

Article I

General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

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Section 1. Permanent Officers, Boards and Committees

1.1 The Town shall have the following positions elected by the Town or appointed by the indicated authority for stated terms:

<u>Officer</u>	<u>Elected/Appointed</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Town Clerk	Elected	-	Three Years
Moderator	Elected	-	One Year
Town Counsel	Appointed	Board of Selectmen	Three Years
Town Manager	Appointed	Board of Selectmen	Three Years
Chief Financial Officer	Appointed	Town Manager with approval of the Board of Selectmen	Three Years
Chief of Police	Appointed	Town Manager with concurrence of Board of Selectmen	Indefinite
Fire Chief	Appointed	Town Manager with concurrence of Board of Selectmen	Indefinite
Human Resources Director	Appointed	Town Manager with concurrence of Board of Selectmen	Three Years
Town Accountant	Appointed	Chief Financial Officer with approval of the Town Manager	Three Years
Treasurer-Collector	Appointed	Chief Financial Officer with approval of the Town Manager	Three Years
Chief Assessor (Three)	Appointed (One Each Year)	Chief Financial Officer with approval of the Town Manager	Three Years
Chief Procurement Officer	Appointed	Chief Financial Officer with approval of the Town Manager	Three Years
Director of Civil Defense	Appointed	Town Manager	Indefinite
Building Commissioner/Inspectional Services Director	Appointed	Town Manager	Three Years
Community and Economic Development Director	Appointed	Town Manager	Three Years
Chief Engineer	Appointed	Town Manager	Three Years

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

<u>Officer</u>	<u>Elected/Appointed</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Assistant Town Engineer	Appointed	Town Manager	Indefinite
Sealer of Weights and Measures	Appointed	Town Manager	Indefinite
Director of Parks and Recreation	Appointed	Town Manager	Indefinite
Director of Veterans Benefits and Services	Appointed	Town Manager	Three Years
Director of Public Health	Appointed	Town Manager	Indefinite
Executive Administrator for Human Relations	Appointed	Town Manager	Indefinite
Director of Public Works	Appointed	Town Manager	Three Years
Director of Technology Services	Appointed	Town Manager	Three Years
Tree Warden	Appointed	Town Manager	Three Years
Animal Control Officer	Appointed	Town Manager	Indefinite
Director of Town-Owned Buildings	Appointed	Town Manager	Three Years
Conservation Administrator	Appointed	Town Manager	Three Years
Fair Housing Officer	Appointed	Town Manager	Three Years
Director of the Callahan Senior Center	Appointed	Town Manager	Three Years
Director of Libraries	Appointed	Library Trustees	Indefinite
Housing Authority Director	Appointed	Housing Authority	Three Years
Superintendent of Schools	Appointed	School Committee	Indefinite
Planning Board Administrator	Appointed	Planning Board	Three Years
Media Service Director	Appointed	Town Manager	Three Years
Capital Building Projects Manager	Appointed	Town Manager	Three Years
Human Services Policy and Program Coordinator	Appointed	Town Manager	Three Years
Licensing Administrator	Appointed	Town Manager	Three Years
Planning Board Associate Member	Appointed	Board of Selectmen and Planning Board	One Year

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

<u>Officer</u>	<u>Elected/Appointed</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Town Historian	Appointed	Board of Selectmen	Indefinite

1.2 The Town shall have the following multiple member governmental bodies with the indicated number of members elected for the stated terms.

<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Number Elected/Year</u>
Board of Selectmen	Five	Three Years	Two in 2 Years One in 1 Year
Library Trustees	Twelve	Three Years	Four
School Committee	Seven	Three Years	Three in 1 Year Two in 2 years
Regional Vocational School Committee Framingham Represent.	Eight	Three Years	Three in 2 years Two in 1 year
Planning Board	Five	Three Years	Two in 2 years One in 1 year
Housing Authority	Four	Five Years	One in 4 years None in 1 year
	One	Five Years	One in 5 years Appointed
Edgell Grove Cemetery Trustees	Five	Five Years	One

1.3 The Town shall have the following multiple member governmental bodies with members appointed by the indicated authority for the stated terms.

