members shall be required to adopt any ordinance or appropriation order.
- **(c) Rules of Procedure** - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
 - (i) Regular meetings of the city council shall be held at a time and place fixed by ordinance.
 - (ii) Special meetings of the city council shall be held at the call of the council president, or, on the call of any three or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the city bulletin boards.
 - (iii) All sessions of the city council and of every committee or sub-committee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.
 - (iv) A full, accurate, up-to-date account of the proceedings of the city council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.
 - (v) All business which is to come before the city council shall first be assigned to a standing committee for study and a report with

its recommendations to the full council.

SECTION 2-7 ACCESS TO INFORMATION

- **(a) In General** - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.
- **(b) City Officers, Members of City Agencies, Employees** - The city council may require any city officer, member of a city agency or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the city council.
- **(c) Mayor** - The city council may require the mayor to provide specific information to it on any matter within the jurisdiction of the city council. The city council may require the mayor to appear before it, in person, to respond to written questions made available to the mayor at the time the request to attend is made to the mayor to provide specific information on the conduct of any aspect of the business of the city. The mayor may bring to such meeting any assistant, department head or other city officer or employee the mayor may deem necessary to assist in responding to the questions posed by the city council.
- **(d) Notice** - The city council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the city

council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

SECTION 2-8 OFFICERS ELECTED BY CITY COUNCIL

- **(a) *Financial Analyst*** - The city council shall choose a financial analyst to serve for a term of three years and until a successor is chosen and qualified. The financial analyst shall perform a legislative oversight and a post audit function and shall not be involved in the day-to-day administrative detail of the financial operations of the city. The financial analyst shall have free access to all books, accounts, bills and vouchers of the city and shall continuously review and examine the same. The financial analyst shall make periodic reports thereon to the city council, with such frequency as the city council by ordinance, by rule or by other vote may direct. All officials of the city shall cooperate with the financial analyst in the performance of this oversight function. The financial analyst shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the city council.
- **(b) *City Clerk*** - The city council shall elect 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 city council, appoint an assistant city clerk to serve conterminously with the city clerk. The city clerk shall be the keeper of vital statistics for the city; the custodian of the city seal; shall administer the oath of office to all persons, elected or appointed, to any city office; shall issue such licenses and permits as are required by law to be issued by city clerks; supervise and manage the conduct of all elections and all other matters relating to elections; may, if so designated by the city council, be the clerk of the city council, keep its records and give notice of all of its meetings to its members and to the public. The city clerk shall have such other powers and duties as are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the city council.
- **(c) *Clerk of the Council*** - The city council shall elect a clerk of the council, who may be the city clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the city council.
- **(d) *Salaries/Compensation*** - The officers appointed or elected by the city council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.
- **(e) *Removal/Suspension*** - Any person appointed or elected by the city council may be removed or suspended by the city council by the use of procedures substantially the same as those contained in section 8-9.

SECTION 2-9 ORDINANCES AND OTHER MEASURES

- **(a) *Emergency Ordinances*** - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property.
- No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of seven or more members of the city council.
- Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.
- **(b) *Measures, In General*** - The city council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the city council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the city council.

- On the first occasion that the question of adopting any measure is put to the city council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the city council regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- **(c) Publication** - Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in section 2-9(a)) shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage it shall be posted on the city bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length more than ten column inches of ordinary newspaper notice print, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the city clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the city council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

SECTION 2-10 COUNCIL REVIEW OF CERTAIN APPOINTMENTS

The mayor shall submit to the city council the name of each person the mayor desires to appoint to any city office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The city council shall refer each such name as is submitted to it to a standing committee of the city council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full city council not less than seven nor more than twenty-one days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the city council, to give such information relevant to such appointment as the committee, or the city council, may require.

Appointments made by the Mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless the city council shall within the said thirty days vote to reject such appointment, or unless the city council has sooner voted to affirm the appointment. Rejection by the city council shall require a two-thirds vote of the full council. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9 (b) of this charter.

SECTION 2-11 FILLING OF VACANCIES

- **(a) Councillor-at-Large** - If a vacancy shall occur in the office of councillor-at-large during the first eighteen months of the term for which councillors are elected the vacancy shall be filled in descending order of votes received by the candidate for the office of councillor-at-large at the preceding city election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of councillor-at-large at the said election. The city clerk shall certify such candidate to the office of councillor-at-large to serve for the balance of the then unexpired term.
- If a vacancy shall occur in the office of councillor-at-large during the last six months of the term for which councillors-at-large are elected, such vacancy shall be filled by the person at the biennial city election who receives the highest number of votes for the office of councillor-at-large and who is not then serving as a member of the city council. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

- **(b) District Councillor** - If a vacancy shall occur in the office of district councillor it shall be filled in the same manner as provided in section 2-11(a) for the office of councillor-at-large except that the list shall be of the candidates for the office of district councillor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided such candidate remains a resident of the district, is willing to serve as a district councillor and received votes in the district at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of district councillor at the said election. The city clerk shall certify such candidate to the office of district councillor to serve for the balance of the then unexpired term.
- **(c) Filling of Vacancies By City Council** - Whenever a vacancy shall occur in the office of councillor-at-large or in that of district councillor and there is no available candidate to fill such vacancy in the manner provided in section 2-11 (a) or (b), the vacancy shall be filled by the remaining members of the city council. Persons elected to fill a vacancy by the city council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as city councillors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

ARTICLE 3

EXECUTIVE BRANCH

SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

- **(a) Mayor, Qualifications** - The chief executive officer of the city shall be a mayor, elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.
- **(b) Term of Office** - The term of office of the mayor shall be four years beginning on the first secular day of January following the biennial city election at which chosen and until a successor is qualified.
- **(c) Compensation** - The city council shall, by ordinance, establish an annual salary for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been adopted in the first twelve months of the term for which councillors are elected and it provides that such salary is to become effective in January of the year following the next biennial city election.
- **(d) Expenses** - Subject to appropriation, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.
- **(e) Prohibitions** - The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury. No former mayor shall hold any compensated appointed city office or city employment until one year following the date on which such former mayor's city service has terminated.

