

# **Presentation to the Framingham Charter Commission: The Legislative Branch**

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# Generic/Typical Charter Structure

Article 1: Incorporation, Powers, Etc.

**Article 2: Legislative Branch**

Article 3: Executive Branch

Article 4: School Committee

Article 5: Administrative Organization

Article 6: Financial Policies and Procedures

Article 7: Elections

Article 8: Citizen Participation Mechanisms

Article 9: General Provisions

Article 10: Transition Provisions

# Functions & Responsibilities of the Legislative Branch

**Per MGL, Chapter 4, Section 7, the legislative body has the power to:**

- **“enact ordinances or by-laws”**
- **“adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters”**

**Additionally, the legislative body:**

- **Approves local acceptances**
- **Approves property tax classification**
- **May act as the licensing authority**
- **May make certain appointments**
- **May confirm appointments of the executive**
- **May have inquiry and investigatory authority over municipal functions**
- **May enact resolutions**

# Forms of Government/Forms of Legislative

		Executive	
		Appointed Manager	Elected Mayor
Legislative	Open Town Meeting	Town form	
	Representative Town Meeting	Town form	
	Council	City form	City form

# Town Form: Town Meeting

- **About 295 town in Massachusetts:**
  - **About 260 towns have open town meeting**
  - **36 have representative town meeting**
- **Representative town meeting (RTM):**
  - **In 1979, there were 48 towns operating with an RTM**
  - **Today there are 36 towns**
- **RTM towns have:**
  - **Adopted council-manager form (e.g., Watertown, Randolph)**
  - **Adopted mayor-council form (e.g., Braintree, Weymouth)**
  - **Returned to open town meeting (3 towns under 20,000 pop)**
- **Other changes:**
  - **Reduce membership (e.g., Reading, South Hadley)**
  - **Provide conflict of interest criteria for town employees or their family members serving as RTM members (e.g., Plymouth)**
  - **Set quorum for meeting as 50% of the total membership +1**

# COUNCIL: Overview of Topics

- 1. Composition and Membership**
- 2. Eligibility**
- 3. President, Vice President, Clerk**
- 4. Compensation/Expenses**
- 5. Council Procedures**
- 6. Officers Elected by Council**
- 7. General Powers and Duties**
- 8. Ordinances/Bylaws**
- 9. Vacancy in office of Councilor**
- 10. Access to Information**
- 11. Prohibitions**
- 12. Council Review of Certain Appointments**

# COUNCIL: Composition and Membership (1a)

- **Number of councilors**
- **Whether these councilors are elected by ward/district, at large or a combination (*Note: More detail on next slides*)**
- **The term of office**
  - **Usually 2, 3, or 4 years (most common in Mass is 2 years)**
- **Whether there will be staggered terms**
- **Whether there are term limits**
  - **Rare in Mass**
- **How compensation is set**
  - **Usually in annual budget**
  - **May be a separate section**

# COUNCIL: Composition and Membership (1b)

## **Ward/district, at large, or combination:**

- **All at large membership:**
  - **About 20% of Mass cities have all at-large council**
  - **Issues to consider include prior local practices and requirements of the federal voting rights act**
- **Combined membership—majority elected from wards:**
  - **Over 50% of city governments in Mass have this model**
  - **Based in part on earlier special acts, the “Plan” governments of MGL, and local preference**
- **Combined membership—majority elected at large:**
  - **About 20% of Mass cities have this arrangement,**
  - **Seeks to balance representation of all areas of the city with the premise that council will focus on the entire city’s needs**
- **All district membership**
  - **Only one Mass city elects its council this way (Barnstable)**
  - **The effect is that the voter is given the opportunity to pick only 1/13 of the council’s membership**

# COUNCIL: Composition and Membership (1c)

<b>Example Council Compositions</b>				
<b>CITY</b>	<b>Ward/ District Members</b>	<b>At large Members</b>	<b>Total</b>	<b>Each voter chooses (% of council chosen)</b>
<b>Bridgewater</b>	<b>7</b>	<b>2</b>	<b>9</b>	<b>3 (33%)</b>
<b>Fall River</b>	<b>0</b>	<b>9</b>	<b>9</b>	<b>9 (100%)</b>
<b>Springfield</b>	<b>8</b>	<b>5</b>	<b>13</b>	<b>6 (46%)</b>
<b>Waltham</b>	<b>9</b>	<b>6</b>	<b>15</b>	<b>7 (46%)</b>
<b>Watertown</b>	<b>4</b>	<b>4 + CP*</b>	<b>9</b>	<b>6 (66%)</b>
<b>Weymouth</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>6 (54%)</b>
<b>Winthrop</b>	<b>6</b>	<b>2 +CP*</b>	<b>9</b>	<b>4 (44%)</b>
<i>* CP = Council President</i>				

# **COUNCIL: President, Vice President, Clerk (3)**

- **Procedures for electing and term of office**
- **President and Vice President powers and duties**

## COUNCIL: Compensation/Expenses (4)

- **Provision for salary/expenses, may address timing of salary increases for members**

# COUNCIL: Council Procedures (5)

- **Rules of procedure**
- **Timing of meetings**
- **Method for calling special and emergency meetings**
- **Quorum**
- **Records of proceedings**

# COUNCIL: Officers Elected by Council (6)

- **Could include auditor/comptroller, assessor, clerk, clerk of the council**
- **Salaries and removal of officers chosen by council addressed**

# COUNCIL: General Powers and Duties (7)

- **Will include provision that Council can enact ordinances/bylaws**
- **May address licensing**
- **May address hiring and evaluation of city manager**
- **Council role in budget process usually addressed in financial article of the charter**

## **COUNCIL: Ordinances/Bylaws (8)**

- **Procedures for enacting**
- **Procedure for enacting emergency ordinances/bylaws**
- **Note: Attorney General does not review and approve ordinances/bylaws of municipalities operating with a city form of government (mayor-council; council-manager)**

# COUNCIL: Vacancy in office of Councilor (9)

- **Procedure for filling a vacancy**
  - **Hold special election**
  - **Defeated candidate willing to serve takes office (may be other criteria -- e.g., % of votes received)**
  - **Council may select from others indicating willingness to serve**
  - **Seat remains vacant if municipal election to be held within 6 to 9 months of vacancy**

# COUNCIL: Access to Information (10)

- **Authority for council to inquire into the city's affairs**
- **Procedures for calling city employees/officers/Mayor before the council**

# COUNCIL: Prohibitions (11)

- **Often prohibits council members from holding other compensated positions**
- **May include “Interference with Administration”**

## **COUNCIL: Council Review of Certain Appointments (12)**

- **If applicable, procedure for how Mayor or Manager submits appointments to the council for a vote**
- **May become effective in time frame established by charter (e.g., 30 days) if no vote is taken by the council, or may require a council vote to be effective**

## Framingham Act of Incorporation (1700):

### CHAPTER 32.

ORDER FOR ERECTING THE PLANTATION CALLED FRAMINGHAM INTO  
A TOWNSHIP BY THE SAME NAME. [*Approved June 25.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,  
of towns, etc.*]