

Article I: INCORPORATION; SHORT TITLE; DEFINITIONS

1. INCORPORATION

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

2. SHORT TITLE

This instrument shall be known and may be cited as the Town/City of Framingham Charter

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 council. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

4. POWERS OF THE TOWN/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 in this act.

5. CONSTRUCTION

The powers of Framingham under this charter are to be construed liberally in favor of the municipality, and the specific mention of any particular power is not intended to limit the general powers of the municipality as stated in section 1-4. To the extent that any provision of this charter shall conflict with any special act or general law adopted by the municipality to the contrary, the provision of this charter shall prevail.

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 their financing, jointly or in cooperation, by contract or otherwise, with the commonwealth or any agency or political subdivision of the commonwealth, or with the United States government or any of its agencies.

7. DEFINITIONS

Unless another meaning is 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:

“Charter”: this charter and any adopted amendments to it.

“Emergency”: a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

“Full council, full multiple-member body”: the entire authorized complement of the municipal council, school committee or other multiple-member body notwithstanding any vacancy which might exist.

“general laws”: laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities and towns of which Framingham is a member.

“General Laws”: 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.

“Initiative measure”: a measure proposed by the voters through the initiative process provided under this charter.

“Local newspaper”: a newspaper of general circulation within Framingham, with either a weekly or daily circulation.

“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.

“Measure”: any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the municipal council or the school committee.

“Multiple-member body”: any board, commission, committee, sub-committee or other body consisting of 2 or more persons whether elected, appointed or otherwise constituted, but not including the municipal council or the school committee.

“Organization or reorganization plan”: a plan submitted by the mayor to the municipal council which proposes a change in the organization of the administrative structure of the municipal government, or a change in the way in which a municipal service, or services are delivered.

“Quorum”: a majority of all members of a multiple-member body unless some other number is required by law or by ordinance.

“Referendum measure”, a measure adopted by the municipal council or the school committee that is protested under the referendum procedures of this charter.

“special acts”:

“Municipal or municipality”: the town/city of Framingham.

“Municipal agency”: any multiple-member body, any department, division or office of the town/city of Framingham.

“Municipal bulletin boards”: the bulletin board in the town/city hall on which the municipal clerk posts official notices of meetings and upon which other official municipal notices are posted, and the bulletin boards at any other locations that may be designated municipal bulletin boards by the council, and the official website of the municipality.

“Municipal officer”: when used without further qualification or description, a person having charge of an office, or department as defined in section 5, who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town/city.

“Voters”: registered voters of the town/city of Framingham.

Article V: EXECUTIVE BRANCH

1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION

- a. Mayor, Qualifications: The chief executive and administrative officer of the town/city shall be a mayor, elected by and from the voters of the town/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 business day of January following the regular municipal election at which elected and until a successor is qualified.
- c. Compensation: The 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 18 months of the term for which the mayor is elected and unless it provides that the salary is to become effective in January of the year following the next regular municipal election for mayor.
- 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 municipal office or municipal employment for which a salary or other emolument is payable from the municipal treasury. No former mayor shall hold any compensated appointed municipal office or municipal employment until one year after the date on which the former mayor's term of office has terminated.
- f. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of municipal employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

2. EXECUTIVE & ADMINISTRATIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive and administrative powers of the town/city shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several municipal 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 municipality to be enforced and shall cause a record of all official acts of the executive branch of the municipal government to be kept. The mayor shall exercise a general supervision and direction over all municipal agencies, unless otherwise provided by law, by the charter or by ordinance. Each municipal agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise that the mayor may request and that the needs of the office of mayor and the interest of the town/city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all municipal 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 town/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 town/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, an ex officio member of every multiple-member body of the town/city, and shall have a right, as an ex officio member, to attend any meeting of any multiple-member body of the town/city, at any time, including 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.

3. APPOINTMENTS BY THE MAYOR

- a) The mayor shall appoint, subject to the review of the appointments by the Council under Article II, all municipal officers, department directors, employees 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, the Housing Authority, and persons serving under the Council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms, excepting persons categorized as department directors who shall coterminous with the term of mayor. All persons categorized as department directors shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor 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.
- b) The mayor shall appoint such adhoc committees or working groups as the mayor deems appropriate to assist in the efficient, effective, judicious and responsive administration of the executive function including, but not limited to, a Capital Improvement Committee, Park and Recreation Commission, Police Civilian Advisory Committee.

4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

- a. Municipal Officers and Department Directors: The mayor may, in writing, remove or suspend any municipal officer or department director appointed by the mayor by filing a written statement with the municipal clerk, setting forth in detail the specific reasons for the 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 municipal officer or department director. The municipal officer or department director may make a written reply by filing a reply statement with the municipal clerk, within 10 days after the date the statement of the mayor has been filed, but this 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

municipal officer or department director shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the municipal clerk the notice of removal by the mayor.

