

2021 JUN 10 PM 4: 24

The City Council of Framingham

2021 JUN -2 PM 2: 44



ORDER NO. 2021-066-001
REQUEST OF THE ECONOMIC DEVELOPMENT SUBCOMMITTEE

UPON THE REQUEST OF THE ECONOMIC DEVELOPMENT SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council adopt the Wage Theft Ordinance as recommended by the Economic Development Subcommittee and attached.

FIRST READING:

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

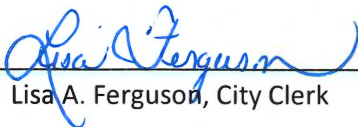
SECOND READING:

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All members were present via teleconferencing
PASSED IN COUNCIL: JUNE 1, 2021

A True Record, Attest:

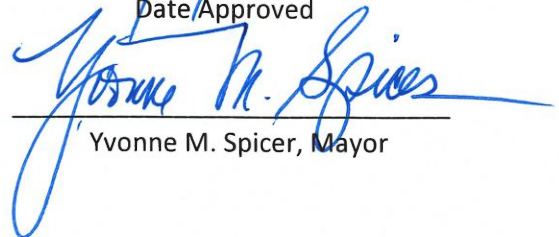
6/2/2021

Date Approved


Lisa A. Ferguson, City Clerk

6/10/2021

Date Approved


Yvonne M. Spicer, Mayor

Be it ordained by the Framingham Council, as follows:

Protect taxpayers and workers in the awarding of public contracts and financial incentives in Framingham

SECTION 1.

Taxpayer and Worker Protections

Section 1. DEFINITIONS.

- A. "City" means the City of Framingham.
- B. "Resident" means any person for whom the principal place of residence is within the City of Framingham during the entirety of time the person works on a Public Construction Project. Proof of such residence may include, but is not limited to, the following: a valid Massachusetts Driver's License or Massachusetts Identification Card, utility bills, proof of voter registration, or such other proof acceptable to the City.
- C. "Tax Relief" means any issuance of tax relief provided under a Tax Increment Financing Agreement, a Housing Development Exemption Agreement or any other provision of law or regulation authorizing the issuance of tax relief, or any form of taxpayer-funded grant provided under the Community Preservation Act or any other provision of law or regulation authorizing the issuance of taxpayer-funded grants.
- D. "Tax Relief Agreement" means any Agreement or other form of document governing the terms and conditions of the issuance of Tax Relief by the City.
- E. "Veteran" means a person who has served in any branch of the United States Armed Forces, and was not dishonorably discharged.

Section 2. POLICY.

It is the policy of Framingham in considering the utilization of tax incentive to support existing businesses and pursue new private investment and the award of public contracts to strive to:

- 1) Create permanent, full-time, livable-wage jobs for Framingham residents;
- 2) Protect workers from unsafe conditions and contractor exploitations;
- 3) Promote economic diversity;
- 4) Increase Framingham's commercial and industrial base;
- 5) Increase property values and tax revenue;
- 6) Eliminate blight and/or redevelop an underutilized property;
- 7) Directly or indirectly spur additional, unsubsidized private development in Framingham; and,
- 8) Benefit the long-term economic development and community goals of Framingham.

Section 3. TAX RELIEF AGREEMENTS.

All applications for tax relief and all tax relief agreement shall comply with the following:

- A. Any request for tax relief must be submitted to the City prior to the commencement of the project, and the application must:

1. create permanent, full-time livable wage jobs for Framingham residents;
2. certify that, its contractors, subcontractors and lessees, if applicable, will insure non-discrimination, without regard to race, color, religious creed, national origin, age, sex, gender identity & expression, sexual orientation, genetic information, ancestry, military service, source of information, or disability in the areas, in hiring, promotion, demotion, transfer, recruitment, layoff, termination, rate of compensation, in-service or apprenticeship training programs, and all other terms and conditions of employment as it pertains to the applicant, its contractors, subcontractors and lessees, if applicable;
3. improve a "Blighted Open Area", "Decadent Area", or a "Substandard Area" as defined in 402 CMR 2.03;
4. demonstrate additional economic benefits to the Framingham community, such as the employment of youth interns or support for local initiatives;
5. meet all local, state and federal permitting, licensing and regulatory requirements;
6. generate an increase in property tax revenue;
7. demonstrate that the Tax Relief is necessary to either off-set the cost of the project, retain and expand its operations in Framingham, or locate its operations to Framingham;
8. provide a project pro forma which demonstrates the financial need for tax increment financing and/or a written statement from the lender or principal funding provider noting the importance and basis therein of tax increment financing to the overall financial package assembled to finance the project;
9. demonstrate evidence of the required financing to complete the proposed project;
10. include a plan to use its best efforts to purchase supplies, materials, and services from suppliers and vendors located in Framingham, including requesting proposals from Framingham suppliers and vendors, giving preference to Framingham suppliers and vendors that are both qualified and competitive; and,
11. include a plan to use its best efforts to hire a minimum of 50% of its contractors and sub-contractors from qualified local (within thirty miles of the project address) companies, contractors and sub-contractors.

B. Each Tax Relief Agreement shall incorporate the following provisions A through D directly into the Agreement:

"A. It shall be a special and material condition of this Tax Relief Agreement that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the construction work during the term of this Agreement on the property that is the subject of this Agreement (hereinafter, collectively and individually, the "contractor") shall comply with the following qualifications and conditions:

1. The contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;
2. The contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent