

Article V: ADMINISTRATIVE ORGANIZATION

1. ORGANIZATION OF MUNICIPAL AGENCIES

The organization of the municipality into operating agencies for the provision of services and the administration of the government may be accomplished only through an organization, or reorganization, plan filed by the mayor. No organization plan may originate with the council. The mayor may, subject only to express prohibitions in a general law, or this charter, propose to reorganize, consolidate or abolish any municipal agency, in whole or in part; or establish any new agencies that the mayor considers necessary, but no function assigned by this charter to a particular agency may be discontinued or assigned to any other municipal agency except by an organizational plan or re-organization plan. The mayor may from time to time prepare and submit to the council plans of organization or reorganization that establish operating divisions for the orderly, efficient or convenient conduct of the business of the municipality. Every organization or reorganization plan submitted by the mayor under this provision shall contain a proposed ordinance which sets out, in detail, the amendments, insertions, revisions, repeals or otherwise of existing ordinances that may be necessary to accomplish the desired reorganization. The reorganization plan and proposed ordinance shall be accompanied by a message of the mayor that explains the benefits expected to ensue.

Whenever the mayor proposes such a plan, the council shall give notice by publication in a local newspaper and hold 1 or more public hearings on the proposal. The notice in the local newspaper shall describe the scope of the proposal, the time and place at which the public hearing will be held, not less than 7 nor more than 14 days after the publication. The proposed plan shall also be available in the office of the clerk, the public library, and on the municipal bulletin board. An organization or reorganization plan shall become effective at the expiration of 60 days after the date the proposal is submitted to the full council by a roll call vote unless the council shall, by a majority vote, within that period vote to disapprove the plan, or shall sooner vote to approve it. The council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

2. MERIT PRINCIPLE

All appointments and promotions of municipal officers and employees shall be made on the basis of merit and fitness demonstrated by education, examination, past performance, or by other evidence of competence and suitability.

3. ADMINISTRATION AND FINANCE DIVISION

(a) Establishment, Scope - There shall be an administration and finance division responsible for the performance of administrative, fiscal and financial activities of Framingham. Said functions shall be organized as departments within the division. The finance division shall assume all of the duties and responsibilities related to fiscal and financial activities which prior to the adoption of the home rule charter were performed by or under the authority of the finance division, unless otherwise provided for by this charter, including the town accountant, the town treasurer-collector, the chief procurement officer, and the board of assessors. The administrative and finance division shall also include the

functions/departments of technology services and the media services. The administration and finance division may have such additional powers, duties and responsibilities with respect to administrative and fiscal functions as may from time to time be provided by ordinance.

(b) Chief Financial Officer (CFO)/Director of Administration and Finance - The CFO/Director of Administration and Finance shall be appointed by the mayor and shall be especially suited by education, training and experience to perform the duties of the office. Said director shall devote full time to the duties of this position and shall not engage in any other business or occupation during his or her term except as permitted herein. Said director shall serve coterminous with the mayor and may also be appointed by the mayor to serve concurrently as the head of one of the departments into which the administration and finance division is organized.

4. DIVISION OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

(a) Establishment, Scope- There shall be a division of planning, community and economic development responsible for the coordination of all the planning, community and economic development related activities of the municipality. This division shall be responsible for the coordination of all of the duties and responsibilities related to planning, community and economic development activities which prior to the adoption of the home rule charter were performed by or under the authority of the community and economic development department, as well as the planning board and conservation commission; and it may have such additional powers, duties and responsibilities with respect to the coordination of planning, community and economic development related functions and activities as the municipality may from time to time provide, by ordinance, and which may include the coordination of all land acquisition and land management proposals, economic development planning, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

(b) Director of Planning, Community and Economic Development-The division of planning, community and economic development shall be under the direct control and supervision of a director of planning, community and economic development who shall be appointed by and who shall be responsible to the mayor. The director shall be a person especially fitted by education, experience and training to perform the duties of the office. The director shall be responsible for the supervision and coordination of all activities of the division of planning, community, and economic development in accordance with general laws, ordinances, and rules and regulations.