- b. Other Municipal Employees: Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a department director may suspend or remove any assistant, subordinate or other employee of the agency for which that person is responsible under the procedures established for suspension and removal in the personnel ordinance. The decision of the department director to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department director has determined a suspension or removal is appropriate may seek review of this determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within 10 days after receipt of notice of this determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. 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 this suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review that may be provided by law.

5. TEMPORARY APPOINTMENTS TO TOWN/CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a municipal office and the needs of the municipality require that the office be filled, the mayor may designate the head of another municipal agency or a municipal officer or municipal employee, or some other person to perform the duties of the office on a temporary basis until 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 municipal 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 this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town/city of Framingham.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office essential to the performance of the duties of the office during the period of this temporary appointment. No temporary appointment shall be for more than 90 days, and not more than one 30-day extension of a temporary appointment may be made when a permanent vacancy exists in the office.

6. COMMUNICATIONS; SPECIAL MEETINGS

- a) Communications to the Council: Within 12 weeks after the start of each fiscal year the mayor shall submit to the Council and make available for public distribution a complete report on the financial and administrative activities of the municipality for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the Council for its consideration such measures as, in the judgment of the mayor, the needs of the town/city require. The mayor shall, from time to time throughout the year by written communications, but no less than once per fiscal quarter, keep the council fully informed of the financial and administrative condition of the town/city and shall specifically indicate in these reports any fiscal, financial or administrative problems of the town/city.
- b) Special Meetings of the Council: The mayor may at any time call a special meeting of the council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the council. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 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 immediately be posted on the town/city bulletin board.

7. APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the council relative to the affairs of the town/city, except memorial resolutions, the selection of town/city officers by the council and any matters relating to the internal affairs of the 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 to it, in writing, to the council. The council shall enter the objections of the mayor on its records, and, not sooner than 10 days, nor later than 30 days after the date of its return to the council, shall again consider the same measure. If the council, notwithstanding the 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 considered in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the council within 10 days after the date it was presented to the mayor, the measure shall be considered approved and in force.

8. TEMPORARY ABSENCE OF THE MAYOR

- a) Acting Mayor: Whenever, by reason of sickness, absence from the town/city or other cause, the mayor shall by his own decision be unable to perform the duties of the office for a period of more than 10 successive days, the Chair of the council shall be the acting mayor. In the event that the Chair chooses not to serve or is unable to serve, the council shall elect one of its members to serve as acting mayor.

The mayor shall, by a letter filed with the council and a copy filed with the town/city clerk, designate a qualified officer or employee to serve as acting mayor during the temporary absence of the mayor for periods of less than 10 successive days and to serve only when the needs of the town/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 that are essential to the conduct of the business of the town/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 town/city service unless the disability of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the 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 council is serving as acting mayor, that councilor shall not vote as a member of the council.

9. DELEGATION OF AUTHORITY BY MAYOR

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

10. VACANCY IN OFFICE OF MAYOR

- a) Special Election: If a vacancy in the office of mayor occurs during the first three years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the council shall immediately, in the manner provided in section 7-1, order a special election to be held not less than 95 nor more than 100 days after the date the vacancy is created, to fill that vacancy for the balance of the then unexpired term. If a regular municipal election is to be held within 120 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular municipal election.
- b) Council Election: If a vacancy in the office of mayor occurs in the fourth year of the term for which the mayor is elected, whether by reason of death, designation, removal from office, or otherwise, the chair of the council shall become the mayor, provided, however, that if the Council chair chooses not to serve or is unable to serve, the council shall elect another member of the council to serve as mayor. Upon the qualification of the chair of the council or other councilor chosen to serve as the mayor under this section, a vacancy shall exist in that council seat on the council and shall be filled in the manner provided in section 2-11. The council chair or other councilor serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of

section 3-1(a), nor shall such person be entitled to have the words “candidate for re-election” printed against their name on the election ballot.

- c) Powers, Term of Office: The mayor elected under Section 3-10 (a) or (b) shall have all the powers of the mayor. A person elected under subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen under subsection (b), above, shall serve until the time of the next regular municipal 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.

11. STRATEGIC PLANNING

a) Master Plan:

- i. Content—There shall be a master plan containing the plan elements described in section 81D of chapter 41 of the General Laws; provided however, that the town/city may also undertake planning activities relating to particular services or specific geographic areas within the city as the mayor or city council shall determine.
- ii. Adoption—Within two years of the swearing in of a new mayor and not less frequently than every 8 years, the mayor shall submit a comprehensive plan, including the recommendations from the planning and development board, to the city council for adoption with or without amendments.

b) Long Range Plan:

- i. The Mayor shall prepare or update in conjunction with department heads, boards of the city/town, the Council, and residents a long range plan every 10 years. The long range plan shall address financial, service, and infrastructure needs of the town and shall be coordinated with the findings and recommendations of any master plan then in effect.

