

Framingham Massachusetts Home Rule Charter

Adopted April, 2017

Collins Center Commentary: Framingham’s charter established a mayor serving a four year term.

1. The charter creates 2 new positions hired by the mayor – a chief operating officer, and a citizen participation officer described in 3.[a] below.
2. The charter directs the mayor to consider appointments to boards and commissions “reflecting the geographic and demographic diversity of the city” (3. [b] below.) Admittedly, this is aspirational as it is qualified by “to the extent practicable, but represents a value of encouraging wider participation of the residents of the city in the responsibilities of the government.
3. The mayor is also required to present a “state of the city” address in January of each year (6. [c] below).
4. Section 11 emphasizes both physical planning (requiring a master plan every 20 years) and longer range financial and strategic planning with the creation of a Strategic Initiatives and Financial Oversight Committee.

Text referenced here appears in **bold face** below.

Article III: EXECUTIVE BRANCH

1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION

- a) Mayor, Qualifications: Any registered voter of Framingham shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.
- b) Term of Office: The term of office of the mayor shall be four (4) years beginning on the first day of January following the regular municipal election at which elected and shall continue until a successor is qualified.
- c) Compensation: The council shall, by ordinance, establish an annual salary for the mayor. Any ordinance altering the salary of the mayor (i) must be adopted during the first forty-two (42) months of the then mayor’s term; (ii) shall not be effective until after

the next election and qualification of mayor; and (iii) shall only be adopted by a two-thirds (2/3) vote of the full council on a roll call vote.

- d) Expenses: 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.
- e) Prohibition on Holding Other Office or Position: The mayor shall hold no other municipal office or municipal employment for which a salary or other emolument is payable from the municipal treasury. No former mayor shall hold any compensated appointed municipal office or municipal employment until one year after the date on which the former mayor's term of office has terminated. This prohibition shall not apply to persons covered by a leave of absence under General Laws chapter 31, section 37.
- f) Term Limit: No person shall hold the office of mayor for more than three consecutive full 4-year terms.

2. EXECUTIVE & ADMINISTRATIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive and administrative powers of the municipality shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several municipal agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders of the municipality to be enforced and shall cause a record of all official acts of the executive branch of the municipal government to be kept. The mayor shall exercise a general supervision and direction over all municipal agencies, unless otherwise provided by law, by the charter or by ordinance. Each municipal agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise that the mayor may request and that the needs of the office of mayor and the interest of the municipality may require. The mayor shall supervise, direct and be responsible for the efficient administration of all municipal activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the municipality of Framingham and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the municipality, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise. The mayor shall serve as 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.

3. APPOINTMENTS BY THE MAYOR

- a) Municipal Positions: The mayor shall appoint, subject to the review of the appointments by the council under Article II, all municipal officers, division heads, department directors, employees and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the council. Except as may otherwise be required by the civil service law, appointments or re-appointments made by the mayor shall be for indefinite terms, excepting persons categorized as division heads and department directors who shall serve three-year terms, and the chief financial officer, city solicitor, chief operating officer and citizen participation officer who shall serve coterminous with the term of the mayor. Division heads and department directors shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor 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. Provided, however, that the mayor shall appoint the library director and cemetery director only on the recommendation of their respective boards of trustees in accordance with Article IV and that such appointments shall not be subject to town council approval; provided further, that any appointment of a division head in the last year of the term for which the mayor was elected shall require a two-thirds (2/3) vote of the town council to be effective.
- b) Boards, Commissions, Committees and Officers: The mayor shall appoint the members of committees, boards, commission or officers for whom no other method of appointment or selection is provided by the charter. All such committees, boards, commission or officers, with the exception of members of the board of assessors, shall be residents of Framingham. The mayor may also appoint such ad hoc committees or working groups as the mayor deems appropriate to advise the mayor on matters affecting the municipality. **The mayor 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. The mayor's appointments shall include, but not be limited to, the following:

- i. Agricultural Advisory Committee
- ii. Board of Assessors
- iii. Board of Health
- iv. Board of License Commissioners
- v. Cable Advisory Committee
- vi. Capital Improvement Committee
- vii. Community Development Committee
- viii. Conservation Committee
- ix. Constables
- x. Council on Aging
- xi. Cultural Council
- xii. Cushing Memorial Chapel Advisory Committee
- xiii. Disability Commission
- xiv. Economic Development Industrial Commission
- xv. Elderly & Disabled Tax Fund Committee
- xvi. Fair Housing Committee
- xvii. Historian
- xviii. Historic Commission
- xix. Historic District Commission
- xx. Housing Authority
- xxi. Human Relations Commission
- xxii. Loring Arena Committee
- xxiii. Park and Recreation Commission
- xxiv. Planning Board
- xxv. Police Advisory Committee
- xxvi. Regional Vocational School Committee
- xxvii. Registrar of Voters
- xxviii. Retirement Board
- xxix. Traffic Commission
- xxx. Veterans Council
- xxxi. Zoning Board of Appeals

- c) **Citizen Participation Officer: The mayor shall appoint a citizen participation officer to work with municipal departments and multiple-member bodies to develop and implement strategies to enhance public engagement using current communication and outreach practices, to process citizen complaints and inquiries, and ensure**

compliance with public notice requirements. The citizen participation officer shall maintain the municipal notification list. The citizen participation officer shall analyze data on citizen engagement, complaints and inquiries, and shall regularly submit reports as directed by the mayor.

