



ORDER NO. 2021-048-001
REQUEST OF CHAIR OF THE ORDINANCE AND RULES SUBCOMMITTEE

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

Be in ordained by the City Council as follows:

SECTION 1.

Article X of the Framingham General Ordinances is hereby amended by adding at the end thereof the following new section:

Section 8. Access to Public Records & Information.

8.1 Policy.

Framingham is committed to open and participatory government. The City aims to improve transparency through increased physical and electronic access to public information. Massachusetts law protects the right to access public information and has long mandated government disclosure of records. The City fulfills this responsibility to citizens by proactively posting commonly requested documents to its website and by providing timely access to or copies of public records upon request. The City will work diligently to be responsive to the spirit, intent, and content of public record requests in a timely manner.

Credentialed media should only be directed to the public records process as a last resort.

8.2 Municipal Bulletin Board

The Municipal Bulletin Board should be simple and direct, focused on the user experience. It should utilize best practices, modern equipment, and current techniques to make information readily accessible in-person or online.

In addition to items required by law, all multiple-member bodies, departments, divisions or offices of the City shall make every effort to proactively post items of interest or potential interest of residents, clusters of residents, or neighborhoods.

City of Framingham
The City Council of Framingham



8.3 Posting of All Rules & Regulations

Rules and regulations adopted by any multi-member body, department, division or office of the City of Framingham shall become effective five (5) days after the date it is posted on the Municipal Bulletin Board in accordance with Article I, section 12.

8.4 Contracts and Licenses

All licenses issued by the City, including licenses to grow, manufacture, and sell marijuana, and all contracts executed on behalf of the City shall be conspicuously published in a searchable format on the City website.

SECTION 2.

Article I, Section 6 is hereby amended by adding at the end thereof the following new sections:

6.15 All multiple-member bodies shall separately post all background and supporting materials including visual presentations within the time required by the Open Meeting Law to post the meeting, provided that the multiple-member body may by a majority rollcall vote waive this provision; otherwise, the matter shall be postponed until a future meeting.

SECTION 3.

Severability

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 4.

Effective Date

This ordinance shall take effect immediately.

City of Framingham

The City Council of Framingham



FIRST READING:

YEAS: Bryant, Cannon, Case, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: King
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: May 4, 2021

SECOND READING:

YEAS: Bryant, Cannon, Case, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: TBD
ABSTAIN: TBD
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: May 18, 2021

A True Record, Attest:

5/21/2021
Date Approved

Lisa A. Ferguson
Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

6/3/2021
Date Approved

Yvonne M. Spicer
Yvonne M. Spicer, Mayor

See attached statement



CITY OF FRAMINGHAM

OFFICE OF THE MAYOR

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2021 JUN -3 P 3:00

Dr. Yvonne M. Spicer
Mayor

508-532-5401
mayor@framinghamma.gov
www.framinghamma.gov

MEMORIAL BUILDING
150 Concord Street, Room 121
Framingham, MA 01702

Thatcher W. Kezer III
Chief Operating Officer

June 3, 2021

City Council *via* electronic transmission; hand delivered to City Council Office

Re: Signing Statement for City Council Order #2021-048-001

Dear Chairman King and Members of the City Council,

I am approving the ordinance as proposed as more fully described below. I do believe it is important to offer a few comments to place this discussion into context. At the outset, we can all agree that transparency is important. The City responds to thousands of public records requests a year and routinely updates the city website, issues press releases, and conducts community outreach, dialogues and meetings with residents and stakeholders to further this important objective. However, the Council's reasoning for enacting this ordinance is not fairly based on the actual day-to-day experience of the public in obtaining public records in the City of Framingham. Based on documentation maintained by the City public records requests, for the most part, are responded to promptly, often in far less than the 10 business days allowed under the law. There is admittedly a subset of hundreds of anonymous requests made in 2021 alone that are submitted by requestors using fake names that are made at a substantially higher rate than in past years which often seek documents spanning broad time periods, often multiple years, which require many hours to review or which require the submission of good faith estimates because they will take many multiples of the two hours of employee time at no cost permitted under law. These requests are often broadly written and seek thousands of emails or documents, or seek documents that require review and redaction to protect privacy and other interests that we are required to protect from disclosure under law. Our employees are doing the best that they can to comply with these requests, while at the same time juggling multiple day-to-day responsibilities with a lack of time and resources. For these reasons, the ordinance in many respects seeks to solve a public records problem that does not exist, and otherwise just restates existing practices or requirements relative to the City's public meetings which were never an issue in the first place.

Nevertheless, the administration will comply with this ordinance to the extent permitted by the Framingham Home Rule Charter. Where the ordinance is intended to give orders or directions to the City's municipal officers and employees on the way in which they must respond to public records requests beyond what is already required by the Public Records Law, I again remind the Council that the Charter expressly prohibits these types of directives and mandates to City staff under Article II, Section 3(b), and our employees will continue to observe state law on this issue.

Sincerely,

Dr. Yvonne M. Spicer, Mayor

CC: Thatcher W. Kezer III; Christopher Brown; Christopher Petrini