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive powers of the city shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several city 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 for the government of the city to be enforced, and shall cause a record of all official acts of the executive branch of the city government to be kept.

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law, by the charter or by ordinance. Each city agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the city may require.

The mayor shall supervise, direct and be responsible for the efficient administration of all city 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 city 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 city, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall be, by virtue of the office, a member of the school committee and of every other multiple member body in the administrative branch of the city government. The mayor shall have a right, as such ex officio member, to attend any meeting of the school committee and of any other multiple member body of the city, at any time, including, so called, executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote. This paragraph shall not be construed to include committees of the city council or any other multiple member body in the legislative branch of the city government.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to the review of such appointments by the city council as provided in section 2-10, all city officers, department heads 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 city council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for periods not to exceed three years. All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

The mayor may, in writing, remove or suspend any city officer, or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said city officer, or head of a department. The said city officer, or head of a department may make a written reply by filing such a reply statement, with the city clerk, within ten days following the date the statement of the mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect on the thirtieth day following the date of filing in the office of the city clerk the notice of removal by the mayor.

The mayor may suspend or remove any other person appointed by the mayor by following, substantially, the procedures established in section 8-9.

A department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established in section 8-9. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within ten days following receipt of notice of such determination. The review by the mayor shall follow the procedures of section 8-9. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided by law.

SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency or a city officer or city employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Framingham.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. No temporary appointment shall be for more than thirty days and not more than one renewal of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

- **(a) *Communications to the City Council*** - Within twelve weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from time to time throughout the year by written communications, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the city.
- **(b) *Special Meetings of the City Council*** - The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the city bulletin board.

SECTION 3-7 APPROVAL OF MAYOR, EXCEPTION (VETO)

Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city 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 thereto, in writing, to the city council. The city council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-8 TEMPORARY ABSENCE OF THE MAYOR

- **(a) *Acting Mayor*** - Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office for a period of ten successive working days or more, the president of the city council shall be the acting mayor. In the event of the absence or disability of the president of the city council, the vice-president of the city council shall serve as acting mayor.
- The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, designate a qualified city officer or city employee to serve as acting mayor during the temporary absence of the mayor for periods of ten days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances.
- **(b) *Powers of Acting Mayor*** - The acting mayor shall have only those powers of the mayor as are indispensably essential to the conduct of the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from city service unless the disability of the mayor shall extend beyond sixty days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the city council is serving as acting mayor, such councillor shall not vote as a member of the city council.

SECTION 3-9 DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the city 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 such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during 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 city office or employment or to sign or return measures approved by the city council.

SECTION 3-10 VACANCY IN OFFICE OF MAYOR

- **(a) *Special Election*** - If a vacancy in the office of mayor occurs during the first or the third year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise the city council shall forthwith order a special election, to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then expired term.
- **(b) *Council Election*** - If a vacancy in the office of mayor occurs in the second or the fourth year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the mayor. Upon the qualification of the president of the city council as the mayor, under this section, a vacancy shall exist in that council seat on

the city council which shall be filled in the manner provided in section 2-11. A council president serving as mayor under this sub-section shall not be subject to the restrictions contained in the third sentence of section 3-1(a).

- **(c) Powers, Term of Office** - The mayor elected under Section 3-9(a) or (b) shall have all the powers of the mayor. A person elected pursuant to subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen pursuant to subsection (b), above, shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

ARTICLE 4

SCHOOL DEPARTMENT

SECTION 4-1 SCHOOL COMMITTEE

- **(a) Composition, Term of Office** - There shall be a school committee which shall consist of seven members who shall be nominated and elected by and from the voters of the city at large.
- **(b) Term of Office** - The term of office for all school committee members shall be for four years each, beginning on the first secular day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that as nearly one-half the number of such terms as possible are to be filled at each biennial election.
- **(c) Eligibility** - A school committee member shall at the time of election be a voter. If a school committee member removes from the city during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

SECTION 4-2 SCHOOL COMMITTEE CHAIR

- **(a) Election and Term** - As soon as practicable after the school committee members-elect have been qualified following each biennial city election the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair during the ensuing term of office.
- **(b) Powers and Duties** - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

SECTION 4-3 PROHIBITIONS

No member of the school committee shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the school committee shall hold any compensated appointed city office or city employment until one year following the date on which such member's service on the school committee has terminated.

SECTION 4-4 COMPENSATION, EXPENSES

- **(a) Salary** - The members of the school committee shall not receive a salary nor shall the members of the

school committee be considered city employees for the purposes of chapter thirty-two B of the General Laws.

