



OFFICE OF THE MAYOR
FRAMINGHAM, MA.

2019 APR 23 PM 12:41

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FRAMINGHAM CITY COUNCIL

ORDER NO. 2019-032
REQUEST OF THE MAYOR

UPON THE REQUEST OF THE MAYOR, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL,
IT IS SO ORDERED:

That the City Council approves the amended Agreement Among the Towns of Ashland, Holliston, Hopkinton and Natick and the City of Framingham with Respect to the Establishment of a Regional Vocational High School District. This agreement, the text of which follows this Order, will be executed by representatives of all participating communities.

YEAS: Cannon, Giombetti, Grove, King, Rossi, Shepard, Sisitsky, Steiner

NAYS: None

ABSTAIN: None

ABSENT: Richardson, Torres (Ms. Tully Stoll was out of the room at the time of the vote)

PASSED IN COUNCIL: APRIL 2, 2019

A True Record, Attest:

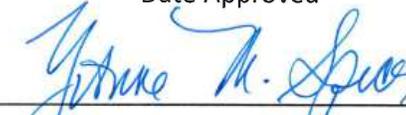
4/17/19

Date Approved


Lisa A. Ferguson, City Clerk

5/2/19

Date Approved


Yvonne M. Spicer, Mayor

Amended: 1972, 1987, 2019

Amended Agreement among the Towns of
Ashland, Holliston, Hopkinton and Natick and the City of Framingham
with Respect to the Establishment of a
Regional Vocational High School District

This Agreement is entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, between the towns of Ashland, Holliston, Hopkinton and Natick and the City of Framingham, hereinafter sometimes referred to as member municipalities. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter sometimes referred to as the Committee.

The Committee shall consist of sixteen members, eight from the City of Framingham and two from each of the towns of Ashland, Holliston, Hopkinton and Natick.

(B) Members

All members shall be appointed by the official or government body authorized to make such appointment in accordance with the city or town charter, by-law or other vote of the legislative body. In every year in which the term of office of one or more members expires, the official or government body shall appoint one or more members, as the case may be, to serve for a term of three years, and the terms of office of such members shall commence at midnight on June 1 following their appointment.

(C) Vacancies

If a vacancy occurs among the members appointed under subsection I (B), the official or government body authorized to appoint shall appoint a member to serve for the balance of the unexpired term, if any.

(D) Organization

At the first meeting in June of each year, the Committee shall organize and choose by ballot a chairman and a vice-chairman from among its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and a secretary, who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the chairman and vice-chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings and provide for the calling of special meetings.

(E) Powers and Duties

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this agreement, and such other additional powers and duties as are specified in Sections 16 to 16I, inclusive of Chapter 71 of the General Laws and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.

(F) Quorum

The quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.

SECTION II LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school or schools shall be located within the geographical limits of the District and within a radius of three (3) miles from the Ashland Post Office located at the intersection of Main and Summer Streets.

SECTION III TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a co-educational vocational-technical high school consisting of grades nine through twelve, inclusive. The Committee is hereby authorized to establish and maintain such kinds of education, acting as trustees therefor, as may be provided by municipalities under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary school level in accordance with the provisions of Section 37A of the said Chapter 74 of the General Laws.

SECTION IV APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

(A) Classification of Costs

For the purpose of apportioning assessments to the member municipalities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing and reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the cost of the original equipment and furnishings for such

buildings and additions, plans, architects and consultants fees, grading, the cost of construction of sewerage systems and sewerage treatment and disposal facilities or for the purchase or use of such systems with municipalities, other costs incidental to placing school buildings and additions and related premises in operating condition and any other capital outlays for which regional school districts may be authorized to borrow or which could be categorized as a capital expense in conformity with applicable law or regulation. Capital costs shall also include payment of principal of and interest on bonds, notes or other obligations issued by the District to finance capital costs.

(C) Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Apportionment of Capital Costs

Capital costs shall be apportioned annually no later than April 30th for the ensuing fiscal year as follows:

- (1) Each member municipality's share of the capital costs incurred in connection with the construction, equipping and placing in operation of the initial district school building, including the payment of principal of and interest on bonds, notes or other obligations of the District to finance such capital costs, shall be determined by computing the ratio which the sum of its resident pupil enrollments on October 1 of the three years next preceding the year in which the Committee votes to authorize the incurring of such capital costs bears to the sum of the resident pupil enrollments of all the member municipalities on October 1 of the same three

years; and in the case of capital costs consisting of the payment of principal of and interest on bonds, notes or other obligations issued by the District, the ratio shall not be changed during the period in which such bonds, notes or other obligations are outstanding, except as provided in subsection VII (A). For the purpose of this clause (1) of this subsection IV (D) resident pupil enrollments shall be defined as the number of pupils residing in a member municipality and enrolled in the District.

For the purposes of this subsection IV(D) and the Agreement as a whole, all references to October 1st shall be deemed to be the date on which the Commonwealth requires the reporting of student enrollment for the purpose of Chapter 70 funding such that if the Commonwealth changes this date, this Agreement shall be read as incorporating the new date set by the Commonwealth without amendment.