- d) **Chief Operating Officer: The mayor shall appoint a chief operating officer to assist in the coordination and direction of the operations of the various departments and functions of the government. The chief operating officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive qualifications or such other qualifications and shall be especially fitted by education, training and municipal experience to perform the duties of the office.**
- e) **City Solicitor: The mayor shall appoint the city solicitor to be the chief legal adviser of, and attorney for Framingham and all divisions and offices thereof in matters relating to their official powers and duties. It shall be the city solicitor's duty, either personally or by such assistants as may be designated, to perform all services incident to the legal department; to give advice in writing when so requested to the mayor, to prosecute or defend, as the case may be, all suits or cases to which the municipality may be a party, and to provide other legal support as requested by the mayor or required by ordinance. The city solicitor shall be appointed on the basis of having strong legal qualifications and shall be especially fitted by education, training and experience to perform the duties of the office.**

4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

- a. **Municipal Officers, Department Directors and Division Heads: The mayor may, in writing, remove or suspend any municipal officer or department director appointed by the mayor by filing a written statement with the city clerk, setting forth the reason(s) for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the municipal officer or department director. The decision of the mayor in suspending or removing a municipal officer or department director shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect thirty (30) days after the date of filing in the office of the city clerk the notice of removal by the mayor.**
- b. **Other Municipal Employees: Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a division head or department director may**

suspend or remove any assistant, subordinate or other employee of the agency for which that person is responsible under the procedures established for suspension and removal in the municipality's personnel ordinance. The decision of the division head or department director to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a division head or department director has determined a suspension or removal is appropriate may seek review of this determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within 10 days after receipt of notice of this determination. The review by the mayor shall follow the procedures established for suspension and removal in the municipality's personnel ordinance or collective bargaining agreement. Subject to any further rights to arbitration provided by any collective bargaining agreement, the decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review that may be provided by law.

5. TEMPORARY APPOINTMENTS TO MUNICIPAL OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a municipal office and the needs of the municipality require that the office be filled, the mayor may designate the head of another municipal agency or a municipal officer or municipal employee, or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the municipality of Framingham.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office essential to the performance of the duties of the office during the period of this temporary appointment. No temporary appointment or extension of

such appointment shall be for more than ninety (90) days, and not more than one extension of ninety (90) days may be made when a permanent vacancy exists in the office.

6. COMMUNICATIONS; SPECIAL MEETINGS

- a) Communications to the Council: Within twelve (12) weeks after the start of each fiscal year the mayor shall submit to the council and make available for public distribution a complete report on the financial and administrative activities of the municipality for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the council for its consideration such measures, in the judgment of the mayor, as the needs of the municipality require. The mayor shall, from time to time throughout the year by written communications, but no less than once per fiscal quarter, keep the council fully informed of the financial and administrative condition of the municipality and shall specifically indicate in these reports any emerging issues or concerns that may require future council action.
- b) Special Meetings of the Council: The mayor may at any time call a special meeting of the council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each councilor. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall immediately be posted on the municipal bulletin board.
- c) **State of Framingham: Each year in the month of January the mayor shall make an address to a joint meeting of the council, school committee, all elected and appointed members of municipal committees, boards, commission or officers, division heads, department directors and residents reporting on the state of affairs of Framingham.**

7. APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the council relative to the affairs of the municipality, except memorial resolutions, the selection of municipal officers chosen by the council and any matters relating to the internal affairs of the council, shall be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached to it, in writing, to the

council. The council shall enter the objections of the mayor on its records, and, not sooner than ten (10) days, nor later than thirty (30) days after the date of its return to the council, shall again consider the same measure. If the council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds (2/3) vote of the full council, it shall then be considered in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the council within ten (10) days after the date it was presented to the mayor, the measure shall be considered approved.

8. TEMPORARY ABSENCE OF THE MAYOR

- a) Acting Mayor: Whenever, by reason of sickness, absence from the municipality or other cause, the mayor shall by his or her own decision be unable to perform the duties of the office for a period of more than ten (10) successive days, the council chair shall be the acting mayor. In the event that the council chair chooses not to serve or is unable to serve, the council shall elect one of its members to serve as acting mayor.