- **(b) Expenses** - Subject to appropriation and to prior authorization, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

- 1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee;
- 2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
- 3) To adopt and administer an annual operating budget for the school department, subject to appropriation by the city council.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the city council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-6: FILLING OF VACANCIES

If a vacancy shall occur in the office of school committee member at any time during the term of office the remaining members of the school committee shall forthwith give written notice of such vacancy to the city council and shall request a joint meeting of the school committee and the city council at which such vacancy shall be filled. The council president shall preside at a joint convention of the school committee and the city council at which such vacancy shall be filled. A majority of the votes of the joint membership, taken by roll call vote, shall be necessary to elect a successor.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

- **(a) Ordinances** - Subject only to express prohibitions in a general law or the provisions of this charter, the city council may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any city agency, in

whole or in part; establish such new city agencies as it deems necessary or advisable; determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular city agency may be discontinued, or assigned to any other city agency, unless this charter specifically so provides.

- **(b) Administrative Code** - The mayor may from time to time prepare and submit to the city council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.
- Whenever the mayor proposes such a plan, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than fourteen days following said publication.
- An organization or reorganization plan shall become effective at the expiration of sixty days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.
- The mayor may, through the administrative code, and subject only to express prohibitions in a general law or this charter, reorganize, consolidate or abolish any city agency, in whole or in part; establish such new city agencies as is deemed necessary to the same extent as is provided in section 5-1(a), above, for ordinances; and for such purpose may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the city, transfer the appropriation of one city agency to another; provided, however, that no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides.
- Every reorganization plan submitted by the mayor pursuant to this provision shall contain a proposed ordinance which contains, in detail, such amendments, revisions, repeals or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the mayor which explains the benefits expected to ensue

SECTION 5-2: EXECUTIVE DEPARTMENTS

The mayor and city council shall from time to time provide for the grouping of city agencies into convenient units for the delivery of municipal services.

SECTION 5-3: MERIT PRINCIPLE

All appointments and promotions of city officers and employees 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 work experience to perform the duties of the office or position for which chosen.

SECTION 5-4: OTHER ELECTED OFFICES

In addition to the city council as provided in section 2-1, the mayor as provided in section 3-1 and the school committee as provided in section 4-1, the voters shall elect a board of trustees of the public library and a board of trustees of Edgell Grove Cemetery, as follows:

- (1) BOARD OF LIBRARY TRUSTEES
 - (a) Composition, Term of Office - There shall be a board of trustees of the public library which shall consist of seven members elected for terms of four years each so arranged that as nearly an equal number of terms of members shall expire at the end of each odd numbered year as is possible.

- (b) Powers and Duties - The board of trustees of the public library shall have the custody and management of the public library and of all property related to the public library. All funds of money and property that the municipality may receive, by gift, by bequest, or otherwise for the purpose of library support or maintenance shall be administered by the board of trustees of the public library in accordance with the conditions attached to any such gift or bequest. The board of trustees of the public library shall in all matters of general municipal policy and procedures be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be issued by the mayor. Responsibility for the ordinary maintenance of library buildings and grounds may be transferred to a central municipal maintenance department by ordinance adopted by the city council. The board of trustees of the public library shall have all of the other powers and duties as may be provided by general law, by charter, by ordinance or otherwise.
- (c) Filling of Vacancies Any vacancy on the board of library trustees shall be filled in the same manner as is provided in section 211 for the filling of vacancies in the office of councilloratlarge.
- (2) TRUSTEES OF EDGELL GROVE CEMETERY
 - (a) Composition, Term of Office - There shall be a board of trustees of the Edgell Grove Cemetery which shall consist of five members elected for terms of four years each so arranged that as nearly an equal number of terms of members shall expire at the end of each odd numbered year as is possible.
 - (b) Powers and Duties - The board of trustees of the Edgell Grove Cemetery shall have the custody and management of the Edgell Grove Cemetery and of all property related to the Edgell Grove Cemetery. All funds of money and property that the municipality may receive from the sale of lots, by gift, by bequest, or otherwise shall be administered by the board of trustees of the Edgell Grove Cemetery in accordance with any conditions attached to any such gift or bequest. The board of trustees of the Edgell Grove Cemetery shall in all matters of general municipal policy and procedures be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be issued by the mayor. Responsibility for the ordinary maintenance of the cemetery and grounds may be transferred to a central municipal maintenance department by ordinance adopted by the city council. The board of trustees of the Edgell Grove Cemetery shall have all of the other powers and duties as may be provided by general law, by charter, by ordinance or otherwise.
- (c) Filling of Vacancies Any vacancy on the board of trustees of the Edgell Grove Cemetery shall be filled in the same manner as is provided in section 211 for the filling of vacancies in the office of councilloratlarge.

ARTICLE 6

FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2: SCHOOL COMMITTEE BUDGET

- (a) *Public Hearing* - At least seven days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at

which complete copies of its proposed budget are available for examination by the public, and the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had an opportunity to be heard.

- **(b) Submission to Mayor** - The budget as adopted by the school committee shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed city budget to the city council to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total city operating budget the mayor is required to submit to the city council under this article.

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by law, before the start of the fiscal year of the city, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the city are available for examination by the public.

SECTION 6-4: BUDGET MESSAGE

The budget message of the mayor shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the city for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include other material as the mayor deems desirable, or as may be required by the provisions of a city ordinance. The mayor's budget message shall be prepared based on data and other information provided to the mayor by the chief financial officer of the city.