<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Board of Health	Five	Three Years	Board of Selectmen	Two in 2 years One in 1 year
Park and Recreation Commission	Five	Three Years	Board of Selectmen	Two in 2 years One in 1 year
Zoning Board of Appeals	Three Members	Three Years	Board of Selectmen	One
	Four Associate Members	One Year	Board of Selectmen	Four
Historic District Commission	Seven Members (Five Alternate)	Three Years	Board of Selectmen	Approximately One-Third

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Economic Development and Industrial Corporation	7	Three	Board of Selectmen	See Chapter 124 of the Acts of 1995
Cemetery Trustees	Three	Three Years	Board of Selectmen	One
Human Relations Commission	Thirteen	Three Years	Board of Selectmen	Five in 1 year; Four in 2 years
Historical Commission	Minimum Three, Maximum Seven	Three Years	Board of Selectmen	Approximately One-Third
Conservation Commission	Seven	Three Years	Board of Selectmen	Two in 2 years Three in 1 year
Council on Aging	5 2-6 Total: 7-11	Two Years Two Years	Board of Selectman Council on Aging Chairman	See Art. II, Sec 13
Real Property Committee	Ten TM Members and One from Six Specified Boards, Committees and Commissions	Three Years One Year	Moderator School Comm., Planning Board, Board of Selectmen, Finance Comm. Park & Rec. Commission and Conservation Commission	Four in 1 year; Three in 2 years Six each year
Finance Committee	Nine	Three Years	Moderator	Three
Capital Budget Committee	Six Town Meeting Members One	Three Years One Year	Moderator Finance Committee	Two One
Personnel Board	Five	Three Years	Moderator	Two in 2 years; One in 1 year
Government Study Committee	Nine Members	Three Years	Moderator	Three
Local Emergency Planning Committee (LEPC)	As necessary	---	Town Manager	See Article V, Section 4
Commission on Disability	Nine	Three Years; Also, see Article II, Section 23.3.1	Board of Selectmen	Three
Technology Advisory Committee	Six	Three Years; Also, see Article	Moderator	Two

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Agricultural Advisory Committee	Five with up to four alternates	III, Sec. 4.2 Three Years	Board of Selectmen	Two in two years One in one year

1.4 Except as stated in subsection 1.1 above or in the following, all employees of the Town shall be appointed by the Town Manager. All appointments shall be in accordance with the Personnel Bylaws of the Town (Article IV) and shall be for an indefinite period unless otherwise stated in these Bylaws or in the General Laws of the Commonwealth of Massachusetts. Employees of the following governmental bodies shall be appointed by the indicated authority:

<u>Body Name</u>	<u>Appointing Authority</u>
Town Clerk	Town Clerk
Library	Library Trustees
Planning Board	Planning Board
Housing Authority	Housing Authority
Edgell Grove Cemetery	Edgell Grove Cemetery Trustees
School Department	Superintendent of Schools (School Committee for specially designated positions)

