

Article I

General Provisions Applicable to All Positions and Multiple-member Bodies

Article I: General Provisions Applicable to All Positions and Multiple-member Bodies

Section 1. Definitions¹

1.1 Words and Phrases

Unless another meaning is provided in a specific section of these ordinances or is apparent from the manner in which the word or phrase is used, the following words and phrases as used in these ordinances shall have the following meanings:

“Charter”: Framingham Home Rule Charter and any adopted amendments to it.

“Department Director”: any official responsible for running a department of the municipality who reports to a Division Head.

“Division Head”: any official who manages department directors or who reports directly to the mayor.

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

“Ex-Officio”: by virtue or because of an office without the right to vote.

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

“General Laws” or “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.

“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, or, except with regard to publication required by general law, local media website.

“Majority vote”: when used in connection with a meeting of the council, school committee or a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by general law or ordinance.

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

“Municipal or municipality”: the City of Framingham.

“Municipal agency”: any multiple-member body, department, division or office of the City of Framingham, but not including the council or school committee.

“Municipal bulletin board”: a bulletin board, including an electronic monitor, on which the city clerk posts official notices of meetings and upon which other official municipal notices are posted, and any other bulletin boards, including electronic monitors, at any other locations that may be designated municipal bulletin boards by the council, and the official website of the municipality.

“Municipal Notification List”: A notification list that residents may voluntarily join, maintained by the citizen participation officer, to inform residents of upcoming meetings, employment or vendor opportunities, municipal activities or other timely information by automatic electronic means.

“Municipal officer”: when used without further qualification or description, a person having charge of an office in accordance with Article II, Section 1.10, or who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the municipality.

“Multiple-member body”: any board, commission, committee, subcommittee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the council, the school committee, or executive ad hoc or working groups advisory to the mayor.

“Ordinance”: any rule, law or regulation adopted by the municipality in accordance with this charter.

¹ Text from Charter Article I, Section 7

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“Organization plan” or “reorganization plan”: a plan submitted by the mayor to the council which proposes the abolition or consolidation of one or more municipal agencies, including the reassignment of functions from one agency to another, or the establishment of one or more new municipal agencies as deemed necessary to deliver one or more municipal services.

“Posted on the municipal bulletin board”: the placing of an item, on paper or in electronic format, on the municipal bulletin board in order to provide notice to the public until the period of notice has expired or fourteen days, whichever is longer. Large posts may be limited to the first page with a note that the entire document is available on location for inspection.

“Quorum”: a majority of the full multiple-member body, full council or full school committee unless some other number is required by applicable law or by ordinance.

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

“Resolution”: a formal expression of opinion or a ceremonial declaration voted by the council not requiring the signature of the mayor and having no force of law.

“Salary”: total compensation or other emolument payable from the municipal treasury for services, including, but not limited to, payment for benefits, incentives, bonuses or expenses.

“Stipend”: a fixed sum of money paid periodically for services or to defray expenses, not including any other form of compensation.

“Special act”: a law enacted by the state legislature which applies only to Framingham.

“Voter”: registered voter of the City of Framingham.

1.2 Number and Gender²

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. Any reference to the masculine gender is intended to include the feminine, and any reference to the feminine gender is intended to include the masculine.

1.3 References to General Laws³

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to those chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

1.4 Computation of Time⁴

In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be included; when the period is seven (7) days or more, every day shall be counted.

Section 2. Elected Officials, Municipal Officers, and Multiple-Member Bodies

2.1 The elected officials in the City pursuant to the Charter shall be the Mayor, At-Large- and District-Councilors, School Committee members, Library Trustees, and Cemetery Trustees, elected as described in Section 2.3.1 below, and the appointed multiple-member bodies as set forth in Section 2.3.4 below. Any registered voter of Framingham shall be eligible to hold any of these municipal offices.

2.2 The City shall have appointed positions that are considered a Division Head, Department Director, and other appointed staff positions.