SECTION 6-5: THE BUDGET

The proposed operating budget shall provide a complete financial plan for all city funds and city activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the mayor deems desirable or as a city ordinance may require. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by City agency and position in terms of work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by city agency, and the proposed method of financing each such capital expenditure;
- (c) The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-8 and
- (d) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated

balances in any special accounts established for specific purposes.

The proposed budget submitted by the mayor shall be prepared based on data and other information provided to the mayor by the chief financial officer of the city.

SECTION 6-6: ACTION ON THE BUDGET

- **(a) Public Hearing** - Forthwith upon its receipt of the proposed operating budget the city council shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- **(b) Review** - The city council shall consider, in open public meetings, the detailed expenditures proposed for each city agency and may confer with representatives of each such agency in connection with its review and consideration. The city council may require the mayor, or any other city agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.
- **(c) Action by City Council** - The city council shall adopt the budget, with or without amendments, within sixty days following the date the proposed budget was received by it or such other period as may be provided by General Law. In amending the budget the city council may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law or for debt service. The budget as adopted by the city council shall not exceed the total amount of income which the mayor's budget estimated will be available from all sources, including the local property tax.

SECTION 6-7: SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

- **(a) Intradepartmental Transfers** - With the approval of the mayor funds appropriated for one line item within the appropriation made for a particular municipal agency may be transferred to another line item within the same municipal agency. Whenever such a transfer is authorized by the mayor notice of the transfer, and the circumstances under which such transfer was deemed advisable, shall be filed with the clerk of the city council.
- **(b) Interdepartmental Transfers** - With the approval of the city council, funds appropriated to the use of one municipal agency may be transferred to the use of another municipal agency. Requests to the city council for the transfer of funds from one municipal agency to another shall be made by the mayor, in writing, and shall include a statement setting forth the reason the additional funds are needed by the agency to which it is proposed they be transferred and shall be accompanied by a certificate signed by the agency from which the appropriation is proposed to be taken stating either (1) that such transfer will not prevent that agency from performing its vital functions, or (2) that the transfer will prevent the agency from performing one or more of its vital functions. A copy of this request shall, forthwith, be posted on the city bulletin board. The city council shall, by its rules, provide a procedure governing interdepartmental transfer requests which shall include at least two readings and a public hearing by the city council. Such rule shall specify the circumstances under which notice by publication in a newspaper shall be required and circumstances under which simple posting on the city bulletin board shall be sufficient.
- **(c) Supplementary Appropriations** - Whenever the mayor shall submit to the city council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the city council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The publication of the notice and the public hearing shall be generally in conformity with the provisions of section 6-6(a) concerning the proposed annual operating budget.

SECTION 6-8: CAPITAL IMPROVEMENT PROGRAM

The mayor shall submit a capital improvement program to the city council at least one hundred fifty days before the start of each fiscal year. It shall include:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-9: LONG TERM FINANCIAL PROJECTION

The mayor shall annually prepare and up-date a projection of municipal revenue and expenditures for each of the ten fiscal years next ensuing. The projection shall include, but need not be limited to, an identification of each factor which the mayor believes is likely to have an impact on the financial condition of the city during such period, revenue trends in state distributions and in local receipts, potential sources of new or expanded revues, new or expanded cost items, a summary statement of the fiscal condition of the city at the end of each year during the period reported on and a recommendation for actions to be taken to minimize any adverse affects upon the city and to maximize favorable trends.

SECTION 6-10: INDEPENDENT AUDIT

The city council shall annually provide for an outside audit of the books and accounts of the city to be made by a certified public accountant, or a firm of certified public accountants.

ARTICLE 7

ELECTIONS; ELECTION RELATED MATTERS

SECTION 7-1: CITY ELECTIONS

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd numbered year. A preliminary election shall be held not less than four nor more than six weeks prior to the general election on a Tuesday chosen by the city clerk, with the approval of the city council, so as not to conflict with any civil or religious holiday.

SECTION 7-2: PRELIMINARY ELECTION

- **(a) Signature Requirements** - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of

councillor-at-large or school committee member, not less than one hundred such signatures, provided, however, that not more than twenty-five signatures from any one district shall be counted in the minimum number of required signatures; for the office of district councillor not less than one hundred such signatures, all of which shall be from the district from which the nomination is sought.

- **(b) Ballot Position** - The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk which shall be open to the public.
- **(c) Determination of Candidates** - The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots.
- If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.
- **(d) Condition Making Preliminary Unnecessary** - If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts of the city, no preliminary election shall be held in such district or districts.

SECTION 7-3: BALLOT POSITION

The order in which names of candidates appear on the ballot for each office at the general election shall be determined by a drawing, by lot, conducted by the city clerk which shall be open to the public.

SECTION 7-4: DISTRICTS

The territory of the city shall be divided into eight districts so established as to consist of compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each such district shall be composed of voting precincts otherwise established in accordance with general laws. The city council shall from time to time, but at least once in each ten years, review such districts to insure their uniformity in number of inhabitants.

SECTION 7-5: APPLICATION OF STATE GENERAL LAWS

Except as expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

SECTION 7-6: PETITIONS TO COUNCIL OR SCHOOL

COMMITTEE

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred voters, or more, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the city council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held on the same date and at the same time place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense.