- (2) Each member municipality's share of the capital costs other than those apportioned pursuant to clause (1) of this subsection IV (D), whether or not incurred in connection with the construction of an addition to or the reconstruction, replacement, remodeling or making extraordinary repairs to said initial school building, shall be determined by computing the ratio which the sum of its pupil enrollments in the regional district school on October 1 of the three years next preceding the year in which the Committee votes to authorize the incurring of such capital costs bears to the sum of the pupil enrollments of all the member municipalities in the regional district school on October 1 of the same three years, and in the case of capital costs consisting of the payment of the

principal of and interest on bonds, notes or other obligations issued by the District the ratio shall not be changed during the period in which such bonds, notes or other obligations are outstanding, except as provided in subsection VII (A). In the event that there is no pupil enrollment from any member municipality in any one or more of the aforesaid three years, such member municipality's share shall be determined as provided in clause (1) of this subsection and the share of each of the other member municipalities of the remaining capital costs shall be determined by computing the ratio which the sum of its pupil enrollments in the regional district school on October 1 of the three years next preceding the year in which the Committee votes to authorize the incurring of such capital costs bears to the sum of the pupil enrollments of such other member municipalities in the regional district school on October 1 of the same three years.

(E) Apportionment of Operating Costs

Operating costs will be apportioned in accordance with the options authorized by Chapter 70 of the General Laws. Subject to the Commonwealth's determination of the minimum local contributions, operating costs, except those described in subsection IV (F), for every fiscal year, shall be apportioned to the member municipalities on the basis of each municipality's respective pupil enrollment in the regional school. Each member municipality's share for each fiscal year shall be determined by computing the ratio which that member municipality's pupil enrollment in the regional district school on October 1 of the year next preceding the year for which the apportionment is determined bears to

the total pupil enrollment in the regional school from all the member municipalities on the same date. In computing this apportionment the pupil hours referred to in subsection IV (F) shall be excluded.

(F) Special Operating Costs

The Committee shall determine the operating costs for each fiscal year of any evening trade extension courses or any other types of courses which are offered by the District to persons other than the pupils attending the regular day regional vocational school. Each member municipality's share of such operating costs shall be determined by computing the ratio which that municipality's enrollment of pupil hours in such courses on October 1 of the year next preceding the year for which the apportionment is determined bears to the total enrollment of pupil hours in such courses from all the member municipalities on the same date.

(G) Times of Payment of Apportioned Costs

Each member municipality shall pay to the District in each year its proportionate share, certified as provided in subsection V (C) of the capital and operating costs. Except as otherwise provided in subsection V (A) the annual share of each member municipality shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1	25%
December 1	50%
April 1	75%
June 1	100%

SECTION V BUDGET

(A) Preliminary Operating and Maintenance Budget

In December of the preceding fiscal year, the Committee shall annually prepare a preliminary operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member municipalities. The budget is presented to the Budget Subcommittee and member municipalities' Finance Committees. The budget is to be itemized in a manner consistent with the Commonwealth's chart of accounts.

(B) Final Operating and Maintenance Budget

The Committee shall adopt, by a two-thirds vote of the full Committee, an annual operating and maintenance budget, including debt and interest charges and any other current capital costs as separate items, in March for the ensuing fiscal year, and said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member municipality shall, within 30 days and prior to April 15 of each year preceding the fiscal year to which said budget relates, be certified by the district treasurer to the treasurer of such member municipality, and each such town shall, at the next annual town meeting, or in the City of Framingham, at meeting of the city council no later than June 15 of each year preceding the fiscal year to which said budget relates, appropriate the amounts so certified. The budget shall be deemed approved upon a two-thirds vote of the member municipalities.

(C) Conformity with Legal Process

The budget process set forth herein shall be interpreted and implemented in accordance with the provisions of G.L. c. c. 71, as applicable, and any special laws or regulations relating thereto.

SECTION VI TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member municipalities as an operating cost.

SECTION VII AMENDMENTS

(A) Limitation

This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new municipality or municipalities to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

(B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member municipality (which shall be acted upon as provided in Section IX), may be initiated by a majority vote of all the members of the Committee or by a petition signed by at least 10 per cent of the registered voters of anyone of the member

municipalities. In the latter case, said petition shall contain at the end thereof a certification by the clerk of such member municipality as to the number of registered voters in said municipality according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said municipality and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen or mayor, as the case may be, of each of the member municipalities that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). In a member town, the selectmen of each member municipality shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal. In a city, the proposal to amend this Agreement shall be placed before the city council. Such amendment shall take effect upon its acceptance by all the member municipalities, acceptance by each town to be by a majority vote at a town meeting and in each city by a majority vote of the city council. All amendments must be approved by the Commissioner of Elementary and Secondary Education.

SECTION VIII ADMISSION OF NEW TOWNS

By an amendment of this Agreement adopted under and in accordance with Section VII above, any other municipality or municipalities may be admitted to the regional school district upon adoption as therein provided of such amendment and upon acceptance by the municipality or municipalities seeking admission of the Agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment. Such provisions of law require that the approval of all member municipalities,

including the new member municipality(ies), and the approval of the Commissioner of Elementary and Secondary Education be obtained no later than December 31st of the year preceding admission. The admission of the new member municipality(ies) shall not be effective until the July 1st following such approvals.