Article VI: SCHOOL DEPARTMENT

SECTION 1-1: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee which shall consist of ___ members. Nine of these members shall be nominated and elected by district. The mayor shall serve, by virtue of office, as the ___ member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) Term of Office - The term of office for the ___ school committee members elected by the voters shall be for ___ years each, beginning on the first business 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 an equal number of members as is possible shall be filled at each regular municipal election.

(c) Eligibility - A school committee member shall at the time of election be a voter. If a school committee member removes from the town/city during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV.

SECTION 1-2: SCHOOL COMMITTEE CHAIR

(a) Election and Term - As soon as practicable after the school committee members-elect have been qualified following each regular municipal election, under section ????, the school committee shall organize by electing 1 of the persons elected to the office of school committee member to serve as school committee chair and 1 of the persons elected to the office of school committee member to serve as school committee vice-chair until the next regular municipal election, provided, however, that the mayor shall be ineligible to serve as chair.

(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 1-3: PROHIBITIONS

No member of the school committee shall hold any school department office for which a salary or other emolument is payable from the municipal treasury. No former member of the school committee shall hold any compensated school department office until 1 year after the date on which the member's service on the school committee has terminated.

SECTION 1-4: COMPENSATION, EXPENSES

(a) Salary - The members of the school committee shall ...

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

SECTION 1-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

- (1) To appoint 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 and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in section 59 of chapter 71 of the General Laws;
- (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 considered necessary or desirable;
- (3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the 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, but the council may, by ordinance, provide for the establishment of a central municipal maintenance department which may, subject to the approval of the school committee, 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 1 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 the new, remodeled or renovated school building is delegated.

SECTION 1-6: FILLING OF VACANCIES

(a) Runner-Up to Succeed to Office - If a vacancy shall occur in the office of school committee member, the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve and if that person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of school committee member at that election. The municipal clerk shall certify this candidate to the office of school committee member to serve for the balance of the then unexpired term, but, if the vacancy occurs during the first 18 months of the term for which school committee members are elected, the person so chosen shall serve only until the next regular municipal election at which election the remainder of the term shall be filled by the voters. Persons serving as school committee members who are

not elected by the voters, shall not be entitled to have the words “candidate for reelection” printed against their names on the ensuing election ballot.

If a vacancy shall occur in the office of school committee member during the last 6 months of the term, the seat shall remain vacant until filled by the person at the next regular municipal election who receives the highest number of votes for the vacant district school committee member and who is not then serving as a member of the school committee. That person shall immediately be sworn to office and shall serve for the last 2 months of the concluding term in addition to the term for which that person was elected.

(b) Filling of Vacancies By School Committee - Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill the vacancy in the manner provided in section 4-6 (a), the vacancy shall be filled by the remaining members of the school committee. Persons appointed to fill a vacancy by the school committee shall serve only until the next regular municipal election at which time the vacancy shall be filled by the voters and the person elected to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members who are not elected by the voters, shall not be entitled to have the words “candidate for reelection” printed against their names on the ensuing election ballot.

Article VII: FINANCE AND FISCAL PROCEDURES

1. FISCAL YEAR

The fiscal year of the municipality 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.

2. SCHOOL COMMITTEE BUDGET

- a) Public Hearing: The school committee shall hold a public hearing on the school committee budget. {Collins Center will provide a few choices – perhaps Everett and Northampton -- and may have categories of expenditures – increase over prior year, and explanation for increase rather than the amount of documentation proposed here. }
- b) Submission to Mayor: The proposed budget adopted by the school committee shall be submitted to the mayor at least 21 days before the date the mayor is required to submit a proposed municipal budget to the council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total municipal operating budget the mayor is required to submit to the council under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

3. SUBMISSION OF BUDGET AND BUDGET MESSAGE

Not later than 60 days before the start of the municipal's fiscal year, 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 the entire document on the municipal bulletin board. The summary shall specifically indicate any major variations from the current operating budget and the reason for these changes.

4. BUDGET MESSAGE

The budget message of the mayor shall explain the budget for all municipal agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the municipality 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 these changes, summarize the municipal's debt position and include other material that the mayor considers desirable, or that may be required by the provisions of a municipal ordinance.