² Text from Charter Article IX, Section 8

³ Text from Charter Article IX, Section 9

⁴ Text from Charter Article IX, Section 10

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Whenever a vacancy occurs, or is about to occur, in any municipal employment, except for positions covered by the civil service law, the appointing authority shall immediately cause public notice of the vacancy, or impending vacancy, to be posted on the municipal bulletin board for a period of not less than fourteen (14) days. Any person who desires to be considered for employment may file with the appointing authority a statement in clear and specific terms setting forth the person's qualifications for the position. No permanent employment shall be effective until at least fourteen (14) days have elapsed following the posting.⁵

The following positions appointed by the indicated authority for the stated terms are considered Municipal Officers of the City, and, the positions in section 2.2.1 with an asterisk (*) after the title are considered "Designated Municipal Officers" for purposes of the ethics reporting requirements of Section 11 herein, unless indicated otherwise.

All appointments and promotions 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 experience to perform the duties of the office or position for which chosen.⁶

2.2.1 Division Heads

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Administration and Finance/ Chief Financial Officer *	mayor	Coterminous with mayor
Cemetery Director	mayor, as recommended by the Cemetery Trustees	Three Years
Chief of Police	mayor subject to review by council	Three Years
Chief Operating Officer *	mayor	Coterminous with mayor
Citizen Participation Officer (new)	mayor subject to review by council	Coterminous with mayor
City Solicitor	mayor	Coterminous with mayor
Director of Capital Project & Facilities Management	mayor subject to review by council	Three Years
Director of Human Resources	mayor subject to review by council	Three Years
Director of Inspectional Services/ Building Commissioner	mayor subject to review by council	Three Years
Director of Parks and Recreation	mayor subject to review by council	Three Years
Director of Planning and Community Development	mayor subject to review by council	Three Years
Director of Public Health	mayor subject to review by council	Three Years

⁵ Text of Charter Article IX, Section 14
⁶ Text of Charter Article III, Section 3(a)

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<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Director of Public Works *	mayor subject to review by council	Three Years
Fire Chief	mayor subject to review by council	Three Years
Library Director	mayor, as recommended by the Library Trustees	Three Years
Housing Authority Executive Director	Housing Authority	Three Years
Superintendent of Schools	School Committee	By contract pursuant to G.L. c. 71, §41

2.2.2 Department Directors

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Callahan Senior Center Director	mayor	Three Years
Chief Assessor	mayor	Three Years
Chief Procurement Officer *	mayor	Three Years
City Accountant	mayor	Three Years
Director of Media Services	mayor	Three Years
Director of Technology Services	mayor	Three Years
City-Owned Buildings Director	Mayor	Three Years
Treasurer-Collector	Mayor	Three Years
Veterans Benefits and Services Director	mayor	Three Years

2.2.3 Other Municipal Officers

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Animal Control Officer	Police Chief	Indefinite
Assistant City Clerk	City Clerk subject to review by council	Coterminous with City Clerk
Auditor	council	Indefinite
City Clerk	council	Indefinite
City Engineer	Public Works Division Head	Indefinite
Licensing Administrator	Board of License Commissioners	Indefinite
Sealer of Weights and Measures	Inspectional Services Division Head	Indefinite
Secretary of the Council	council	Indefinite

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2.2.4 Other Staff Positions

The following positions appointed by the indicated authority, subject to the consent of the Mayor, for the stated terms and are not considered Municipal Officers of the City.

<u>Position</u>	<u>Appointing Authority</u>	<u>Term of Office</u>
Assistant Town Engineer	Public Works Division Head	Indefinite
Conservation Administrator	Planning and Economic Development Division Head	Indefinite
Constables	mayor	Indefinite
Director of Emergency Management (Not a separate position)	mayor	Indefinite See Article V, Section 4
Fair Housing Officer	Human Resources Division Head	Indefinite
Fence Viewer (2) – MGL Ch.49, Sec.1	Inspectional Services Division Head	Indefinite
Historian (Not a paid position)	mayor	Indefinite
Human Services Policy and Program Coordinator	Human Resources Division Head	Indefinite
Insect Pest Control Officer	Public Health Division Head	Indefinite
Planning Board Administrator	Planning and Economic Development Division Head	Indefinite
Tree Warden	Public Works Division Head	Indefinite

2.3 The City shall have municipal officials and multiple-member bodies that are elected or appointed. The mayor is an Ex Officio member of every multiple-member body with the right to attend and participate in any meeting at any time, including executive sessions. The mayor is also an Ex Officio member of the School Committee, but shall only vote to break a tie and is ineligible to serve as the School Committee’s chair, vice-chair or clerk.

