



CITY COUNCIL

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AGENDA: DECEMBER 6, 2017

Ablondi Meeting Room
150 Concord Street
7:00 PM

- 1) CALL TO ORDER
- 2) REVIEW
Report of the Temporary Rules Committee
- 3) APPROVAL
Temporary Rules
- 4) REVIEW
Report of the Bylaw Review Committee
- 5) APPROVAL
Meeting Minutes – November 15, 2017
- 6) ADJOURNMENT

To: Framingham City Councilors-Elect

From: Temporary Rules Committee

Subject: Recommendation on Interim Rules

Date: December 6, 2017

The Temporary Rules Committee met on November 21 and November 30, 2017. Our goal was to establish basic rules and a structure to allow the council to operate over the next six months. During this time the permanent Rules Committee will develop our final in-depth rules. We reviewed rules and procedures from several different communities and found them to have many commonalities. Much of our work to establish basic temporary rules is borrowed from these communities.

One of the most important aspects of our work was to recommend the establishment of subcommittees of the council to help us pursue our legislative and policy-based responsibilities.

At this time we are recommending the formation of seven subcommittees each consisting of 3-5 council members. This will require each councilor to serve on two or three subcommittees. The Finance subcommittee is required by the Charter. The remaining recommended subcommittees are created by these interim rules. A general description of each subcommittee appears below the name, and this description can be further defined in the permanent rules.

The balance of the operational rules is designed to allow for basic procedure as we begin our work. There is more in-depth work required on these rules that can consider more detail and substance.

Temporary Rules of the Framingham City Council

Council Subcommittees

The Framingham City Council will have the following subcommittees as of January 1, 2018:

Finance (5 Members)

The Finance subcommittee will be responsible for all matters assigned to it by the Charter. In addition any matter of the council that is financial in nature can be referred to the committee.

Appointments (5 Members)

The committee will review and make recommendations to the Council on all mayoral appointments that are subject to Council oversight.

Economic Development (5 Members)

The committee may review all matters related to economic development in the purview of the council.

Rules (3 Members)

The committee will develop final and permanent rules for the council and review and recommend changes as necessary.

Education (3 Members)

The committee will serve as the City Council's liaison to the School Committee and the Framingham Public Schools and may review any related matter within the purview of the City Council.

Environment (3 Members)

The committee will deal with any environmental sustainability or policy matters in the purview of the council.

Planning and Zoning (3 Members)

The committee will review and make recommendations to the full council regarding any planning and zoning bylaws and related issues that are in the purview of the council.

Other Rules relating to committee formation and operation:

- 1) The Chairman will appoint the membership of all subcommittees as provided for in the charter.
- 2) The Chairman will appoint the chairman of each council subcommittee, and the chairman of each subcommittee will appoint the vice chairman with the approval of the council chair.

- 3) The Chairman will strive to appoint subcommittees to reflect the diversity of the council.
- 4) All matters considered by council committees must be referred to the committee by the Chairman or a majority vote of the council members present at the meeting.
- 5) Special Committees for a specific purpose may be authorized at any time by majority vote and shall be appointed by the Chairman. Membership and organization of Special Committees should follow Rules 1-4 above.
- 6) Any employee appointed directly by the council will be reviewed by an ad hoc committee appointed by the Chairman for that specific purpose, final approval subject to majority vote of the council.
- 7) All positions on multi-member boards appointed directly by the council will be initially reviewed by the subcommittee on appointments with final approval subject to a majority vote of the Council.

General Rules of the Council

- 1) Permanent seating will be assigned. The council seats from left to right will be numbered 1-11. The Vice Chairman of the council will sit in seat 5 and the Chairman in seat 6. The remaining councilors will randomly select their seats by drawing before or at the beginning of the council term. The seating assignment will remain for the duration of the two-year term.
- 2) The council agenda shall be formed as follows:
 - a. Public Participation—Board of Selectmen procedure will be used until revised
 - b. Public Hearings
 - c. Report of the Mayor
 - d. Report of the Council Chair
 - e. Reports of Subcommittee Chairs
 - f. Old Business
 - g. New Business
 - h. Minutes
 - i. Adjournment
- 3) Regular council meetings will be on the 1st and 3rd Tuesday of each month beginning at 7:00 PM. During the months of July and August, however, the Council will meet only on the 1st Tuesday. Special meetings will be called and scheduled as provided for in the Charter.

- 4) No new agenda item will begin after 10:00 p.m. without a 2/3 vote of the council members present at the meeting.
- 5) The agenda and supporting material should be submitted to the council office by Noon on the Thursday before the Tuesday meeting. The agenda and supporting material should be published by 5:00 p.m. Friday and available online.

(48-hour advance notice is required by the Open Meeting Law; weekend days and holidays do not count toward the required notice. In case of Monday holiday, these deadlines are 24 hours earlier.)

- 6) The chairman has full discretion as to the inclusion of items on the agenda, unless a majority vote of the council decides otherwise.
- 7) Roberts Rules of Order will be used as guidance for parliamentary procedure.

DRAFT

Report of the Bylaw Review Committee

The Framingham By-law Review Committee (BRC) was authorized by the Home Rule Charter (Charter) approved by Framingham voters on April 4, 2017. The Committee was charged with reviewing the bylaws of the Town and recommending changes to the bylaws to conform to the Charter.