5. THE BUDGET

The proposed operating budget shall provide a complete financial plan for all municipal funds and municipal activities for the ensuing fiscal year. Except as may otherwise be

required by general law, or this charter, it shall be in the form that the mayor considers desirable or that a municipal ordinance may require. In the presentation of the budget, the mayor shall use 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 fiscal year. The budget shall be arranged to show the actual income and expenditures for the previous three fiscal years and the estimated income and expenditures for the current and ensuing fiscal years and shall indicate in separate sections:

- Proposed expenditures for current operations during the ensuing fiscal year, detailed by municipal agency and position, in terms of work programs, and the method of financing such expenditures;
- Proposed capital expenditures during the ensuing fiscal year, detailed by municipal agency, and the proposed method of financing each capital expenditure;
- The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-10; and,
- 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.

6. ACTION ON THE BUDGET

- a) Public Hearing: Immediately upon its receipt of the proposed operating budget, the council shall refer the budget to the council's sub-committee on Finance. The Finance sub-committee shall hold a public hearing on the proposed operating budget, providing no less than 10 days' notice of such hearing. The sub-committee will thoroughly review the budget making a presentation and recommendation to the full council within 21 days.
- b) Finance sub-committee: The Finance sub-committee shall consider any or all questions which it deems appropriate for the purpose of considering the budget. It shall have authority at any time to investigate the books, accounts, and management of any department of the municipality and to require officers and employees of the municipality to appear before it and to provide information. With the approval of the full council, the Finance sub-committee may employ such expert and other assistance as it may deem advisable for the foregoing purpose. The books and accounts of all departments and officers of the municipality shall be open to the inspection of the sub-committee and of any persons designated by it for that purpose. The sub-committee may appoint working groups of its members and delegate to them such of its powers as it deems expedient.
- c) Review: The council shall consider the budget in open public meetings after hearing a report from the Mayor and Finance sub-committee. The council may require the mayor, or any other municipal agency, to furnish such additional information as it may consider necessary to assist in its review and consideration of the proposed operating budget.
- d) Action by Council: The council shall adopt the budget, with or without amendments, within 21 days after the day the proposed budget was reported out by its Finance sub-committee. In amending the budget, the council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the council shall

have no authority to add programs or increase amounts. If the council fails to take any action with respect to any item in the proposed budget within the 21 day period that amount shall, without any action by the council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

7. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Whenever the mayor shall submit to the 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 council shall not act upon the request until it has (1) been reviewed by the Finance sub-committee, (2) been posted on the municipal bulletin board for a minimum of ____ days and (3) held a public hearing concerning the request. The publication of the notice and the public hearing shall be in conformity with section {??} concerning the proposed annual operating budget.

8. ALLOTMENTS

On or before August first of each year, or within 10 days after the approval by the council and the mayor of the annual appropriation order for the fiscal year, whichever shall occur later, the municipal officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the director of municipal finance, with a copy to the municipal clerk, in a form that the director of municipal finance may prescribe, an allotment schedule of the appropriations of all personnel categories included in the budget, indicating the amounts to be expended by the department or agency for those purposes during each of the fiscal quarters of the fiscal year, or such shorter time periods as the mayor or director of municipal finance, may prescribe. Whenever the director of municipal finance determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to this effect to the department director, the mayor, the municipal solicitor, and the municipal clerk who shall immediately transmit the notice to the council. Upon this determination and notice of it, the director of municipal finance shall provide these officers with additional reports on at least a monthly basis indicating the status of these accounts.

The mayor, within 7 days after receiving this notice, shall determine whether to waive or enforce the allotment. If the allotment for the period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for the period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the period. All actions, notices, and decisions provided for in this section shall be transmitted to the council and the municipal clerk within 7 days. No personnel expenses earned or accrued, within any department, shall be charged to or paid for that department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other

personnel expenses is not approved in a period where a department director has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the municipality shall have no obligation to pay the personnel cost or expense arising after the allotment or appropriation has been exhausted.

9. PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS

No official of the town/city of Framingham, except in the case of an emergency involving the health and safety of the people, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the municipality in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that [section 31 of chapter 44](#) of the General Laws shall be fully adopted and strictly enforced. Any official who violates this section shall be personally liable to the municipality for any amounts so expended to the extent the municipality does not recover these amounts from the person to whom the sums were paid.

10. CAPITAL IMPROVEMENT PROGRAM

The mayor shall submit a capital improvement program to the council at least 120 days before the start of each fiscal year. It shall include:

- a clear and concise general summary of its contents;
- a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
- cost estimates, methods of financing and recommended time schedules for each improvement; and,
- 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.

11. INDEPENDENT AUDIT

The council shall annually provide for an outside audit of the books and accounts of the municipality to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the municipality or any of its officers. The mayor shall annually provide to the council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the council. The award of a contract to audit shall be made by the council, on the recommendation of its Finance sub-committee on or before September fifteenth of each year. The Finance sub-committee shall coordinate the work of the individual or firm selected with municipal officials. The report of the audit shall be filed in final form with the council and the Finance committee, and posted on the municipal bulletin board not later than March first in the year following its award.