2.3.1 The following municipal officials are elected with the indicated number of members for the stated terms and each with an asterisk (*) after the title is considered “Designated Municipal Officers” for purposes of the ethics reporting requirements of Section 11 herein:

<u>Municipal Official</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Number Elected/Election Year</u>
Mayor *	1	4 years	One at 1 election Zero in next election
At-large Councilors *	Two	Four Years	Two at 1 election Zero in next election
District Councilors *	Nine	Two Years	Nine in each election
Library Trustees	Twelve	Four Years	Six in 1 elections Six in next election

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<u>Municipal Official</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Number Elected/Election Year</u>
Cemetery Trustees (Trustees of the Edgell Grove Cemetery and other municipal cemeteries)	Five	Four Years	Three in 1 elections Two in next election
School Committee *	Nine	Two Years	Nine in each election

2.3.2 Stipends or Salary for Elected Officials

No elected official in Section 2.3.1 above, shall receive a stipend, salary or emolument payable from the municipal treasury for performance of the duties for which that person was elected with the exception of the mayor, Councilors and School Committee Members. The mayor shall receive an annual of salary as the annual salary for the position as town manager as of December 31, 2016⁷ or \$187,679, and Councilors and School Committee members shall each receive an annual stipend of \$5,000, with each of their respective chairs receiving an annual stipend of \$7,500. Subject to appropriation by the council, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.⁸

2.4 The following public bodies are appointed with the members appointed by the indicated authority for the stated terms. All appointments to multiple-member bodies, with the exception of the board of assessors, must be residents of Framingham. The appointing authority shall strive to the extent practicable to seek appointees to such committees, boards, commissions and/or offices from the entire town, reflecting both demographic and geographic diversity of membership.⁹

<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	Three Years	mayor subject to review by council	Two in two years
	Up to four alternates	Three Years		One in one year See Art. II, Sec. 24
Bicycle and Pedestrian Advisory Committee	Seven	Three Years	mayor subject to review by council	Three in 2 years One in 1 year
Board of Assessors	Three (Framingham residency not required)	Three Years	mayor, subject to review by council	One in 3 years
Board of Health – G.L. c. 111, §26	Three	Three Years	mayor subject to review by council	One per year
Board of Licensing Commissioners (Article II, Section 29)	Five w/Chair, Vice Chair and Clerk designated by mayor from members	Three Years	mayor subject to review by council	Two in 2 years One in 1 year

⁷ Text from Charter Article X, Section 7(k)

⁸ Text from Charter Article II, Section 4(b) and Article III, Section 1(d)

⁹ Text adapted from Charter Article III, Section 3(b)

