

# City of Framingham

The City Council of Framingham



2021 SEP 12 PM 9:35

## Ordinance for the implementation of the Community Preservation Act

*Be it ordained by the Framingham Council, as follows:*

### SECTION 1.

Article I of the Framingham Ordinances is hereby amended by adding after "Community Development Committee" in section 2.4 the following:

Community Preservation Committee	Nine	Three Years	As defined in Article II, Section 32	3 in years one, two, and three
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### SECTION 2.

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

#### **Section 32: Community Preservation Committee**

##### **32.1: Preamble**

Framingham residents voted on November 3, 2020 to adopt the Massachusetts Community Preservation Act ("Act"), Chapter 267 of the Acts of 2000, codified as M.G.L. c. 44B, establishing a restricted Community Preservation Fund ("Fund") to be used for open space protection and preservation, creation of outdoor recreation, historic preservation, and maintenance and development of affordable housing. The Act requires that the City of Framingham establish an independent Community Preservation Committee ("Committee") to oversee and administer the Fund.

All Committee members shall be Framingham residents. , and the Committee's composition shall reflect the demographic and geographic diversity of the City.

It shall be the policy of the Committee to administer the Fund to protect, preserve, maintain, and enhance the quality of life of Framingham residents in perpetuity, consistent with the purposes and strictures of the Act. Therefore, the Committee's mission shall be to do the following:

- (1) seek projects that leverage additional public and private resources, where available, to maximize use of available Funds;

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- (2) solicit, evaluate, and recommend projects for funding through accessible, ethical, transparent, and fair processes; and
- (3) strive for receipt of applications and to recommend projects that representing the diverse geographic and demographic population of Framingham.

## **32.2: Establishment**

- 32.2.1 The Framingham Community Preservation Committee is hereby established in accordance with the Act, consisting of nine (9) members. Members shall serve for staggered terms of three years, though initially, at establishment of the Committee, member terms shall be of varying lengths (one, two, or three years) as described below to ensure continuity in the Committee's administration of the Fund.
- 32.2.2 The composition of the Committee, the designating authority for Committee members, and initial terms of office shall be as follows:
  - a. One member of the Planning Board (created by Section 81a of Chapter 41 and appointed by Mayor) as designated by the Board for an initial term of three years;
  - b. One member of the Conservation Commission (created by Section 8C of Chapter 40 and appointed by Mayor) as designated by the Commission for an initial term of two years;
  - c. One member of the Historical Commission (created by Section 8D of Chapter 40 and appointed by Mayor) as designated by the Commission for an initial term of one year;
  - d. One member of the Parks and Recreation Commission (created by Section 2 of Chapter 45 and appointed by Mayor) as designated by the Commissioners for an initial term of one year;
  - e. One member of the Housing Authority Board (created by Section 3 of Chapter 121B and appointed by Mayor and Governor) as designated by the Board for an initial term of two years;
  - f. Four members designated by the Council for initial terms of one, three, two and three years, respectively.
- 32.2.3 All members shall be Framingham residents. The Council shall consider the designations by multiple-member bodies before making their designations to balance the demographic and geographic diversity of the entire Committee. The Council shall consider, to the extent practicable, the expertise and/or interest of applicants, as demonstrated by education, training and previous experience, in open space,

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agriculture, outdoor recreation, historic preservation, affordable housing, planning, program or project management, municipal finance, or fiscal accounting practices. Members designated by the Council are prohibited from holding any other position on a multiple-member body nor hold any position as a municipal officer while serving as a member of the Committee.

32.2.4 Any mid-term vacancy on the Committee shall be filled within 60 days by the designating authority for the unexpired term. If a Committee member designated in accordance with subsections a through e above cease to be a member of their respective board, authority, committee, or commission, they will cease to be a member of the Committee. The Council shall post vacancies on the Municipal Bulletin Board at least 21 days before making any designations.

32.2.5 Multiple-member bodies shall make their initial designations within 30 days of this ordinance becoming effective. The Council shall make their initial designations within 60 days of this ordinance becoming effective. The length of initial terms shall be calculated as if the terms had started on July 1, 2021.

### 32.3: Duties

32.3.1 The Committee shall meet as necessary to carry out its duties, but in any fiscal year shall hold no fewer than six meetings.

32.3.2 The Committee may, subject to appropriation by the Council, incur expenses as permitted by state law using monies from the Fund, grants or gifts to pay such expenses.