SECTION IX WITHDRAWAL

(A) Limitations

The withdrawal of a member municipality from the District may be affected by an amendment to this Agreement in the manner hereinafter provided by this section. Any member municipality seeking to withdraw shall, by vote at an annual or special town meeting in a member town or, in a member city, vote of the city council, request the Committee to draw up an amendment to this Agreement setting forth the terms by which such municipality may withdraw from the District, provided (1) that the municipality seeking to withdraw shall remain liable for any unpaid operating costs which have been certified by the district treasurer to the treasurer of the withdrawing municipality, including the full amount so certified for the year in which such withdrawal takes effect, and (2) that the said municipality shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the municipality had not withdrawn from the District.

(B) Procedure

The clerk of the municipality seeking to withdraw shall notify the Committee in writing that such municipality has voted to request the Committee to draw up an amendment to this Agreement (enclosing a certified copy of such vote). Thereupon, the Committee

shall draw up an amendment to this Agreement setting forth such terms of withdrawal as it deems advisable, subject to the limitation contained in subsection VII (A). The secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each member town or the mayor and city council of each member city that the Committee has drawn up an amendment to this Agreement providing for the withdrawal of a member municipality (enclosing a copy of such amendment). In each member town, the selectmen shall include in the warrant for the next annual town meeting, (provided the warrant has not first been closed) or a special town meeting called for the purpose, an article stating the amendment or the substance thereof. In each member city, the amendment shall be put on the agenda of the city council. Such amendment shall take effect upon its acceptance by all of the member municipalities, acceptance by each municipality to be by a majority vote at a town meeting or city council as aforesaid. All such votes must be taken, and the approval of the Commissioner of Elementary and Secondary Education must be obtained, no later than December 31st of the fiscal year preceding the withdrawal. All withdrawals shall be effective the July 1st following the aforementioned votes and approval.

(C) Cessation of Term of Office of Withdrawing Municipality's Member

Upon the effective date of withdrawal, the term of office of the members serving on the Committee from the withdrawing municipality shall terminate and the total membership of the Committee shall be decreased accordingly.

(D) Payments of Certain Capital Costs Made by a Withdrawing Municipality

Money received by the District from the withdrawing municipality for payment of funded indebtedness or interest thereon shall be used only for such purpose and until so used

shall be deposited in trust in the name of the District with a Massachusetts bank or trust company having a combined capital and surplus of not less than \$5,000,000.

(E) Apportionment of Costs after Withdrawal

The withdrawing municipality's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such municipality at the last apportionment made next prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the shares of any municipality or municipalities which have withdrawn shall be apportioned to the remaining member municipalities in the manner provided in subsection IV (D) or as may be otherwise provided in the amendment providing for such withdrawal.

SECTION X TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils from municipalities other than the member municipalities on a tuition basis. Income received by the District from tuition pupils who are enrolled as of October 1 and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under subsection IV (E) to the member municipalities.

SECTION XI INCURRING OF DEBT

Within seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member municipalities, the said Committee shall cause written notice of the date of said authorization, the

sum authorized, and the general purpose or purposes for authorizing such debt, to be given to the board of selectmen of each member town and the mayor of each member city, in accordance with Chapter 71, Section 16(d) of the General Laws.

SECTION XII FISCAL YEAR

The fiscal year or period of the District shall be the same as the fiscal period of the member municipalities as provided by law, and the word year or fiscal year as it relates in this Agreement to a fiscal or budget year shall mean the fiscal year of the District.

SECTION XIII ADVISORY COMMITTEE

The Committee may, to assist it in the construction of any regional school building, appoint a building committee to advise it with respect to plans, specifications, appointment of architects and/or engineers, the awarding of contracts, the supervision of construction and any other assistance the Committee may desire. The members of any such committee shall serve in an advisory capacity only and without compensation.

SECTION XIV ANNUAL REPORT

The Committee shall submit on or before January 31 of each year, an annual report to each of the member municipalities containing a detailed financial statement for the prior year and the budget for the then current year, including in each case a statement showing the method by which the annual charges assessed against each member municipality were computed, together with such additional information relating to the operation and maintenance of the regional school as may be deemed necessary or appropriate by the Committee. The Committee shall also furnish

upon request any additional financial information as may be deemed necessary by the board of selectmen or mayor, as the case may be, in any member municipality.

SECTION XV SEVERABILITY

If any provision of this Agreement shall be held invalid in any circumstance, the remaining provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this amended and restated agreement has been executed as of the ____ day of _____ 2019.

Tara M. Ward, Town Clerk
Town of Ashland

Lisa Ferguson, City Clerk
City of Framingham

Elizabeth Turner Greendale, Town Clerk
Town of Holliston

Connor Degan, Town Clerk
Town of Hopkinton

Diane Packer, Town Clerk
Town of Natick

Jeffrey C. Riley, Commissioner
Department of Elementary and Secondary Education