

TO: Charter Commission
FROM: Style & Structure Working Group
(Blumer, Mulvey & Stefanini)
DATE: June 8, 2016
RE: Agenda for review of Executive Function

MEMORANDUM

In April, the Charter Commission adopted a work plan with seven goals. As we begin to consider the structure of the Executive Branch, goals 4 and 6 are directly related to this task:

- 4) Propose to voters a strong, innovative and accountable executive, elected or appointed, able to advocate on our behalf with leaders in industry, government and society;
- 6) Ensure that whatever structure of government we propose to voters provides a strong voice for our students, parents and teachers, and include a mechanism that ensures that municipal leaders work cooperatively, collaboratively and in concert with the School Department.

On Monday, August 1, after a comprehensive presentation by the Collins Center of the two options for the municipal exercise of the executive function in Massachusetts with a Council – manager and mayor – the Commission voted (7 to 0, with one abstention):

... that the Charter Commission propose to the voters of Framingham that its executive function be led by a mayor with the details of the mayor's powers, duties and responsibilities being debated and determined by us over the next few months, and that the Commission's drafting sub-committee, working with the Collins Center, prepare an agenda along with a draft for our consideration, debate and vote.

Before we begin drafting, we suggest that we first affirm and reiterate the reasons for proposing a change to the exercise of Framingham's executive function. Here is a compilation of individual member's reasons for our collective review:

- a) Increase in complexity of issues facing our \$300M municipal corporation;
- b) Need for accountability and transparency in executive decision-making;
- c) Secure a "seat at the table" with state and federal decision-makers;
- d) Centralize operating and capital budget processes;
- e) Establish a long range strategic plan;
- f) Increase and resolve competition of ideas at the ballot box;
- g) Create a community advocate and voice for local organizations and activities;
- h) Consolidate further administrative functions; and,
- i) Improve efficiency and effectiveness of administration of government.

Addressing these concerns is in no way a reflection on the dedication and diligence of the many men and women who volunteer their time on our elected and appointed boards and commissions, nor the dedicated and committed staff that provide services to our residents; but, rather, a realistic reflection on the limitations of our current structure in managing a large, diverse community.

Process to accomplish this task:

The Collins Center (CC) provided the following structure of the executive function for a typical charter. We suggest that we use this as a guide to review, debate and vote separately on each of the sections, starting with the first item and moving sequentially through to the last. However, the Collins Center discussed the reality that some parts of these structures are more controversial than other and will require more attention and consideration of multiple options.

We have highlighted areas that we have currently asked the CC to provide examples of alternatives based on our dialogue. It is not meant to be exhaustive, so if the full commission wants to suggest other areas they wish the Collins Center to research and provide language options, we can add other areas as needed. Lastly, we will be having a joint session with the School Committee on August 29 to review Article VI and should spend some time preparing questions for that conference.

Article I: INCORPORATION; SHORT TITLE; DEFINITIONS

1. INCORPORATION
2. SHORT TITLE
3. DIVISION OF POWERS
4. POWERS OF THE TOWN/CITY
5. CONSTRUCTION
6. INTERGOVERNMENTAL RELATIONS
7. DEFINITIONS

Article V: EXECUTIVE BRANCH

1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION
2. EXECUTIVE & ADMINISTRATIVE POWERS; ENFORCEMENT OF ORDINANCES
3. APPOINTMENTS BY THE MAYOR
4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS
5. TEMPORARY APPOINTMENTS TO TOWN/CITY OFFICES
6. COMMUNICATIONS; SPECIAL MEETINGS
7. APPROVAL OF MAYOR, EXCEPTION (VETO)
8. TEMPORARY ABSENCE OF THE MAYOR
9. DELEGATION OF AUTHORITY BY MAYOR
10. VACANCY IN OFFICE OF MAYOR
11. LONG RANGE PLANNING

Article VI: SCHOOL DEPARTMENT

1. SCHOOL COMMITTEE
2. SCHOOL COMMITTEE CHAIR
3. PROHIBITIONS
4. COMPENSATION, EXPENSES
5. SCHOOL COMMITTEE POWERS AND DUTIES
6. FILLING OF VACANCIES

Article VII: FINANCE AND FISCAL PROCEDURES

1. FISCAL YEAR
2. SCHOOL COMMITTEE BUDGET
3. SUBMISSION OF BUDGET AND BUDGET MESSAGE
4. BUDGET MESSAGE
5. THE BUDGET
6. ACTION ON THE BUDGET
7. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS
8. ALLOTMENTS
9. PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS
10. CAPITAL IMPROVEMENT PROGRAM
11. INDEPENDENT AUDIT

Since Framingham does not currently have a charter, there is not an obvious starting point for drafting. Thus, after reviewing numerous successful municipal charters, we started with the basic structures from the Braintree and Weymouth charters, Newton's proposed revisions, and Framingham's own Town Manager Act to begin to build Framingham's draft. See the attachment.

We fully expect that this iterative process will take us numerous meetings to address each of these points (and others we have not thought of), make tentative proposals, seek public input, and still refine further. We also expect that decisions tentatively made in one section may and will need to be revisited based on decisions made in later sections. **To be clear, no vote should be considered final within a section or overall until the entire charter is reviewed and voted on as a whole at the end of this process.**

That said, we have attached a DISCUSSION DRAFT of the executive functions and related matters to focus and advance our conversation.

As discussed, it is our hope that members will review and decide upon this draft agenda at our meeting on August 8 to give each member the ability to inform the research and drafting process. We suggest that we postpone any votes on the substance of this matter until our next meeting, and votes on Article VI until our meeting with the School Committee on August 29.

Attachments:

Discussion Draft

Discussion Draft