32.3.3 The Committee shall be responsible for the following:

(1) study and maintain a listing of the needs, possibilities and resources of the city regarding community preservation. The Committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the parks commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies.

(2) review relevant master plans and studies prepared by municipal officers to better understand land use needs.

(3) develop a long-term and short-term community preservation program and financial plan for Framingham that identifies goals and needs, establishes priorities, and sets criteria for evaluating proposed projects. The financial plan shall include a multi-year revenue and expenditure forecast, including identifying other available public or private financing sources. The program and financial plan shall be reviewed



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and updated annually to reflect changes in the community's needs, priorities and resources.

(4) hold two or more public informational hearings which shall be posted publicly and published for two consecutive weeks preceding each hearing in a newspaper of general circulation in the City and on the Municipal Bulletin Board.

- 32.3.4 As part of its long-term and short-term community preservation program and financial plan development, the Committee shall annually hold one or more public informational hearings on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for two consecutive weeks preceding a hearing in a newspaper of general circulation in the city and posted on the Municipal Bulletin Board.
- 32.3.5 The Committee shall solicit applications throughout all neighborhoods within Framingham, providing application information and assistance with such application to residents in every neighborhood without exception. The Committee shall provide technical assistance on the application process and keep and maintain public records of all project applications proposed, rejected and approved posted on the Municipal Bulletin Board. The Committee is not obligated to recommend that the Council approve funding for a project simply because the project is eligible for CPA funding.
- 32.3.6 The Committee shall publish its proposed project recommendations and notice of a hearing in a newspaper of general circulation in the community and on a Municipal Bulletin Board for two consecutive weeks before the Committee takes a final vote on such recommendations to the Council.
- 32.3.7 Once per fiscal year, on or before February 1, the Committee shall bring forward those recommended projects for fund appropriations to the Council as follows:
- a. acquisition, creation and preservation of open space;
  - b. acquisition, preservation, rehabilitation and restoration of historic properties/resources;
  - c. acquisition, creation, preservation, rehabilitation and restoration of land for recreational use;
  - d. acquisition, creation, preservation and support of affordable community housing; and,
  - e. rehabilitation or restoration of open space and affordable community housing that is acquired or created with the Fund.

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Project recommendations shall include the timeline for implementation, anticipated project cost, appropriation requested, and all other funding sources. With respect to affordable community housing, the Committee shall recommend, wherever possible, the redevelopment of existing buildings or construction of new buildings on existing sites. Notwithstanding, the Committee may, upon a two-thirds vote of the Committee, bring additional recommendations for projects for appropriations to the Council during any given fiscal year. These recommendations shall require a two-thirds vote of the full Council for approval.

- 32.3.8 The Committee may include set aside funds for future use where sufficient funds are not available at the time. Such recommendation to the Council for deferred spending of monies shall be earmarked for specific purposes consistent with community preservation. Alternatively, the Committee may recommend action to set aside monies for later spending for general purposes that are consistent with the Act.
- 32.3.9 On or before April 1 each year, the Committee shall submit to the Mayor and the Council, an annual administrative and operating budget for the Committee for the next fiscal year, which shall not exceed five percent (5%) of that year's estimated annual Fund revenues. The Council shall vote on said request by June 30 of each year.
- 32.3.10 For the purposes of community preservation and upon the recommendation of the Committee, the City may take by gift or eminent domain under M.G.L. c. 79 the fee or any lesser interest in real property or waters located in the City if such gift or taking has first been approved by a two-thirds vote of the Council. Upon a like recommendation from the Committee and vote by the majority of the full Council, the City may expend monies in the Fund, if any, for the purpose of paying, in whole or in part, any damages for which the City may be liable by reason of a taking for the purposes permitted by the Act.
- 32.3.11 The Committee may recommend to the Council the issuance of general obligation bonds or notes, in accordance with the provisions of M.G.L. c. 44B § 11, in anticipation of revenues to be raised pursuant to the provisions of M.G.L. c. 44B § 3, if such bonds have first been approved by a two-thirds vote of the full Council, the proceeds of which shall be deposited in the Fund.

## **32.4: Requirement for a quorum, uniform procedures and organization**

The Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the full Committee shall constitute a quorum. The Committee shall approve its actions by majority vote. The Committee shall adhere to uniform procedures governing multiple-member bodies in

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accordance with Article I, Section 7. The Committee members shall annually select a chair, vice-chair, and clerk from its membership.

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.