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<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Cable Advisory Committee	Five	Three Years	mayor	Two in 2 years One in 1 year
Capital Improvement Committee	Five	Three Years	mayor subject to review by council	
Charter Review Committee	Eleven members	See Article IX, Section 5 of Charter	mayor council school committee	Five in years ending in 3 Three in years ending in 3 Three in years ending in 3
Community Development Committee	Seven	Three Years	mayor subject to review by council	Three in 1 year Two in 2 years
Conservation Commission	Seven	Three Years	mayor subject to review by council	Two in 2 years Three in 1 year
Council on Aging	Seven to Eleven	Three Years	mayor subject to review by council	See Art. II, Sec 13
Cultural Council	Five to Twenty-Two	Three Years (maximum of six consecutive years)	mayor subject to review by council	2-8 in 1 year 2-7 in 1 year 1-7 in 1 year
Cushing Memorial Chapel Advisory Committee	Eight Residents, One from FHC	Three Years Three Years	mayor subject to review by council mayor subject to review by council	Three in 2 years Two in 1 years One in 1 year
	Dir. Facilities Management	--	--	--
Disability Commission	Nine	Three Years (see Article II, Section 23)	mayor subject to review by council	Three
Economic Development and Industrial Corporation	Seven	Three Years	mayor subject to review by council	See Chapter 124 of the Acts of 1995
Elderly & Disabled Tax Fund Committee (see G.L. c. 60, §3D)	Three Treasurer Chief Assessor	Three Years (was Indefinite) -- --	mayor subject to review by council -- --	One in 3 years -- --
Fair Housing Committee	Nine	Three Years	mayor subject to review by council	Three in 3 years Three in 1 year

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<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
				One in 1 year
	One representative from Community Development	One Year	mayor subject to review by council	One in 1 year
	Three representatives from Housing Authority	One Year	Housing Authority	Three in 1 year
Framingham Emergency Management Agency (FrEMA)	As necessary	Three years	mayor subject to review by council	See Article V, Section 4
Historical Commission	Minimum Three, Maximum Seven	Three Years	mayor subject to review by council	Approximately One-Third
Historic District Commission	Seven Members	Three Years	mayor subject to review by council	Two in 2 years Three in 1 year
	Up to Five Alternate members	One Year	mayor subject to review by council	Up to Five in 1 year
Housing Authority (previously elected) (see G.L. c. 121B, §5)	Four	Five Years	mayor subject to review by council	One in 1 st year (2018) One, who is a tenant, in 2 nd year (2019) Zero in 2020 (appointment year for DHCD member) One in 4 th year (2021) One in 5 th year (2022), and thereafter, as terms of mayoral appointments expire
	One	Five Years	DHCD (or mayor subject to review by council if DHCD does not appoint a member within 120 days of when vacancy is created in position)	One in 3 rd year (2020), and thereafter as term of DHCD appointment expires

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<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Human Relations Commission	Thirteen	Three Years	mayor subject to review by council	Five in 1 year; Four in 2 years
Keefe Regional Vocational School Committee	Eight	Three years	mayor subject to review by council	Three in 2 years Two in 1 year *subject to transition provision of Article X, Section 7(b) of the Charter
Local Emergency Planning Committee (LEPC)	As necessary	Three years	mayor subject to review by council	See Article V, Section 4
Loring Arena Committee	Seven	Three years	mayor subject to review by Council	Three in 1 years Two in 2 years
Metrowest Area Planning Council	One	One year	Mayor subject to review by Council	One year
Ordinance Recodification Committee	Nine members	See Article IX, Section 6 of the Charter	mayor council	Five members in years ending in 5 or 0 Four members in years ending in 5 or 0
Park and Recreation Commission	Five	Three years	mayor subject to review by council	Two in 2 years One in 1 year
Planning Board (previously elected)	Five	Three years	mayor subject to review by council	Two in 2 years One in 1 year
Planning Board Associate Member	One	One	mayor subject to review by council	As needed
Police Advisory Committee	Seven	Three years	mayor subject to review by council	Two in 2 years Three in 1 year
Registrar of Voters (See G.L. c. 51, §15)	Three	Three Years	mayor subject to review by Council	Two in 1 year One in 1 years Maintaining balance of two leading political parties
Retirement Board (see G.L. c. 32, §20)	City Clerk	--	--	--
	City Auditor	--	--	--
	One	Three Years	mayor subject to review by council	