SECTION 7-7: CITIZEN INITIATIVE MEASURES

- **(a) Commencement** - Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least ten voters of the city. The petition shall be accompanied by an affidavit signed by five voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- **(b) Referral to City Solicitor** - The clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a copy of the petition to the city solicitor. The city solicitor shall, within fifteen days following receipt of a copy of the petition, in writing, advise the city council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the city solicitor shall also be mailed to the person designated as clerk of the petitioners committee.
- **(c) Submission to City Clerk** - If the opinion of the city solicitor is that the petition is in a proper form the city clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first ten voters who signed the originating petition. Within forty-five days following the date the blank forms are issued by the city clerk the petitions shall be returned and filed with the town clerk signed by at least ten per cent of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.
- Within ten days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent city election. The city clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.
- **(d) Action on Petitions** - Within thirty days following the date a petition has been returned to the clerk of the council or the secretary of the school committee by the city solicitor and after publication in accordance with the provisions of section 2-9©, the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be

in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it by the city solicitor, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the person designated as clerk of the petitioners committee, by certified mail.

- **(e) *Supplementary Petitions*** - Within forty-five days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent city election. If the number of signatures to such supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date fixed by it not less than forty-five nor more than ninety days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within one hundred and twenty days following the date of the said certificate, the city council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.
- **(f) *Publication*** - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.
- **(g) *Form of Question*** - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:
 - Shall the following measure which was proposed by voters in an initiative petition take effect?
 - (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the city solicitor)

YES

NO

- **(h) *Time of Taking Effect*** - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters have voted to adopt the measure proposed under the initiative or to rescind the measure protested by the referendum.

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

- **(a) *Petition, Effect on Final Vote*** - If, within thirty days following the date on which the city council or the school committee has voted finally to approve of any measure a petition signed by a number of voters equal to twelve percent of the total number of voters as of the date of the most recent general city election and addressed to the city council or to the school committee as may be, protesting against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council the effective date of such measure shall be temporarily suspended. The school committee or the city council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the city council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination the effect of such measure shall continue to be suspended.

1. ***Certain Initiative Provisions to Apply*** - The petition described in this section shall be termed a referendum petition and insofar as applicable Section 7-8(a) describing the manner in which a petition is prepared and filed, 7-8(b) providing for referral to the city solicitor for a legal opinion, 7-8(f) providing for publication of the text of the measure and 7-8(g) providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

SECTION 7-9: INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures: (1) proceedings relating to the internal organization or operation of the city council or of the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the city's debt or debt service, (6) an appropriation of funds to implement a collective bargaining agreement, (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures, and (9) any proceedings providing for the submission or referral to the voters at an election.

SECTION 7-10: SUBMISSION OF OTHER MATTERS TO VOTERS

The city council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular city election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 7-11: CONFLICTING PROVISIONS

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

SECTION 7-12: RECALL ELECTIONS

- ***(a) Application*** - The person holding the office of mayor may be recalled from such office by the voters in accordance with the procedures made available in this section.
- ***(b) Recall Petition***
- Four hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of at least thirty-eight voters in each of the districts into which the city is divided for the purpose of elections.
- If the affidavit is found to be valid the city clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the city council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the mayor; and they shall be dated and signed by the city clerk.
- The recall petitions shall be returned to the office of the board of registrars of voters within twenty-one days following the date they are issued, signed by not less than twenty percent of the total number of voters of the city as of the date of the most recent city election.

- The sheets constituting a petition need not all be filed at the same time. For the purposes of this section such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters, in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.
- The board of registrars of voters shall within ten days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters as of the date of the most recent city election,
- **(c) Recall Election** - If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the city council. Upon receipt of the certified petition forms the city council shall forthwith give written notice to the mayor of the validity of such petitions. If the mayor does not resign the office within five days following delivery of the said notice, or by leaving at the last known place of residence, the city council shall, after consultation with the city clerk and the board of registrars of voters, order a special election to be held on a date not more than ninety days after the date of its notice to the mayor.
- **(d) Ballot Question** - Ballots used at the recall election shall state the proposition in substantially the following form:
- 'Shall (insert name of officer) be recalled from the office of mayor?'

YES NO

- **(e) Officeholder** - The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.
- **(f) Restriction on Recall Petition** - No recall petition shall be filed against any mayor until at least six months following the commencement of a term of office, nor, in the case of a mayor subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than six months of the term of office of the mayor remains at the time of the certification of the petition forms.
- **(g) Filling of Vacancy** - If the office of mayor is declared vacant as the result of a recall election the city council shall forthwith call a special election to be held on a date fixed by it not less than sixty nor more than ninety days following the date of the recall election. The person elected at such special election shall serve for the balance of the unexpired term remaining at the time of election.
- No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

ARTICLE 8

GENERAL PROVISIONS

SECTION 8-1: CHARTER CHANGES

- **(a) In General** - This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.
- **(b) Periodic Review** - The city council shall provide, in every year ending in a five, for a review of the charter by a special or standing committee of the council and four additional persons to be appointed by the council president. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable.

SECTION 8-2 SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 8-3 SPECIFIC PROVISION TO PREVAIL

To the extent that any specific provision of this charter may conflict with any other provision expressed in general terms, the specific provision shall prevail.

SECTION 8-4 RULES AND REGULATIONS

A copy of all rules and regulations adopted by city agencies shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective until five days following the date it is so filed.