5. BOARD OF LICENSE COMMISSIONERS

There shall be a board of license commissioners which shall have the power to issue licenses for innholders or common victuallers, the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, be the licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of licensing commissioners may grant licenses relating to alcoholic beverages under chapter 138 of the General Laws and those licenses under chapter 140 of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

The board of license commissioners shall consist of five residents appointed by the mayor. Such appointed members shall serve for 3 year terms. No person while a member of the board of license commissioners shall have any financial interest, direct or indirect, in the sale or distribution of alcoholic beverages in any form.

The municipal clerk, the inspector of buildings, the director of public health, the fire chief and the police chief (or persons performing similar duties under any other title) shall be advisory to board of license commissioners.

6. TRAFFIC COMMISSION

(a) Establishment, Scope. Until such time as provided otherwise by paragraph (a) of section 1 of this Article, there shall be a traffic commission which shall consist of the police chief, the fire chief, the director of public works, the superintendent of schools, or each of their designees, and four residents: one from the business community, one from the downtown area (defined as the area within a one mile radius of the intersection of Routes 126 and 135), and two residents at-large. All resident members shall be appointed by the mayor. Such appointed members shall serve for 3 year terms.

Upon its organization, the members shall appoint a chair and vice-chair from the commission membership to serve for a 1 year term; such municipal officers may be selected to serve successive terms as the commission membership shall determine by majority vote. The commission shall determine the schedule and frequency of its meetings, but shall meet no less often than quarterly. The commission shall adhere to the provisions as appearing in Article VII, section 7. Special meetings may be called by the chair as the chair deems necessary. The officer or employee appointed as parking clerk in accordance with the laws of the commonwealth shall serve as clerk to the traffic commission.

(b) Powers and Duties. The traffic commission shall have exclusive authority, except as otherwise provided by this charter, to adopt, amend, alter, and repeal rules and regulations, not inconsistent with the General Laws, relative to vehicular traffic in the municipality, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the municipality, including

rules and regulations, designating any way or part thereof under said control as a through way under and subject to the provisions of section 9 of chapter 89 of the General Laws, designation of “traffic safety zones”, so called, approving curb cuts, and may prescribe penalties for violation of any rule or regulation adopted hereunder. Nothing in this section shall be construed to authorize the commission to adopt any rule or regulation to modify or limit any power or authority of the Massachusetts Bay Transportation Authority from any way or part thereof in which it has a route, the state department of transportation or the state department of telecommunications and energy, or their successor agencies, or any power vested in the mayor, council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

All rules and regulations promulgated by authorized vote of the traffic and parking commission, except temporary or emergency rules and regulations promulgated for less than thirty days, shall become effective on the 30th day following the day on which notice of proposed rule or regulation is filed with the council, unless the council shall within such period by majority of the full council vote to reject such rule or regulation or has sooner voted to affirm it. Upon passage of any rule or regulation by the traffic and parking commission, said rule or regulation shall be published in at least one newspaper of general circulation in the municipality, and shall be posted on the municipal bulletin board.

Ten residents of the municipality, who are eighteen years of age or older, may petition the traffic commission relating to any rule or regulation adopted or proposed to be adopted, provided the rule or regulation has not been in effect for a period no longer than ninety days. The traffic commission shall hold a public hearing thereon within thirty days after the filing with the traffic commission of such petition.

If a public hearing shall be held on any proposed rule or regulation, the proposed rule or regulation shall not be adopted until the public hearing has been concluded. After the public hearing has been held, any vote on the subject matter must be passed by a majority of the full membership on the traffic and parking commission.

All rules and regulations adopted after any public hearing shall be published in a least one newspaper of general circulation in the municipality and shall be posted on the municipal bulletin board.

All existing ordinances and regulations, in effect at the time this charter is adopted relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission.

7. OTHER DIVISIONS

The following divisions operating at the time the charter is adopted, to the extent not altered by this charter shall be recognized as divisions for the purpose of this charter: parks, recreation & culture; fire; police; human resources; inspectional services; public health; capital projects & facilities management; public works; library; and cemetery.