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<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
	Two	Three Years	Elected by Retirement System Members and Retirees	One in 2 years Zero in 1 year
	One (not a City employee, retiree or official)	Three Years	Appointed by Other Four Retirement Board Members	One in 1 year
Sign Review Board (see Section 1.12 of Sign Bylaw)	Three	From ZBA Associate Members	mayor subject to review by council	--
Strategic Initiative & Financial Oversight Committee (Article II, Section 9)	Nine (one of mayoral appointments designated as chair)	Three Years Three Years Three Years	council School Committee mayor	One in 3 years One in 3 years One in 3 years
Traffic Commissioners (Article II, Section 10)	Four residents from designated areas of the City	Three Years	mayor (Chair and vice chair appointed by commission members)	One in 2 years Two in 1 year
	Police Chief	--	--	--
	Fire Chief	--	--	--
	Public Works	--	--	--
	Director	--	--	--
	Superintendent of Schools	--	--	--
Veteran Council	Seven	Three years	mayor subject to review by council	Two in 2 years Three in 1 year
	FSU Rep	Three years	mayor subject to review by council	One in 1 year
	MassBay CC Rep	Three years	mayor subject to review by council	One in 1 year
	VSO	--	--	--
Youth Council	Thirteen	Three years	11 nominated by each councilor and ratified by council 2 appointed by mayor	
Zoning Board of Appeals	Three	Three Years	mayor subject to review by council	One

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<u>Board</u>	<u>Number of Members</u>	<u>Term of Office</u>	<u>Appointing Authority</u>	<u>Number Appointed/Yr.</u>
Zoning Board of Appeals Associate Members	Four	One Year	mayor subject to review by council	Four

2.5 All appointments shall be in accordance with the Charter and any applicable Personnel Ordinance, and shall be for an indefinite period unless otherwise stated in these Ordinances or in the General Laws of the Commonwealth of Massachusetts.

All employees of multiple-member bodies shall be appointed by the mayor, unless otherwise stated in these Ordinances or in the General Laws of the Commonwealth of Massachusetts.

Except as stated above or in the following, all employees of the City shall be appointed by a Division Head or Department Director, subject to the consent of the mayor.

Employees of the following governmental bodies shall be appointed by the indicated authority:

<u>Body Name</u>	<u>Appointing Authority</u>
Library	Library Division Head, subject to the consent of the mayor
Cemetery	Cemetery Division Head, subject to the consent of the mayor
Housing Authority	Housing Authority, subject to the consent of the mayor
School Department	Superintendent of Schools on behalf of the School Committee
School Department - specially designated positions	School Committee

Section 3. Office Hours and Meeting Times

- 3.1** All Municipal Officers and Multiple-member Bodies 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 mayor.
- 3.2** All Municipal Officers and Multiple-member Bodies shall notify the City Clerk of their organization and office hours or time of stated meetings.
- 3.3** All meetings of all 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, Elderly and Disabled Tax Relief Committee, Youth Council, and any School Council, shall commence no earlier than 7:00 p.m., 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.

Section 4. Financial Provisions and Contracts

- 4.1** 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.
- 4.2** All contracts entered into by, for or on behalf of the City by any officer or municipal agency are subject to the approval of the mayor.¹⁰

¹⁰ Text of Charter Article VI, Section 10

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- 4.3 No contract, involving an obligation of the City exceeding the sum of five hundred dollars (\$500) shall be binding upon the City unless it is in writing and signed, prior to the commencement of performance thereof by the mayor or the mayor's designee.
- 4.4 No contract on behalf of the City extending beyond three years from the date thereof shall be made unless specific authority to do so has been given by vote of the council; with the exception of energy usage contracts, which may be contracted for a term of up to five years without a council vote provided applicable procurement rules and regulations are followed.
- 4.5 Whenever any property of the City valued at two hundred dollars (\$200) 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 City, unless the council shall vote otherwise.
- 4.6 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 (\$4,000) 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 City 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 City 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 Ordinance.
- 4.7 Fees and fines assessed by all officers and departments of the City received from all sources shall be turned over to the City Treasurer.
- 4.8 Budgets for all Municipal Officers, Multiple-member Bodies, and Departments shall be as appropriated by council.