SECTION 8-5 REVIEW OF ORDINANCES

The city council shall provide, in each year ending in a five or in a zero, for a review of all ordinances of the city for the purpose of determining if any amendments or revisions may be necessary or desirable. Such review shall be conducted under the supervision of the city counsel, or, if the city council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within the said year.

SECTION 8-6 RULES OF CONSTRUCTION

- **(a) *Number and Gender*** - Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.
- **(b) *Computation of Time*** - In computing time under the charter, if less than seven days 'days' shall not include Saturdays, Sundays or legal holidays. If seven days, or more, every day shall be counted.
- **(c) *References to General Laws*** - All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 8-7 CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the city council, or appointed to an office of the city shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under an appointment or election all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

SECTION 8-8 OATH OF OFFICE OF MAYOR, COUNCILORS,

AND SCHOOL COMMITTEE MEMBERS

The councilors-elect, and school committee members-elect shall, on the first secular day in January of each even-numbered year at twelve o'clock noon, meet and be sworn to the faithful discharge of their duties. The mayor, or mayor-elect shall preside at such joint session. In years following the election of the mayor the oath shall first be administered to that officer by the city clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the city council and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above named officials. A certificate that said oath or oaths have been taken shall be entered in the journal of the city council.

In case of the absence of the mayor-elect, or any member-elect of the city council or school committee on said day the oath of office may at any time thereafter be administered to such person who for any reason shall not have taken the oath on the day named. All such oaths subsequently taken shall be entered in the journal of the city council.

After the oath has been administered to the councilors present, they shall organize by the election of a president and a vice-president, as provided in section 2-2. The president shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any justice of the peace.

After the oath has been administered to the school committee members present, they shall organize by the election of a chair and a vice-chair, as provided in section 4-2. The chair shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any justice of the peace.

SECTION 8-9: REMOVALS AND SUSPENSIONS

Any appointed city officer, member of a multiple member body or employee of the city, not subject to the provisions of the civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term cause shall include, but not be limited to the following:

incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed city officer, member of a multiple member body or employee of the city may be suspended from office by the appointing authority if such action is deemed by the appointing authority to be necessary to protect the interests of the city. However, no suspension shall be for more than fifteen (15) days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any city officer, member of a multiple member body or employee of the city shall act in accordance with the following procedure:

- **(a)** A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand or by certified mail to the last known address of the person sought to be removed.
- **(b)** Within five (5) days after delivery of such notice the city officer, member of a multiple member body or employee of the city may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- **(c)** Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the city fails to request a public hearing, between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the city, or, notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the

time periods as stated in this section shall be deemed to be a rescission of the original notice and the city officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing to a person who has been appointed for a fixed terms when that term of office expires and such person is not reappointed for another term of office.

ARTICLE 9

TRANSITIONAL PROVISIONS

SECTION 9-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to Framingham that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All city agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

SECTION 9-3 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency, shall be transferred forthwith to such agency.

SECTION 9-4 CONTINUATION OF PERSONNEL

Any person holding a town office, or a position in the administrative service of the town, or any person holding full time employment under the town of Framingham, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town of Framingham shall forfeit their pay grade, or time in service of the town. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the city shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

SECTION 9-5 EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 9-6 TIME OF TAKING EFFECT

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

- 1. All town officers and employees shall to continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter, but, being cognizant that on the first business day in January of the year following the year the charter has been so ratified, that the executive authority will thereafter be vested in a mayor and the legislative powers shall be vested in a city council. All town officers and employees shall make every effort to provide a smooth and orderly transition from the pre-existing form of government to the new form of government.
- 2. A special election shall be held on the first Tuesday following the first Monday in November 1997 for the purpose of electing a mayor and a city council. A special preliminary election shall be held on the fifth Tuesday preceding such election for the purpose of nominating candidates to be elected at such special election. So much of this charter shall become effective as is necessary to conduct such special and preliminary elections. For such purpose the incumbent town clerk shall have all the powers and duties conferred by this charter on the 'city' clerk. The board of selectmen shall issue the warrants for such elections.
- 3. Forthwith following the special election the persons elected as aforesaid shall be sworn to the faithful performance of their duties and shall take up so much of the powers and duties of their offices as are necessary to begin the process of transition from the existing form of government to the new form of government. This preparation for the transfer shall include a review by the city council members elect of the existing by-laws of the town with a view to bringing them into conformity with the charter and the adoption by it of rules by which it will conduct its business.
- The person chosen as mayor shall meet regularly with the members of the board of selectmen and the school committee and for such purpose shall be considered a member ex officio of such bodies. The mayor shall have a right to meet with any city officer, city agency or city employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor on the first business day of January in the year following the year in which the charter is adopted.
- 4. On the first business day of January in the year following the year in which this charter is adopted the terms of office of the members of the board of selectmen and of the representative town meeting members shall all be terminated, and their offices abolished. Each other elected town officer shall continue to serve for the balance of the term for which such person was elected, unless some other provision is specifically made hereinafter for any particular office. As the terms of office of such formerly elected officers expire their successors shall be appointed in accordance with the provisions of this charter.
- 5. Until such time as another salary is established for the office of the mayor, in accordance with the procedure provided in section 3-1©, the initial salary of the mayor of the City of Framingham shall be established as the same sum which was payable in salary to the incumbent in the office of town manager on the date the charter is ratified by the voters.
- 6. The office of town manager established by chapter 27 of the acts of 1996 is hereby abolished and the said special act is hereby repealed effective on the first business day of January in the year following the year in which this charter is adopted. The incumbent of the office of town manager shall continue to serve in that office until the said first business day of January. Such incumbent may be continued in the service of the municipality beyond said termination date, in some other position, if he and the mayor so agree.