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

Section 2. Office Hours and Meeting Times

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

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

Section 3. Financial Provisions and Contracts

- 3.1** Whenever any work is to be done, the whole, or a portion of which is to be paid for by private parties, the officer in charge of such work shall, before proceeding on such work, require a deposit of the estimated expense with the Treasurer, and on the completion of the work, the Treasurer shall retain the cost of such work and return the balance, if any, to the depositor.
- 3.2** No contract, involving an obligation of the Town exceeding the sum of two hundred fifty dollars (\$250) shall be made at any time, except by vote of the committee or board duly authorized to expend the Town funds to which the contract relates. Such vote shall be recorded and such records shall be open to inspection.
- 3.3** No contract, involving an obligation of the Town exceeding the sum of five hundred dollars (\$500) shall be binding upon the Town unless it is in writing and signed, prior to the commencement of performance thereof by at least a majority of the board or committee in charge of expending the funds to which the contract relates.
- 3.4** No board or officer shall make any contract on behalf of the Town extending beyond three years from the date thereof, unless specific authority to do so has been given by vote of Town Meeting; with the exception of energy usage contracts, which may be contracted for a term of up to five years without Town Meeting vote provided applicable procurement rules and regulations are followed.
- 3.5** Whenever any property of the Town valued at two hundred dollars or more is to be sold, it shall be sold at public auction, after not less than seven days' notice in one or more newspapers published in the Town, unless the Town Meeting shall vote otherwise.
- 3.6** No contract for construction work, for the purchase of apparatus, supplies or materials or for the collection of garbage, ashes, or rubbish, the estimated cost of which amounts to four thousand dollars or more, shall be awarded, except in cases of special emergency involving the health or safety of the people or their property, unless proposals for the same have been invited by advertisements in at least one newspaper published in the Town once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans and specifications of the proposed construction work or the proposed purchase or for the proposed collection of garbage, ashes or rubbish, as the case may be, may be had and the time and place for opening the proposals in answer to said advertisements and shall reserve to the Town the right to reject any or all such proposals. All such proposals shall be sealed and shall be opened in public at the time and place specified therefore. No bill or contract shall be split or divided for the purpose of evading any provision of this Bylaw.
- 3.7** Fees and fines assessed by all officers and departments of the Town received from all sources shall be turned over to the Town Treasurer.
- 3.8** Budgets for all Town Officers, Boards and Committees shall be as appropriated by Town Meeting. However, notwithstanding the foregoing, no elected person specified in Article 1, Section 1.2 of the Town Bylaws, shall receive a stipend or wage for performance of the duties for which that person was elected. This provision shall not preclude the reimbursement of documented "out of pocket" expenses incurred in the course of the performance of said duties.

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

Section 4. Affirmative Action

4.1 Definitions

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

4.2 No town agency shall enter into any contract for the purchase of goods or services or for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work with any contractor which does not take affirmative action to provide equal employment opportunity for all qualified persons without regard to race, color, religion, sex or national origin.

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

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

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

4.4.1 During the performance of this contract the contractor agrees as follows:

- 4.4.1.1 The contractor will take affirmative action to ensure that employees are solicited and employed, and that the employees are treated during employment, without regard to race, color, religion, sex or national origin.
- 4.4.1.2 The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

- 4.4.1.3** The contractor and sub-contractors will include the provisions of subsections 4.4.1.1 and 4.4.1.2 above in every sub-contract or purchase order.
- 4.4.2** If the contracting town agency determines that any contractor is not in compliance with these contract provisions, the contracting agency shall take one or more of the following actions:
- 4.4.2.1** Order the contract terminated in whole or in part.
 - 4.4.2.2** Permit continuation of the contract upon the submission of a specified program for immediate compliance.
 - 4.4.2.3** Assess liquidated damages of \$50 for each day that the contractor is found not to be in compliance.
 - 4.4.2.4** Withhold payments to the contractor under the contract until he is in compliance.
 - 4.4.2.5** Declare the contractor ineligible to bid on future contracts with that agency until the agency finds that such contractor has established and is implementing an affirmative action program.
- 4.5** As used in this section affirmative action means positive steps to ensure all qualified persons equal employment without regard to race, color, religion, sex or national origin at all stages of the employment process, recruitment, selection, placement, promotion, training, layoff and termination. It may include, but is not limited to the following:
- 4.5.1** Inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer".
 - 4.5.2** Placement of solicitations and advertisements for employees in media that reaches minority groups.
 - 4.5.3** Notification in writing of all recruitment sources that the contractor solicits the referral of applicants without regard to race, color, religion, sex or national origin.
 - 4.5.4** Direct solicitation of the support of responsible and appropriate community, state and federal agencies to assist in recruitment efforts.
 - 4.5.5** Participation in, or establishment of apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups.
 - 4.5.6** Modification of collective bargaining agreements to eliminate restrictive barriers established by dual lines of seniority, dual rates of pay or dual lines of promotion or progression which are based on race, color, religion, sex or national origin.
 - 4.5.7** Review of selection, placement, promotion, training, layoff and termination procedures and requirements to ensure that they do not intentionally or unintentionally discriminate against qualified persons because of race, color, religion, sex or national origin.

