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FRAMINGHAM CITY COUNCIL

ORDER NO. 2019-058

REQUEST OF THE CHAIR OF THE ORDINANCE AND RULES SUBCOMMITTEE

UPON THE REQUEST OF THE CHAIR OF THE ORDINANCE AND RULES SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after diligent review, the City Council votes to amend the Rules of the City Council, amending Rule 1, Rule 7a, Rule 8a, and the placement of Approval of Minutes in the agenda format, and adding a new Rule 9c – Report of the Mayor. The Amended Rules of the Framingham City Council are attached and posted on the City website.

YEAS: Cannon, Giombetti, Grove, King, Richardson, Rossi, Shepard, Sisitsky, Steiner, Tully Stoll

NAYS: None

ABSTAIN: None

ABSENT: Torres

PASSED IN COUNCIL: MAY 21, 2019

A True Record, Attest:

7/19/2019
Date Approved

Lisa A. Ferguson
Lisa A. Ferguson, City Clerk



Rules of the Framingham City Council

Filed as of May 15, 2018

Amended and approved on May 21, 2019

General Rules

Meeting Times

Rule 1. Unless otherwise ordered from time to time, and except on holidays, the regular meeting of the city council shall be the 1st, 3rd and 5th Tuesday of the month at 7:15 p.m. in the Blumer Room, located in City Hall, 150 Concord St. Framingham, MA 01702. During the months of July and August, however, the council will meet only on the 3rd Tuesday of the month.

1. All sessions of the council and every subcommittee or ad-hoc committee of the council shall at all times be open to the public unless another provision is made by law.
2. City council meetings, subcommittee meetings and ad-hoc committee meetings shall end no later than 11 p.m. No new business may be considered after 10:00 p.m. unless approved by a majority vote of the members present.
3. City council meetings may not begin earlier than 7:00 p.m. except for in the case of an emergency.
4. Subcommittee meetings and ad-hoc committee meetings of the council may be held at a time earlier than 7:00 p.m. upon approval of all members of the subcommittee or ad-hoc committee.

Rule 1a. Special meetings of the council shall be held at the call of the council chair, or, at the call of any four (4) or more councilors, by written notice delivered in hand and electronically to each councilor or to the place of residence of each councilor and which contains a listing of the items to be acted upon. Except in case of an emergency, the existence of which the council chair shall be judge, this notice shall be delivered at least forty-eight (48) hours in advance of the time set for the meeting. A copy of the notice to councilors shall be posted on (i) the municipal bulletin board and, (ii) published on the appropriate city government webpage on which all such meeting notices are posted, and (iii) as may be required by ordinance or the Open Meeting law.

Rule 1b. Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted. The presiding officer shall cite the reason for going into executive session and indicate whether the council shall leave executive session for the purpose of adjournment or return to open session. The presiding officer shall ask for a roll call vote of the council members present. The vote of each member shall be recorded in the minutes, with a majority of members present necessary to initiate executive session.

Seating

Rule 2. Seating is assigned at the beginning of each two (2) year term coinciding with the district councilor election cycle. The council seats from left to right will be numbered one (1) through eleven (11). The vice chair of the council will sit in seat five (5) and the chair will sit in seat six (6). The remaining councilors will randomly select their seats by drawing numbers. The seating assignments will remain for the duration of the two (2) year term.

Quorum

Rule 3. A quorum of the council or any subcommittee or ad hoc committee is determined by the Open Meeting Law.

Election of Officers

Rule 4. At its first meeting in January following the City election, the council shall elect from its membership a chair and a vice chair who shall serve a two (2) year term of office co-terminus with the term of the district councilors. If neither the existing chair or vice chair are present at the meeting, the City Clerk shall preside over the meeting solely for the purpose of the election of the chair and vice chair.

1. The council chair shall preside at all meetings of the city council, shall regulate proceedings including the agenda and shall decide on all questions of order.
2. The council chair shall have the same powers to vote upon all measures coming before the council as any other councilor.
3. The council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance, by council rules, or by other vote of the council.
4. If the council chair or vice-chair resigns or is unable to complete their term for any reason the city council shall elect from its membership a new chair or new vice-chair to replace the outgoing chair or vice-chair and such new chair or new vice-chair shall serve in such capacity for the remainder of the original chair or vice-chair's term.

Presiding Officer

Rule 5. The council chair shall serve as the presiding officer of all meetings of the council and all hearings of the council. Each subcommittee chair and ad-hoc committee chair shall serve as the presiding officer of all meetings and hearings of their subcommittee or ad-hoc committee.