- 7. The position of chief financial officer established by chapter 418 of the acts of 1996 is hereby abolished and the said special act is hereby repealed effective on the first business day of January in the year following the year in which this charter is adopted. The incumbent of the office shall continue to serve as the chief financial officer of the city of Framingham under the following provision which is hereby declared to be a transitional ordinance subject to the ordinance authority of the mayor and city council.
- *Until such time as the mayor and city council may take steps to amend, revise or repeal the same, the following shall have the effect of a city ordinance.*

Chief Financial Officer

SECTION 1. There is hereby established a department of finance which shall be responsible for the overall management and administration of the city's financial operations and services. The department of finance shall be under the direction of a chief financial officer, hereinafter referred to as the CFO, who shall be responsible to the mayor.

SECTION 2. The mayor shall, subject to the provisions of charter section 2-10, appoint the CFO for a term of three years. The mayor may, subject to charter section 3-4, remove the CFO from office,

SECTION 3. The CFO shall be a person qualified in accordance with any applicable city ordinance and especially suited by education, training and experience to perform the duties of the office. The CFO shall devote full time to the duties of this position and shall not engage in any other business or occupation except as otherwise permitted in this ordinance.

SECTION 4. The department of finance shall assume and be responsible for the functions and statutory duties of the offices of city auditor, city treasurer/collector, chief procurement officer, and city assessors and their respective departments, each of which shall become a division within the department of finance.

SECTION 5. The responsibilities and duties of said CFO shall include the following:

- (1) Except as otherwise expressly prohibited by general or special law or city ordinance, and subject to policy directives issued by the mayor, to supervise, direct and be responsible for the overall management and administration of the department of finance. The responsibilities of said CFO shall include, but are not limited to, the following:
 1. to coordinate and manage the citywide annual operating and capital budget process for all city departments, officers, boards, committees and commissions, in cooperation with those entities;
 2. to compile and coordinate for all city departments, officers, boards, committees and commissions their operating and capital budgets, and present budget recommendations to the mayor;
 3. to receive, evaluate and provide to the mayor recommendations with respect to all requests for supplemental appropriations;
 4. to prepare and maintain longterm financial forecasts; including revenue expectations, future implications of operating budget program decisions and capital budget programs related to infrastructure maintenance, improvement and expansion;
 5. to manage the financing and refinancing processes of the city, including financing strategies to maximize future flexibility relative to longterm capital expenditure forecasts;
 6. to monitor actual line item income and expense information for all city departments and prepare financial and statistical reports relative to approved operating and capital budgets;
 7. to advise all city officers, departments, boards, committees and commissions on financial and financing implications of operational proposals; and
 8. to report to the mayor annually, in writing, upon the financial condition of the city and the administration of the city's financial affairs.
- (2) Said CFO, with the approval of the mayor, shall appoint the city accountant, city treasurer/collector,

chief procurement officer, and the city assessors. The persons to be appointed to these positions shall meet the qualifications established by general or special law, city ordinance or regulations established thereunder. Persons holding these positions may be removed from office by said CFO in accordance with the procedures established in charter section 8-9.

- (3) Said CFO, with the approval of said mayor, shall be authorized to organize or reorganize the department of finance and to assign, within the department, the personnel reporting to the city accountant, city treasurer/collector, assessors and the chief procurement officer. Said CFO, with the approval of the mayor, shall have the authority to implement the reorganization of the department on an interim basis pending such approvals as may be required by the personnel ordinance.
- (4) Said 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 said 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.
- (5) All city departments, officers, boards, committees and commissions shall keep said CFO fully informed as to the progress of all labor negotiations. Said CFO shall prepare and submit to the city council, as part of the process to consider appropriation of moneys to fund any negotiated labor agreement which effects 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 city council.
- (6) Said CFO shall have such additional duties and responsibilities as may from time to time be delegated by the mayor or as authorized by general or special law or city ordinance and may be relieved of any duties and responsibilities if so provided by an amendment to this ordinance.

SECTION 6. 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 said CFO, 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. The specific format and categories of this information shall be as directed by said CFO, with the approval of the mayor.

SECTION 7. Said CFO shall present to the mayor, not less than sixty days prior to the start of the fiscal year, recommendations on the detailed estimates of all revenues, the operating and capital expenditures for the administration of all city departments, boards, committees and commissions. Said CFO shall present to the capital budget committee, not less than ninety days prior to the start of the fiscal year, recommendations for annual capital projects covering a period of six years for all city departments, boards, committees and commissions. Said CFO shall present recommendations as to the sources from which such appropriations shall be funded.

SECTION 8. Said CFO may also be appointed by the mayor to serve concurrently in any one of the following positions: chief assessor; city treasurer/collector; city accountant; or chief procurement officer; provided, however, that the CFO satisfies all of the job requirements established for any such position.

SECTION 9. Each request made by any city officer, department, board, committee or commission for a supplementary appropriation shall, prior to submission to the mayor, be submitted to said CFO who shall prepare an evaluation and recommendation regarding each such request.