Section 5. Affirmative Action

- 5.1 Definitions
 - 5.1.1 The term "agency" includes any board, bureau, commission, committee, department or other agency of the City of Framingham including the School Committee.
 - 5.1.2 The term "contract" includes any contract, sub-contract or other agreement.
 - 5.1.3 The term "contractor" includes any contractor and his sub-contractors, any other sub-contractor or other contracting party.
 - 5.1.4 The term "bidder" includes any bidder, sub-bidder or prospective contractor and his sub-contractors, any other sub-contractor or other contracting party.
- 5.2 No 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, religious creed, national origin, ancestry, sex, gender identity, age, disability, sexual orientation, genetics, status as an active member of the armed forces of the United States, or any other protected class recognized under state or federal law ("protected class status").
- 5.3 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:
 - 5.3.1 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

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provide equal employment opportunity for all qualified persons without regard to protected class status; and

- 5.3.2** 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 any protected class status, 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.
 - 5.3.3** A copy of any such report shall be filed in the office of the City Clerk and shall upon said filing become a public record.
- 5.4** Every 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:
- 5.4.1** During the performance of this contract the contractor agrees as follows:
 - 5.4.1.1** 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 any protected class status.
 - 5.4.1.2** 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 any protected class status.
 - 5.4.1.3** 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.
 - 5.4.2** If the contracting 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:
 - 5.4.2.1** Order the contract terminated in whole or in part.
 - 5.4.2.2** Permit continuation of the contract upon the submission of a specified program for immediate compliance.
 - 5.4.2.3** Assess liquidated damages of \$50 for each day that the contractor is found not to be in compliance.
 - 5.4.2.4** Withhold payments to the contractor under the contract until he is in compliance.
 - 5.4.2.5** 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.
- 5.5** As used in this section affirmative action means positive steps to ensure all qualified persons equal employment without regard to any protected class status 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:
- 5.5.1** Inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer".
 - 5.5.2** Placement of solicitations and advertisements for employees in media that reaches minority groups.
 - 5.5.3** Notification in writing of all recruitment sources that the contractor solicits the referral of applicants without regard to any protected class status.
 - 5.5.4** Direct solicitation of the support of responsible and appropriate community, state and federal agencies to assist in recruitment efforts.

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- 5.5.5** Participation in, or establishment of apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups.
- 5.5.6** 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 protected class status.
- 5.5.7** 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 any protected class status.

In determining whether the steps taken or proposed by any bidder or contractor constitute affirmative action under this section, the 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.

5.6

- 5.6.1** The Human Relations Commission shall receive and investigate or cause to be investigated complaints by employees or prospective employees of a City contractor, sub-contractor or supplier which allege discrimination contrary to this law and may on its own initiative investigate employment practices of a City 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 mayor and the contracting agency concerned.
- 5.6.2** The Human Relations Commission shall cooperate with the mayor 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.
- 5.6.3** 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 City Solicitor, 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.

- 5.7** 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 agency may apply the provisions of this Section to any contract, bidder, or contractor.

Section 6. General Provisions

- 6.1** No elected or appointed Municipal Officer may represent a client before any Municipal Officer or Multiple-member Body.
- 6.2** Every person who is elected, including those elected by the council, or appointed to an office of the municipality, shall receive a certificate of such election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the council, or appointed to an office of the municipality, before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties of the office. A record of this oath shall be kept by the city clerk and shall be open to the inspection of the public.¹¹
- 6.3** Permanent officers, board members and committee members of the City appointed for specific terms shall hold office from the first day of January of the year of 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 Ordinances.