1. At all council meetings, in the event of the absence of the council chair, the vice chair shall preside. In the event both the chair and the vice chair are absent the council shall elect from its membership a temporary chair for that meeting. At all subcommittee meetings and ad-hoc committee meetings, in the event of the absence of the chair, the vice-chair shall preside.
2. Subcommittees and ad hoc committees cannot meet if both the subcommittee chair and vice-chair are absent.

Recess

Rule 6. The presiding officer may at any time, during debate or otherwise, declare a recess for not more than twenty (20) minutes. Such action shall not be subject to appeal, nor shall any motions apply thereto.

City Council Agendas and Supporting and Background Materials

Rule 7. The council chair has full discretion as to the inclusion of items on the city council agenda, unless a majority vote of the council decides otherwise.

Rule 7a. Meeting Materials

1. Members of the council and municipal staff who prepare background and supporting materials including visual presentations (power point, Google slides, etc..) shall have all such materials submitted to the city council office by **12:00 noon Thursday before the Tuesday meeting**. If background and supporting materials including visual presentations are not received by the deadline, the Chair at his/her discretion (or a majority vote of the Council) may postpone the related agenda item
 - In the case of a Monday holiday, this deadline is moved to 12:00 noon on Wednesday before the Tuesday meeting.
2. **By 5:00 p.m. on the Friday before the Tuesday meeting**, the agenda and all background and supporting materials shall be:
 - provided to each member of the council (in written or electronic form per each council member's stated preference) and,
 - published on
 - i. the appropriate city government meeting portal on which all such meeting notices and materials are posted, and
 - ii. as may be required by ordinance or the Open Meeting law.
3. All Councilors shall be notified weekly of all meetings of the council, subcommittees and ad hoc committees and related events taking place the following week.

Rule 7b. Unsigned communications of any kind which are submitted to the city council anonymously shall not be introduced in the council.

Subcommittee and Ad-Hoc Committee Agendas and Supporting and Background Materials

Rule 8. Subcommittees and ad-hoc committees serve at the will of the council and have no independent authority. With the exception of the responsibilities assigned to the finance subcommittee through the home rule charter, items on the agenda of each subcommittee meeting or ad-hoc committee meeting shall consist solely of matters referred to that subcommittee or ad-hoc committee by the council chair or a majority vote of the council.

Rule 8a. Meeting Materials (Subcommittees and Ad-Hoc Committees)

1. Members of the subcommittee or ad-hoc committee and municipal staff who prepare background and supporting materials including visual presentations shall have all such materials submitted to the city council office by **12:00 noon three business days prior to the committee meeting or ad-hoc committee meeting**. If background and

supporting materials including visual presentations are not received by the deadline, the Chair at his/her discretion (or a majority vote of the Committee) may postpone the related agenda.

2. **By 5:00 p.m. two (2) business days before the subcommittee meeting or ad-hoc committee meeting** the agenda and all background and supporting materials, shall be
 - provided to each member of the subcommittee or ad-hoc committee (in written or electronic form per each member's stated preference) and,
 - published on
 - i. the appropriate city government meeting portal on which all such meeting notices and materials are posted, and
 - ii. as may be required by ordinance or the Open Meeting law.

Rule 8b. Unsigned communications of any kind which are submitted to subcommittees or ad-hoc committees anonymously shall not be introduced in the subcommittee or ad-hoc committee.

Order of Business and Debate

Rule 9. At every regular meeting of the council, the order of business shall be as follows:

- a. Public Participation
- b. Public Hearings
- c. Report of the Mayor
- d. Approval of Minutes
- e. Report of the Council Chair
- f. Reports of Subcommittees
- g. Old Business
- h. New Business
- i. Report of Councilors
- j. Adjournment

Rule 9a. The above order shall not be changed except by vote of a majority of the council members present at the meeting and upon a motion to change the order.

Rule 9b. The council meetings and all council subcommittee meetings and ad-hoc committee meetings shall be guided by "Robert's Rules of Order Newly Revised" in all questions of parliamentary practice not provided for in these rules with the presiding officer having the final determination as to applicability and enforcement.

Rule 9c. Report of the Mayor Agenda Item.

- The Mayor (or Mayor's designee) is encouraged to provide a general list of topics to be discussed and any related background materials to the Council in advance of the meeting.
- Councilors are encouraged to suggest topics to the Mayor (or the Mayor's designee) in advance of the meeting but the Mayor (or the Mayor's designee) is not required to include the topics suggested.