- 8. As soon as practical after the mayor has taken the oath of office in November of the year in which this charter is adopted the mayor shall appoint a licensing board in conformity with the provisions of section 4, *et seq.*, of chapter 138 of the General Laws. The board of selectmen and its staff shall keep the licensing board so appointed fully apprised of its activities in the year-end renewing of licenses in order to acquaint

the members of the licensing board to these procedures. The licensing board shall assume full authority under chapter 138 and chapter 140 of the General Laws on the first business day in January following their appointment.

- 9. As soon as practical following the ratification of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of Framingham a copy of the vote ratifying this charter and the following petitions for the enactment of special laws applicable to Framingham, in substantially the following form:
 - AN ACT excepting Framingham from certain provisions of the civil service law
 - *Be it enacted, etc.*
 - For the purpose of classifying positions under the civil service law and rules, Framingham, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.
 - This act shall take effect upon its passage.

And

AN ACT validating and confirming the provisions of a home rule charter adopted by the voters of Framingham

Be it enacted, etc.

The home rule charter adopted by the voters of Framingham at the regular town election held in the current year is hereby ratified and confirmed. The provisions of the said charter providing for the biennial, coterminous election of the members of the city council are expressly declared not to be inconsistent with the provisions of section twenty of chapter forty-three B of the General Laws. The provisions of the said charter providing for the preparation, review and adoption of an annual operating budget and amendments thereto are expressly declared not to be inconsistent with the provisions of sections thirty-two through thirty-three B of chapter forty-four of the General Laws.

This act shall take effect upon its passage.

- 10. As soon as practical following the election at which this charter is adopted the town clerk and the board of registrars of votes shall, using existing precinct boundary lines and voting places, divide the town into two equal voting districts. At the special election held in the year in which the charter is adopted and at each subsequent municipal election until the town has been reapportioned, as provided in MGL chapter fifty-four sections one through ten, four district councillors shall be elected from each such district and three councillors shall be elected from the city at large. The election of councillors as provided in section 2-1 of this charter shall not become effective until the new districts are established following the census held in the year 2000.
- 11. The position of town accountant which has heretofore existed in Framingham shall, after the assumption of power and authority by the mayor and council, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections fifty, fifty-one, fifty-three and fifty-four A of chapter forty-one of the General Laws shall be assigned to the office of financial analyst established by section 2-8(a) of the charter. The remaining powers of a town accountant having to do with the regular payment of bills and invoices submitted by municipal agencies including those described in sections fifty-two, fifty-six, fifty-seven and fifty-eight of chapter forty-one shall be exercised by a person in the executive branch under the title city accountant, subject to the control of the chief financial officer.
- 12. Forthwith following the organization of the city government in January of the year following the year in which this charter is adopted the mayor shall appoint seven persons to be a committee to review the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two of the persons appointed to the committee shall have been members of the

Framingham Charter Commission. The committee shall submit a report, with recommendations, within one year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the city solicitor, or special counsel appointed for that express purpose.

- 13. The following provisions shall be in effect in order to change the terms of office of certain multiple member bodies which will continue to exist under the new charter. In all cases the terms of office will expire on the first business day of January in the year following the year in which the election is held.
- *School Committee* - The terms of office of the two members of the school committee elected for terms of three years each at the 1997 town election shall be shortened so as to expire at the end of the year 1999. The terms of office of the three members of the school committee elected for terms of three years each at the 1996 town election shall be extended through to the end of the year 2001. The terms of the two members of the school committee elected for terms of three years each at the 1995 town election shall be extended through to the end of the year 1999. At the regular city election held in the year 1999 four members of the school committee shall be elected for terms of four years each. At each regular city election thereafter school committee members shall be elected to fill expiring terms.
- *Library Trustees* - The terms of office of three of the four members of the board of library trustees elected for terms of three years each at the 1997 town election (the three persons receiving the highest number of votes) shall be extended through to the end of the year 2001. The terms of office of all other members of the board of library trustees shall expire at the end of the year 1999. At the regular city election held in the year 1999 four persons shall be elected members of the board of library trustees for terms of four years each. At the regular city election held in the year 2001 three persons shall be elected members of the board of library trustees for terms of four years each. At each regular city election thereafter members of the board of library trustees shall be elected to fill expiring terms.
- *Edgell Grove Trustees* - The term of office of the member of the Edgell Grove board of trustees elected for a term of five years at the town election in 1997 shall be shortened to expire at the end of the year 2001. The term of office of the member of the Edgell Grove board of trustees scheduled to expire at the town election in 1998 shall be extended to expire at the end of the year 1999. The term of office of the two members of the Edgell Grove board of trustees scheduled to expire at the town election in 1999 shall be extended to expire at the end of the year 1999. The term of office of the member of the Edgell Grove board of trustees scheduled to expire at the town election in 2000 shall be extended to expire at the end of the year 2001. At the regular city election held in the year 1999 three persons shall be elected to the office of trustee of Edgell Grove for terms of four years each. At the regular city election held in the year 2001 two persons shall be elected to the office of trustee of Edgell Grove for terms of four years each. At each regular city election thereafter members of the Edgell Grove board of trustees shall be elected to fill expiring terms.
- 14. The mayor and city council shall have authority to adopt measures which clarify, extend and confirm any of the transitional provisions of this charter.