¹¹ Text of Charter Article IX, Section 12

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- 6.4** Deleted.
- 6.5** Any voter shall be eligible to hold any elective City office, subject to district residency requirements for council and school committee members, but no person holding any elective City office shall simultaneously assume any other elective City office. The prohibition against holding two elective City offices simultaneously shall not apply if one office is that of elected Charter Commission Member.
- 6.6** All cars owned by the City of Framingham shall be designated by a circular label not less than six inches in diameter bearing the words "City of Framingham", and the name of the City Department.
- 6.7** Whenever the council or the mayor shall establish a Multiple-member Bodies, 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. However, nothing herein shall prevent the council or the mayor 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.
- 6.8** In any instance wherein the majority of a Multiple-member Bodies appointed by act of the council or the mayor votes that the appointing authority replace one or more members of such Multiple-member Bodies, 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 council or the mayor to withdraw or revoke said appointments, nor shall the provisions herein be applied in any manner contrary to other provisions of law.
- 6.9** Each Multiple-member 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, except for executive sessions.
- 6.10** Each Multiple-member Body shall provide for keeping of minutes of its meetings. Each Multiple-member Bodies shall provide minutes to the City 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.
- 6.10.1** All votes taken shall be reported in the minutes. For elected boards, the minutes shall include the name and vote of each member voting.
- 6.10.2** The minutes of each public meeting of a Multiple-member Bodies shall be prepared by the clerk or his or her designee of the respective Multiple-member Bodies, and sent to the City Clerk within ten (10) days, not including weekend days or holidays, following the next meeting of the Multiple-member Bodies; 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 Multiple-member Body when submitted to the City Clerk. If a meeting is cancelled, or if no quorum is present at a scheduled meeting, the City Clerk shall be notified and minutes do not have to be provided.
- 6.10.3** The City 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 City Clerk in electronic form and they have been prepared according to the standards defined by the Framingham webmaster, they shall be posted on the Framingham website in addition to being sent to the library.
- 6.10.4** The City Clerk shall note the receipt of minutes. If after 45 days from the date of a posted public meeting of a Multiple-member Bodies, the City Clerk has not received a copy of the minutes, then the City Clerk shall notify the chairperson of the Multiple-member Bodies that the minutes have not been received.
- 6.11** A Multiple-member Bodies 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.
- 6.11.1** A Multiple-member Bodies shall notify the City Clerk of all executive sessions that were held or will be held. If a Multiple-member Bodies adjourns a public meeting to go into executive session

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the City Clerk shall be so notified so that the executive session can be entered into the City Clerk's log of meetings.

- 6.11.2** When a Multiple-member Bodies 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.
- 6.11.3** 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 Multiple-member Bodies.
- 6.11.4** 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.
- 6.11.5** Executive session minutes of a Multiple-member Bodies, appropriately marked, shall be kept by the clerk of the Multiple-member Body; or shall be stored at the office of the Multiple-member Body, if available; or shall be sent to the City Clerk who shall store these minutes separate from minutes of public sessions. For executive session minutes that have not yet been released, the City Clerk shall maintain a log and may only release a copy to the chair of the Multiple-member Body and shall do so when requested.
- 6.11.6** Executive session minutes of Multiple-member Bodies that involve the City Solicitor shall be reviewed by the City Solicitor before being released. Release of executive session minutes of Multiple-member Bodies that involve meetings with the City Solicitor must be approved by the mayor to waive the attorney-client privilege for specific communications.
- 6.12** Each Multiple-member Body shall provide a report of its activities to the mayor for publication in the Annual Report by the date and in the format established by the mayor.
- 6.13** The City Clerk shall update the tables in Section 2 of this Article as Officers, Boards and Committees are created or deleted pursuant Massachusetts general laws.
- 6.14** 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.

Section 7. Uniform Procedures Governing Multiple-member Bodies¹²

- 7.1** Meetings: All multiple-member bodies of the municipality, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple-member body shall be held on the call of the chair or by one-third (1/3) of the members thereof by written notice delivered in hand to each member or to the place of residence of each member at least forty eight (48) hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted on the municipal bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.
- 7.2** Rules: Each multiple-member body shall determine its own rules and order of business unless another provision is made by charter, ordinance or by law, and shall provide for keeping of the minutes of its proceedings. These rules shall be a public record and copies shall be placed on file in the office of the city clerk and posted on the municipal bulletin board.
- 7.3** Voting: If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the meeting minutes, but if the vote is unanimous, only that fact need be recorded, unless otherwise required by law.
- 7.4** Quorum: A majority of the members of a full multiple-member body shall constitute a quorum. Unless some other provision is made by law, by ordinance or by the multiple-member body's own rules while a

¹² Text from Charter Article IX, Section 7

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quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple-member body.