- Councilors are encouraged to submit questions related to topics in advance of the meeting, but are not restricted to ask only those questions at the meeting.
- The Chair will recognize Councilors who want to ask questions after the Mayor or Mayor's Designee has finished his/her report.
- If the discussion during the Report of the Mayor continues for 45 minutes the Chair will then ask the Council to vote whether or not to continue the discussion or move to the next agenda item. An affirmative majority vote of the Council members present advances the meeting to the next agenda item.

Public Participation

Rule 10. Any resident of Framingham may be recognized and speak to any agenda item on the current council agenda, subcommittee agenda or ad-hoc committee agenda (subject to Rule 10a) or during public participation (subject to Rule 10b) or during a public hearing (subject to Rule 11) and time shall be allotted for the public to speak at each open meeting or public hearing of the council, subcommittee or ad-hoc committee

- Speakers will be expected to use the following format when addressing the council, a subcommittee or an ad-hoc committee:
 1. State their name and address
 2. State the issue that they are bringing to the council's, subcommittee's, ad-hoc committee's attention.
 3. Describe specifically the requested action.
 4. State the reasons that they support the requested action.
- Decorum:
 1. No person may address the council, subcommittee, ad-hoc committee without permission of the presiding officer
 2. All persons shall be silent at the request of the presiding officer.
 3. All persons must observe proper decorum and refrain from referring to other persons specifically by name or generally
 4. All persons addressing the council, subcommittee, ad-hoc committee shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, engage in personal attacks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the council meeting.
 5. If a person transgresses these rules any council member may call him or her to order.
 6. If a person persists in disorderly behavior in such a meeting after a warning from the presiding officer, the presiding officer may order him or her to withdraw from the meeting and such person may be subject to removal from the meeting.

Rule 10a. Agenda items: Time will be allotted for Framingham residents to speak to an agenda item after the agenda item has been discussed by the council members present and shall be limited to fifteen minutes total with no more than three minutes allowed per speaker unless additional time is approved by majority vote of the council members present. Speakers will be recognized by the presiding officer subject to available time.

Rule 10b. Speaking to items not on the Agenda: Framingham residents may address the council about items which are not on the agenda during the Public Participation portion of the meeting which shall be limited to fifteen minutes total with no more than three minutes allowed per speaker unless additional time is approved by majority vote of the council members present. Speakers will be recognized by the presiding officer subject to available time.

- Members of the public who want to speak on matters during public participation must use the following procedure:
 1. Sign their names on the signup sheet that is available in the meeting room prior to the start of the meeting.
 2. Give their residence address and whether they are speaking as agent or representative of another person or organization.
 3. Name the subject matter on which they want to speak.

Public Hearings

Rule 11. Hearings before the council, subcommittees or ad-hoc committees shall be conducted in accordance with the following procedures, unless different procedures are necessary to comply with statutory requirements applicable to particular matters:

1. The council chair shall be the presiding officer of each hearing of the council.
2. The subcommittee chair shall be the presiding officer of each hearing of the applicable subcommittee or ad-hoc committee.
3. The council secretary will ensure that all hearings are advertised as required by statute or as directed by the council chair in the absence of statutory requirements.
4. At the beginning of the hearing, the presiding officer will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given.
5. All questions shall be addressed to the presiding officer, and individuals may address the council, subcommittee or ad-hoc committee only when recognized.
6. The order of presentation will be:
 - a. presentation by the proponent;
 - b. receipt of recommendations from any city board or officer;
 - c. questions from the council members; and
 - d. statements by members of the public and/or opponents.
7. Three (3) minutes shall be allowed each speaker to express his/her views on the matter being heard. Additional time may be granted at the discretion of the presiding officer.
8. The time devoted to public hearings at any meeting of council, subcommittee or ad-hoc committee shall be not more than three (3) hours at any one sitting.
9. At the conclusion of the hearing, the council members present may render its decision or take the matter under advisement, announcing the intended date of decision.

Rule 11a. Operating Budget Hearings. The council shall immediately upon receipt of the proposed operating budget, refer the budget to the council's finance subcommittee. The finance subcommittee shall hold a public hearing (following rules 1-9 above) on the proposed operating budget providing no less than ten (10) days' notice of such hearing. The finance subcommittee will review the budget making a presentation and recommendation to the full council within twenty-one (21) days.

Meeting Minutes and Recording

Rule 12. A full, accurate, up-to-date account of the proceedings of the council and each subcommittee and ad-hoc committee shall be kept, which shall include a record of each vote taken, and which shall be made available as required by the Open Meeting Law. The minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purpose of the executive session consistent with the requirements of the Open Meeting Law, General Laws chapter 30A, section 22. Absent any unforeseen difficulty, technical or otherwise, all meetings of the council shall be recorded and broadcast live.