The process began by the BRC breaking into three subcommittees. Each subcommittee was assigned multiple sections of the general bylaws to review for suggested revisions to conform to the Charter. The work of each subcommittee was reviewed, revised and approved by the full BRC. The recommended changes were forwarded to Town Counsel for review. The BRC met with the Town Counsel on multiple occasions to review and discuss changes and consider additional issues.

The BRC saw the charge of our committee to include reviewing the zoning bylaws of the Town. After a brief review the BRC believed that most of the necessary changes would be in nomenclature only. Therefore the BRC requested the Planning Board conduct the initial review and make any suggested changes due to the highly complex subject matter. The Town Counsel then reviewed the changes recommended and they were ultimately accepted by the BRC.

An explanation of the approach of the BRC to our task is important to understanding the context and the recommendations of this report. The BRC recognized there are significant decisions that will have to be made by the new government in terms of its operations. The establishment of a city council and the rules and procedurals it will follow is a good example of the complex undertakings required. However, there are numerous other examples of such needs.

The BRC choose to keep a relatively narrow focus as it undertook its mission. The BRC felt rightfully constrained by both time and the authority granted by the Charter. This report, though reflective of substantial work and effort, is only a recommendation. This is the first step in a multi-step process. A successor committee will be appointed by the incoming Mayor to further review and make recommendations ultimately to be approved by the City Council. The BRC believes this document will provide a foundation on which to begin the decision making process.

The BRC changes to the general bylaws included deletions of some large sections. Article III on Town Meeting was the most significant. We recommend that key leaders of the new government review not only the recommended changes, but also the deletions, as there are potential duties, powers and responsibilities that may be of value to a different sector of the new government. The BRC also made significant changes to Article I in terms of changes to the titles of positions and appointing authorities to reflect the new government.

The Planning Board administrator did the bulk of the work that was done on the Zoning By-laws. The changes were simply references to include the proper apparatus of the new government. In addition some minor clerical changes were made for consistency and clarity, such as the nomenclature for the reference to the Zoning Board of Appeals. Again, there are no changes to the meaning or impact of the Zoning By-laws.

Due to the voluminous page count to the combined set of bylaws, the BRC has elected to house its work online. By visiting our webpage (<http://framinghamma.gov/2316/Bylaw-Review-Committee>) you can find both the redlined and final clean version of the recommended changes.

The BRC did come across many additional items about which further consideration; study and eventually decisions will have to be made. Although the BRC did not feel it was our role to make recommendations on some matters, we provide a list of areas for future consideration. These items are a wide range of issues that came to our attention during our work, from bylaw considerations to more general consideration. A brief summary of these items is included on the next pages under the title of Bylaw Review Committee Recommendations.

Respectfully submitted

George King, Chairman
Michael Gatlin, Vice Chairman
Joel Winett, Clerk
Robert Berman
Adam Blumer
Andrew Limeri
Nicole Singleton

Bylaw Review Committee Additional Recommendations

There were several issues that the Bylaw Review Committee (BRC) discussed and felt merited serious consideration, but ultimately decided it was not in the purview of the BRC to act upon. Instead we have consolidated several suggestions and recommendations for the new government to consider. In some cases the need is relatively urgent, in others more time can be taken. Some of the issues relate directly to bylaws, others are just general recommendations and observations.

Bylaws or Ordinances

- 1) Consider codifying strong police chief and fire chief positions. The strong Police Chief and Fire Chief statutes are local options accepted by Framingham Town Meeting but are applicable solely to towns. City Council and Mayor may wish to consider adoption of some version of the strong chief's laws by ordinance to protect management rights and provide the needed authority to the Police and Fire Chief to manage their departments in the most efficient, professional and effective manner possible.
- 2) Address various former bylaw powers of the Board of Selectmen and determine whether certain powers should be vested in the Mayor or Council (Article II, Section 1).
- 3) Develop procedures for notice of City Council actions by City Clerk as required in the Charter.
- 4) Assign some former FinCom powers and duties found in the FinCom bylaw to the functions of the new finance oversight board.
- 5) Assign some former Capital Budget Committee powers and duties to Capital Improvement Committee.
- 6) Establish a fine for Plastic Bag Reduction Ordinance violation (Article VIII, Section 8.4);
- 7) Review the potential of expanding the non-criminal disposition enforcement provision to more or all of the bylaws. Currently some bylaws are enforceable in this manner and others are not.
- 8) Due to the adoption of a city form of government the Board of Health reverts to three members. If the City wants to keep it at five, a special act must be considered.

General Issues

- 1) Create job descriptions for the new positions; such as Chief Operating Officer and Public Participation Officer.
- 2) Determine the payment schedule of stipends for the City Council and School Committee.
- 3) Review the FY 17 budget for funding of stipends for elected positions.
- 4) The Council should adopt preliminary rules for the appointment and composition of its committees.
- 5) The Mayor should review the operating policies of the Board of Selectmen for his/her adoption.
- 6) Review the various committees that exist within the government structure to evaluate their purpose and utility, with additions and subtractions as deemed appropriate.
- 7) Define the relationship of the Edgell Grove Cemetery and the City government. Simultaneously consideration should be given to the transfer of operations of the three small cemeteries to the Edgell Grove Trustees.
- 8) Consider adopting a remote participation law for multiple member bodies.
- 9) Negotiate an agreement with member towns to change the appointment process of the Keefe Tech School Committee.
- 10) Consider hiring a professional company to codify and maintain the written ordinances of the city.
- 11) Review and potentially implement the suggestions of the Charter Commission found in Article X of the charter on pages 68-69