Section 8. Limitation on Office Holding¹³

No person shall simultaneously hold more than one full-time municipal office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in another part-time position or a full-time position.

Section 9. Eligibility for Benefit Programs¹⁴

No elected official other than the mayor shall be eligible to participate in the municipality's group health insurance, life insurance, or other benefit programs.

Section 10. Prohibition Against Self Dealing¹⁵

No candidate for public office, elected public official, division head or department director shall have a financial interest, direct or indirect, in any contract made by the municipality.

Section 11. Ethics Reporting Requirements¹⁶

11.1 Every candidate for mayor, councilor or school committee member, or elected mayor, councilor or school committee member, or the superintendent of schools, chief financial officer, chief procurement officer, chief operating officer, public works director, or any other municipal officers as may from time to time be designated by ordinance, shall file a statement of financial interest for the preceding calendar year with the city clerk on or before the date on which a certificate of nomination or nomination papers for such candidate are due. Collectively, this group of municipal officers shall be referred to as Designated Municipal Officers for purposes of this section. This provision shall also apply to any individual serving as a Designated Municipal Officer within thirty (30) days of his or her initial appointment; for incumbent Designated Municipal Officer such statement shall be due on May first of each year. After such initial filing, any Designated Municipal Officers, shall file on or before May first of the year. Such persons ceasing to be a Designated Municipal Officer shall be required to file if still in office for any part of the calendar year for which statements are due. All statements are to be submitted to said city clerk.

Every candidate for mayor, council or school committee who has not filed nomination papers with the city clerk, but on whose behalf a statement of organization of a political committee has been filed, and who is seeking public office by the so-called "write in" or "sticker" method, shall within three days after such filing, file a statement of financial interest with the city clerk. No elected Designated Municipal Officer shall be required to file a statement of financial interests for any year in which such officer ceased to be a Designated Municipal Officers if such officer served less than thirty days in such year.

11.2 No candidate for mayor, councilor or school committee member shall be eligible to run for such public office or no presently serving such elected official be able to continue to serve in public office unless such person has filed a statement of financial interests with the city clerk as required by this section. A vacancy in said public office shall be declared thirty (30) days after final notice has been given in accordance with this section by the city clerk to a person currently holding office in violation of this section.

11.3 No division head shall be allowed to continue in such division head's duties or to receive compensation from public funds unless such division head has filed a statement of financial interests with the city clerk as required by this section.

11.4 The city clerk shall, upon receipt of a statement of financial interests pursuant to the provisions of this section, issue to the person filing such statement a receipt verifying the fact that a statement of financial interests has been filed and a copy of such statement clearly indicating receipt by the city clerk.

11.5 The statement of financial interests filed pursuant to the provisions of this section shall be on a form prescribed by the city clerk that shall be substantially similar to that required by the State Ethics

¹³ Text from Charter Article IX, Section 13

¹⁴ Text from Charter Article IX, Section 16

¹⁵ Text from Charter Article IX, Section 17

¹⁶ Text from Charter Article IX, Section 18

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Commission in accordance with the general laws and shall be signed under penalty of perjury by the person filing the statement.

- 11.6 Nothing in this section shall be construed to require the disclosure of information which is privileged by law.
- 11.7 Failure of a Designated Municipal Officers to file a statement of financial interests within ten days after receiving notice of said failure or of the filing of an incomplete statement of financial interests, shall be found in violation of this section.
- 11.8 The mayor shall propose to the council an ordinance to implement this section.

Section 12. Rules and Regulations¹⁷

A copy of all rules and regulations adopted by any municipal agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any municipal agency shall become effective until five (5) days after the date it is so filed. All rules and regulations which have finally been adopted shall be promptly posted on the Municipal Bulletin Board.

¹⁷ Text of Charter Article IX, Section 4