Establishment of Subcommittees

Rule 13. The council chair shall appoint as soon after the organization of the council as may be convenient, the membership of each of the subcommittees and the chair of each subcommittee. The chair of each subcommittee shall appoint a vice chair, subject to the approval of the council chair.

1. The council chair will strive to have the membership of subcommittees reflect the diversity of the council.
2. All matters considered by council subcommittees must be referred to the subcommittee by a majority vote of the full council or action of the council chair.
3. Special ad-hoc committees for a specific purpose may be authorized at any time by a majority vote of the full council or action of the council chair. Special ad-hoc committees shall follow the rules in this section as if it were an established subcommittee.

Rule 13a. Budgetary matters: Proposals pertaining to budgetary matters including the creation of any new city government positions, the creation of any new programming or the outlay of funds for the purchase of equipment or other capital expense falls under the purview of the finance subcommittee unless the council chair or a majority of the council determines otherwise.

Rule 13b. The attendance of a council member at a subcommittee meeting or ad-hoc committee meeting of which they are not a member must comply with the Open Meeting Law.

The Subcommittees of the City Council are as follows:

1. Finance Subcommittee (5 Members)

The Finance Subcommittee shall be comprised of five (5) council members and may consider any or all questions appropriate for the purpose of considering the budget including the creation of new positions to the payroll, changes to the employee

classification plan or any matters pertaining to increasing City of Framingham employee headcount.

- a. The finance subcommittee shall have the authority 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 to provide information.
- b. With a majority vote of the council, the finance subcommittee may employ such expert or other assistance as it may deem advisable for the foregoing purpose.
- c. The books and accounts of all departments and officers of the municipality shall be open to the inspection of the finance subcommittee and city council appointed auditor.
- d. The finance subcommittee may appoint working groups of its members to report findings and make recommendations to the full council.

2. Appointments Subcommittee (5 Members)

The Appointments Subcommittee shall be comprised of five (5) council members and may review, if assigned to it by the full council or council chair, all suggested appointments by the Mayor that are subject to Council oversight. After review, the subcommittee shall present its recommendations to the full Council for approval or rejection.

- a. The subcommittee shall have the authority to request additional information and materials on all applicants and the position being applied for during its review process.
- b. The subcommittee shall have right to interview all candidates for appointment in an open and public meeting.
- c. Members of the appointments subcommittee or their designees shall not discriminate against any applicant based on race, color, national origin, religion, age, gender, sexual orientation, disability, gender identity, gender expression, economic status or a non-listed protected category under the law.

3. Economic Development Subcommittee (5 Members)

The Economic Development Subcommittee shall be comprised of five (5) council members and shall assume tasks assigned to it by the full council or the council chair. After taking action on a measure, the subcommittee shall present its recommendations to the full Council for approval, rejection or general informational purposes.

The goals and mission of the subcommittee are to further and foster all forms of economic development as well as initiatives that will lead to better conditions for businesses and residents in the City of Framingham.

These initiatives can pertain to recommendations regarding general business climate in the City, processes and procedures, permit fees, land use, commercial development and redevelopment, and the promotion of Framingham as a great place to do business.

- a. The subcommittee shall have the authority to request additional information on any matter under its jurisdiction from relevant parties or information sources.
- b. The subcommittee shall foster productive relationships with the MetroWest Chamber of Commerce, the Framingham Business Association, MAPC and other groups that can help it fulfill its goals and mission.
- c. The subcommittee shall also develop a system of outreach to the business community in order to foster timely communication between both parties regarding City matters either existing, proposed or pending that could impact that community.
- d. The subcommittee shall examine the needs of Life Science and Biotechnology companies in Framingham and recommend ways of meeting these needs and use

4. Ordinance and Rules Subcommittee (3 Members)

The Ordinance and Rules Subcommittee shall be comprised of three (3) council members and may consider matters relating to ordinances of the city, city council rules and orders and any other such matters as may be referred to it by the full council or the council chair.

5. Education Subcommittee (3 Members)

The Education Subcommittee shall be comprised of three (3) council members and may review and address matters directed to it by the full council or the council chair.

Areas of potential responsibility include the following:

- Collaboration with the Framingham School Committee and Superintendent on matters of significance to the broader Framingham community
- Engagement with educational institutions beyond the Framingham Public Schools including private preschools and elementary and secondary schools, Christa McAuliffe Charter School, Keefe Regional Technical School, Mass Bay Community College, Framingham State University, and other educational programming in the City of Framingham
- Examination of educational matters with significance for racial, geographic, and economic equity
- Guiding community engagement on educational issues of importance to Framingham residents without a direct connection to the public school system
- Supporting long-range capital planning process including potential school construction as needed

6. Environment and Sustainability Subcommittee (3 Members)

The Environment and Sustainability Subcommittee shall be comprised of three (3) council members and may consider any or all questions directed to it by the full council or the council chair related to environmental issues and sustainability. The subcommittee will focus on: air, land and water pollution, solid and hazardous waste disposal and land reclamation, recycling and sustainability, energy savings and efficiency and other matters related to the physical environment of Framingham. It will also monitor the impact of industry and development on the quality of life of our residents.