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

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

4.6

4.6.1 The Human Relations Commission shall receive and investigate or cause to be investigated complaints by employees or prospective employees of a Town contractor, sub-contractor or supplier which allege discrimination contrary to this law and may on its own initiative investigate employment practices of a Town contractor, sub-contractors or supplier. Findings and determinations on such investigations, together with the records and recommendations, shall be reported by the Human Relations Commission to the Board of Selectmen and the contracting agency concerned.

4.6.2 The Human Relations Commission shall cooperate with the Board of Selectmen and with each contracting agency by providing assistance in reviewing affirmative action plans, and to contractors seeking qualified minority group employees, and shall itself seek such employees.

4.6.3 The Human Relations Commission, where it deems appropriate, shall recommend to the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the U. S. Secretary of Labor, the Town Counsel, or the U. S. Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964 and applicable City and State Laws.

4.7 The provisions of this Section shall not apply to any contract for less than five thousand dollars or to bidders and contractors employing fewer than six persons; provided that where the contract is for less than five thousand dollars, but not less than two thousand dollars, any town agency may apply the provisions of this Section to any contract, bidder, or contractor.

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

Section 5. General Provisions

- 5.1** No elected or appointed Town officer may represent a client before any Town board, commission or committee.
- 5.2** All officers, board members and committee members of the Town shall qualify by oath before the Town Clerk before exercising the duties of their elected or appointed position.
- 5.3** Permanent officers, board members and committee members of the Town appointed for specific terms shall hold office from the first day of July succeeding such appointment, or from the date of appointment and qualification when such appointment is to a new position or fills the expired or unexpired term of a previous office holder and shall continue in office for the specified term or until a successor has been appointed and has been qualified under the Bylaws of the Town.
- 5.4** A vacancy in any office, board or committee shall be filled for the remainder of the original term as required by the General Laws of the Commonwealth or as indicated below.
- 5.4.1** (Deleted by Attorney General)
- 5.4.2** For appointed officers, boards or committees by the original appointing authority in the same manner as the original appointment was made.
- 5.5** Any voter shall be eligible to hold any elective Town office, but no person holding any elective Town office shall simultaneously assume any other elective Town office. The prohibition against holding two elective Town Offices simultaneously shall not apply if one office is that of elected Charter Commission Members.
- 5.6** All cars owned by the Town of Framingham shall be designated by a circular label not less than six inches in diameter bearing the words "Town of Framingham", and the name of the Town Department.
- 5.7** Whenever the Town Meeting or the Board of Selectmen shall establish a committee, commission, board or council, unless the term of office of members be otherwise so stated, the term of office of each appointee thereto shall expire upon the appointment of a replacement member subsequent to the adjournment of the next Annual Town Meeting. However, nothing herein shall prevent the Town Meeting or the Board of Selectmen from designating a longer term of office or extending the same to a later date, nor shall the provisions herein be applied in any manner contrary to other provisions of law.
- 5.8** In any instance wherein the majority of a committee, commission, board or council appointed by act of the Town Moderator or Board of Selectmen votes that the appointing authority replace one or more members of such committee, commission, board or council, the appointing authority shall have the power to revoke a previous appointment and the same shall be effective upon notice of the revocation being mailed, postage pre-paid, to the last known address of each appointee to be notified. Nothing herein shall require either the Town Moderator or the Board of Selectmen to withdraw or revoke said appointments, nor shall the provisions herein be applied in any manner contrary to other provisions of law.
- 5.9** Each committee, board or commission shall determine its rules and order of business, unless otherwise provided by Bylaw, provided however, that each body shall provide some period of time at each of its meetings for members of the public to ask questions, state opinion and otherwise exchange information with the body. The rules and procedure shall be written and kept with the chairperson or in the office of the committee board or commission; in the Framingham Public Library; and on file in the office of the Town Clerk available for public review.
- 5.10** Each board, committee, or commission shall provide for keeping of minutes of its meetings. Committees that are required to provide minutes shall include Town Meeting Standing Committees. Each board,

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

committee, or commission shall provide minutes to the Town Clerk in a timely manner according to Open Meeting Law (MGL, c.30A, sec. 18-25) practices of posting meeting minutes. All members present and all members absent shall be listed in minutes.