The mayor shall, by a letter filed with the council and a copy filed with the city clerk, designate a qualified municipal officer or municipal employee to serve as acting mayor during the temporary absence of the mayor for periods of less than ten (10) successive days; such officer or employee shall serve only when the needs of the municipality require and only to the extent necessary under the then circumstances.

- b) Powers of Acting Mayor: The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the municipality in an orderly and efficient manner and on which action cannot be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from municipal service unless the disability of the mayor shall extend beyond sixty (60) days nor shall an acting mayor approve or disapprove of any measure adopted by the council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any councilor is serving as acting mayor, that councilor shall not vote as a councilor.

9. DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the municipality to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any authorizations

previously made, but all acts performed under any delegation of authority during any such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to municipal office or employment or to sign or return measures approved by the council.

10. VACANCY IN OFFICE OF MAYOR

- a) Special Election: If a vacancy in the office of mayor occurs during the first three (3) years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the council shall immediately, in the manner provided in Article VII, order a special election to be held not less than ninety (90) nor more than one hundred twenty (120) days after the date the vacancy is created, to fill that vacancy for the balance of the then unexpired term. If a regular municipal election is to be held within one hundred twenty (120) days after the date the vacancy is created, a special election need not be held and the position shall be filled by voters at the next regular municipal election.
- b) Council Election: If a vacancy in the office of mayor occurs in the fourth (4th) year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the council chair shall become the mayor, provided, however, that if the council chair chooses not to serve or is unable to serve, the council shall elect another councilor to serve as mayor. Upon the qualification of the council chair, or other councilor chosen to serve as the mayor under this section, as the case may be, a vacancy shall exist in that council seat on the council and shall be filled in the manner provided in Article II, section 11. The council chair or other councilor serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of Article III, section 1(a). Provided further, in the event that the acting mayor is a candidate for mayor in the ensuing election such person shall not be referred to as “candidate for re-election” on the election ballot.
- c) Powers, Term of Office: The mayor elected under Article III, sections 10 (a) or (b) shall have all the powers of the mayor. A person elected under subsection (a), above, shall serve for the balance of the term remaining at the time of election to the office. A person chosen under subsection (b), above, shall serve until the next regular municipal election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then present term.

11. STRATEGIC PLANNING

a) Master Plan

- i. Content: There shall be a master plan containing the plan elements described in of General Laws chapter 41, section 81D and shall include, but shall not be limited to, arts, culture, recreation, open space and housing; provided however, that the municipality may also undertake planning activities relating to particular services or specific geographic areas within the municipality as the mayor or council may direct.
- ii. Adoption: The plan shall be approved by the planning board as required by section 81D. Once approved by the board, the mayor shall submit the plan to the council for adoption, with or without amendments.
- iii. Revising the Plan: Upon the taking of office of a newly elected or re-elected mayor, the mayor shall review the plan to determine if revisions, amendments, and/or additions are necessary and present such proposals to the planning board for deliberation and approval. Any revisions, amendments and additions shall be subject to the adoption process as provided in (ii) above.
- iv. New Master Plan: A new master plan shall be prepared every twenty (20) years, provided however, that if the twentieth (20th) year is within two (2) years of a mayoral election, such new plan shall be undertaken within one year of a newly elected or re-elected mayor taking office. A new plan shall be prepared and adopted as provided in (i) and (ii) above within three (3) years of (a) the expiration of the plan then in effect, or (b) upon the taking of office of a newly elected or re-elected mayor, whichever is later.

b) Long Range Strategic Plan

Content: The Mayor shall prepare a long range strategic plan every ten (10) years in the year ending in "0." This plan shall be prepared in consultation with the Strategic Initiative and Financial Oversight Committee as established in Article VI (see below), division and department heads, multiple member bodies of the municipality, the council, school committee and residents, Said plan shall be updated every two years. The long range plan shall address financial, service, and infrastructure needs of the municipality and shall be coordinated with the findings and recommendations of

any master plan then in effect. Such plan shall be updated every two years and voted on by the council.

Excerpt from Article VI of the Framingham Home Rule Charter: Finance and Fiscal Procedures

11. STRATEGIC INITIATIVES AND FINANCIAL OVERSIGHT COMMITTEE (SIFOC)

There shall be a strategic initiatives and financial oversight committee (SIFOC) to advise the mayor, council and school committee on the status of Framingham's long range strategic plan in accordance with Article III, section 11(b), the state of the municipal economy, sufficiency of municipal revenues, and other fiscal matters that may from time to time be referred to it by the mayor, council or school committee. The Committee shall be comprised of nine (9) members appointed to staggered three-year terms, three (3) chosen by the council, three (3) chosen by the school committee, and three (3) chosen by the mayor, including its chair. Members shall be residents of the municipality and shall not hold any other elected or appointed office in the municipality and shall not receive any compensation. Each appointing authority shall select at least one member with expertise in finance and one member who is a member of the local business community. SIFOC will report annually to the mayor, council and school committee and shall file all of its reports with the city clerk.