7. Planning and Zoning Subcommittee (3 Members)

The Planning and Zoning Subcommittee shall be comprised of three (3) council members and may consider any or all proposed amendments to the zoning ordinances, zoning map, land use and planning and special permits and any other such matters as may be referred to it by the full council or the council chair.

Signatory Authority

Rule 14. The council chair is authorized to sign all bills, vouchers, payrolls and similar documents pertaining to expenditures under the jurisdiction of the city council on behalf of the city council. In the absence or unavailability of the council chair, the vice chair of the council is hereby authorized to sign such documents, subject to the same restrictions.

City Council Code of Conduct

1. **Respectful Discourse:** The city council recognizes the importance of maintaining, protecting and enforcing respectful discourse at all levels of government. This includes interactions with fellow council members, other elected and appointed officials, those who work for the city, those who volunteer their time and services on behalf of the city and members of the general public. The council and all subcommittees should strive at every meeting, forum or during any other official interactions to treat every person fairly and with respect regardless of any differences of opinion. In turn, it is expected that all individuals, including members of the public, who interact with councilors and who attend meetings and forums of the council display respect to each other, the council members, other elected and appointed officials, City of Framingham staff and members of the general public. It is the responsibility of the council to maintain and protect respectful public discourse during all official meetings of the council and any official forums or other public events hosted by the council. Professional respect does not preclude differences of opinion but requires respect for those differences and the people who express them. In order to have an effective, inclusive city government, everyone who participates should strive for civil discourse on all matters.
2. **Respect for the Position:** As a legislative body, city council authority is collective and no individual councilor has the right to exercise such authority on their own. Councilors have legal authority as a governing body only when the governing body is in session and individual councilors on their own have no legal authority. While all individual members of the council have a right to speak publicly or state their individual opinion verbally or in writing they should never purport to represent the city council or a council subcommittee or purport to exercise the authority of the council or a council subcommittee except when specifically authorized by a recorded vote of the council or council subcommittee to do so. Council members who have been granted the authority to speak or state in writing an opinion on behalf of the council or a council subcommittee must support and advocate the

official city council or council subcommittee position on the issue, and not a personal viewpoint.

3. **Respect for Colleagues:** In all settings individual council members must respect the authority of the council as a collective body and shall make no promises on behalf of the council or to overtly or implicitly promise council action unless authorized to do so. Individual council members shall avoid making personal comments about other council members when speaking or in writing. While it is acceptable to publicly disagree with another council member about an issue, it is unacceptable to make derogatory comments about other council members or their opinions or actions. Once a majority decision of the council has been made, all council members should respect that official position.
4. **Respect for City Staff.** City of Framingham staff serve the entire community and not individual council members and are supervised and report to the Mayor. Council members who interact with City of Framingham staff must do so in a respectful manner and take into consideration that their words and actions can be construed as reflective of the city council as a whole. While it is appropriate for a councilor to relay specific constituent concerns related to City services to the appropriate staff members, City of Framingham employees should not be expected to take direction from any individual council member on any matter.
5. **Respect for other elected officials.** Respectful exchanges help create an environment for making sound public decisions. Councilors should approach council meetings and other official forums as an opportunity for a respectful exchange of ideas and avoid “springing surprises” on other elected officials such as bringing up complex matters out of context. If a matter is worth discussion at a council meeting or official forum, it should be on the agenda so that preparation for questions and comments can take place in advance. Any planned action with the intention of embarrassing a colleague in a public setting erodes the “team” approach to governance. Participation and interactions in official meetings should be with the dignity and decorum fitting those who hold a position of public trust.
6. **City Council Appointees:** All individuals appointed by the city council to serve on subcommittees and other governing bodies should follow policy established by the council including this Code of Conduct. Appointment and re-appointment to a subcommittee or other governing body should be based on criteria such as expertise, ability to work with staff and the public, respectful interactions with others and a commitment to fulfilling official duties. Being respectful of diverse opinions is a primary role of council appointees. Individuals who display disrespectful, abusive and threatening language and behavior in whatever form (written, electronic, spoken or visual including online communications) are exempt from serving in this capacity.