- 5.10.1** All votes taken shall be reported in the minutes. For boards elected by town wide election, the minutes shall include the name and vote of each member voting.
 - 5.10.2** The minutes of each public meeting of a board, committee, or commission shall be prepared by the clerk or his or her designee of the respective board, commission or committee, and sent to the Town Clerk within ten (10) days, not including weekend days or holidays, following the next meeting of the boards, committee, or commission; but not later than 45 days after the date when the meeting was held. The minutes shall indicate whether they have or have not been approved by the board, committee or commission when submitted to the Town Clerk. If a meeting is cancelled, or if no quorum is present at a scheduled meeting, the Town Clerk shall be notified and minutes do not have to be provided.
 - 5.10.3** The Town Clerk shall log the receipt of minutes and send them to the Framingham Public Library in hard copy form, where they shall be kept for a period of seven (7) years. If minutes are provided to the Town Clerk in electronic form and they have been prepared according to the standards defined by the Town webmaster, they shall be posted on the town website in addition to being sent to the library.
 - 5.10.4** The Town Clerk shall note the receipt of minutes. If after 45 days from the date of a posted public meeting of a board, committee, or commission, the Town Clerk has not received a copy of the minutes, then the Town Clerk shall notify the chairperson of the board, committee, or commission that the minutes have not been received.
- 5.11** A board, committee, or commission may hold an executive session according to the Open Meeting Law (MGL, c. 30A, sec. 18-25) practices and shall provide for keeping of minutes of executive sessions.
- 5.11.1** A board, committee or commission shall notify the Town Clerk of all executive sessions that were held or will be held. If a board, committee, or commission adjourns a public meeting to go into executive session the Town Clerk shall be so notified so that the executive session can be entered into the Town Clerk's log of meetings.
 - 5.11.2** When a board, committee, or commission adjourns a public meeting to go into executive session the minutes of that public meeting shall indicate the reason of the executive session and the vote by each member to go into executive session.
 - 5.11.3** Minutes of an executive session shall indicate the attendance at such meeting and how each member voted when a vote is taken. Minutes of an executive session may be withheld from the public record until they are released by a vote of the board, committee, or commission.
 - 5.11.4** Annually the chair shall request that the board, committee or commission vote to release previous minutes of executive sessions, or portions thereof, as a public record or to retain minutes of previous executive sessions as non-public records.
 - 5.11.5** Executive session minutes of a board, committee, or commission, appropriately marked, shall be kept by the clerk of the board, committee or commission; or shall be stored at the office of the board, committee, or commission, if available; or shall be sent to the Town Clerk who shall store these minutes separate from minutes of public sessions. For executive session minutes that have not yet been released, the Town Clerk may only release a copy to the chair of the board, commission or committee and shall do so when requested.

Article I: General Provisions Applicable to All Permanent Officers, Boards and Committees of the Town

- 5.11.6** Executive session minutes that involve the Town Counsel shall be reviewed by the Town Counsel before being released. Release of executive session minutes that involve meetings with Town Counsel must be approved by the Board of Selectmen to waive the attorney-client privilege for specific communications per Selectmen policy.
- 5.12** Each appointed committee, board or commission and standing committees shall provide a report of its activities to the Board of Selectmen_for publication in the Annual Town Report by the date and in the format established by the Board of Selectmen.
- 5.13** The Town Clerk shall update the tables in Section 1 of this Article as Officers, Boards and Committees are created or deleted by vote of Town Meeting or the Selectmen. In addition any Officer, Board or Commission required by State statute shall be included.
- 5.14** At least 60 days before the expiration of an appointee's term, an appointing authority shall provide a public posting that a term of an appointment will expire and a new appointment will be made.