



# City of Cambridge

15.

IN CITY COUNCIL  
October 23, 1989

Vice Mayor Wolf  
Councillor Duehay  
Councillor Graham  
Councillor David E. Sullivan

ORDERED: That the following three attached proposed ordinances be referred to the Committee on Ordinances and/or Planning Board for hearing and report:

1. By adding a new chapter to the General Ordinances of the City of Cambridge entitled "Code of Conduct for City Officials";
2. By adding a new Chapter Twenty-Six to the General Ordinances of the City of Cambridge entitled "Statements of Interests by Certain City Officials and Persons Conducting Business with the City"; and
3. By adding a new Article to the Zoning Ordinances of the City of Cambridge entitled "Disclosure of Beneficial Interests".

In City Council October 23, 1989.  
Adopted by the affirmative vote of nine members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

*Joseph E. Connarton*

Joseph E. Connarton, City Clerk.

Be It ordained by the City Council of the City of Cambridge, as follows:

The Code of the City of Cambridge is hereby amended by adding the new chapter:

CHAPTER \_\_\_\_\_  
CODE OF CONDUCT FOR CITY OFFICIALS

SECTION \_\_\_\_-1. The Municipal Code of Cambridge is hereby amended by adding a new Chapter \_\_\_\_ entitled "Governmental Ethics" as follows:

1. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

(a) "Administrative action" means a decision on, or proposal, consideration, enactment or making of any rule, regulation, or other official non-ministerial action or non-action by any executive department, or by any official or employee of an executive department, or any matter.

(b) "Agency" means the City Council, any committee or other subdivision thereof, any City department or other administrative unit, commission, board, or other division of the government of the City.

(c) "City" means the City of Cambridge.

(d) "City contractor" means any person (including his agents or employees acting within the scope of their employment) who is paid from the City treasury or pursuant to City Ordinance, for services to any City agency, regardless of the nature of the relationship of such individual to the City for purposes other than this chapter.

(e) "Compensation" means money, anything of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

(f) "Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

(g) "Doing business" means any one or any combination of sales, purchases, leases or contracts to, from, or with the City or any City agency in an amount in excess of \$5,000 in any twelve consecutive months.

(h) "Economic interest" means any interest valued or capable of valuation in monetary terms; provided, that "economic interest" is subject to the same exclusions as "financial interest."

(i) "Employee" means an individual employed by the City of Cambridge or any City agency, whether part-time or full-time, paid or unpaid, a consultant, appointed or elected.

(j) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.

(k) "Financial interest" means (i) any interest as a result of which a person currently receives or is entitled to receive in the future more than \$2,500 per year; (ii) any interest with a cost or present value in excess of \$5,000; or (iii) any interest representing more than 1% of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, business, trust, or any legal entity organized for profit; provided, however, financial interest shall not include (a) any ownership through purchase at fair market value, gift by a family member or inheritance of less than 1% of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (b) the authorized compensation paid to an official or employee for his office or employment; (c) any economic benefit provided equally to all residents of the City.

(l) "Gift" means anything of value given without consideration, for nominal consideration or without expectation of fair value in return.

(m) "Legislation" means ordinances, resolutions, amendments, nominations, appointments, reports and any other matters pending or proposed in the City Council or a

committee or other subdivision thereof, including any other matter which may be the subject of Council action.

(n) "Legislative action" means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the City Council or any committee or subcommittee thereof.

(o) "Lobbyist" means any person (i) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action; or (ii) any part of whose regular duties as an employee of another includes undertaking to influence any legislative or administrative action.

(p) "Official" means any person holding any elected office of the City or any appointed, non-employee member of any City agency.

(q) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing or other organization as a group of persons, and whether or not operated for profit.

(r) "Professional services" means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting,

insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.

(s) "Relative" means a person who is related to an official or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

2. Fiduciary duty. Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.

3. Improper influence. No official or employee shall make, participate in making or in any way attempt to use his position to influence any City governmental decision or action in which he knows or has reason to know that he has any economic interest distinguishable from its effect on the public generally.

4. Offering, receiving and soliciting gifts, favors.

(a) No person shall give to any official or employee, or to the spouse or child of either of them, and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any official, employee, or City contractor, or to the spouse or

child of any of them, and none of them shall accept, anything of value, including, but not limited to, a gift, a loan, a favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee or City contractor concerning the business of the City would be directly or indirectly influenced thereby.

(c) No person who has an economic interest in a specific business conducting business in the City, a City service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the sibling, spouse or child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service provided however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

(d) Except as prohibited in subsections (a) and (b), nothing in this section shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii) commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable hosting, including travel and expenses, entertainment, meals or

refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

(e) Any gift given in violation of the provisions of this section shall be turned over the Treasurer, who shall add the gift to the inventory of City property.

(f) Nothing in this section shall prohibit any official or employee, or his spouse or child, from accepting a gift on the City's behalf, provided, however, the person accepting the gift shall promptly report receipt of the gift to the Treasurer, who shall add it to the inventory of City property.

5. Solicitation or receipt of money for advice or assistance. No official or employee, or the spouse or minor child of any of them, shall solicit or accept any money or other thing of value including, but not limited to gifts, loans, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee or the spouse of an official or employee from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

6. City-owned property. No official or employee shall engage in or permit the unauthorized use of City-owned property by any person.

7. Use or disclosure of confidential information. No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Massachusetts Public Records Act, as amended.

8. Conflicts of interest.

(a) No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public.

(b) Any member of the City Council who has any economic interest distinguishable from that of the general public or all councilors in any matter pending before the City Council or any Council Committee shall publicly disclose the nature and extent of such interest on the record of proceedings of the City Council. He shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection

arises as soon as the member of the City Council knows or had reason to know of such potential conflict.

9. Representation of other persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any city agency on behalf of his constituents in the course of his duties as an elected official or any person from representing himself.

(b) No elected official or employee may have an economic interest in the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is adverse to that of the City.

(c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the official's City duties and responsibilities.

10. Post-employment restrictions.

(a) No former official or employee shall assist or represent any person other than the City in any judicial or

administrative proceeding involving the City or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment; provided, however, that any person may represent himself.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

11. Interest in City business. No elected official or employee shall have a financial interest, directly or indirectly, in his own name or in the name of any other person in any contract, work or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or is authorized by ordinance. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this

section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City or a City Agency, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City. No appointed official shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's City duties and responsibilities.

12. Contract inducements. No payment, gift or offer of employment or future employment shall be made in connection with any City contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every City contract and solicitation therefor.

13. Employment of relatives.

(a) No official or employee shall employ or advocate for employment, in any City agency in which said official or employee serves or over which he exercises authority, supervision, or control, any person (i) who is a relative of said official or employee, or (ii) in exchange for or in consideration of the employment of any of said official's or employee's relatives by any other official or employee.

(b) No official or employee shall exercise contract management authority where any relative of the official or

employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management authority.

(c) No official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or official exercises contract management authority. The employment of or contracting with a relative of such a City official or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a City contract shall be evidence that said employment or contract was obtained in violation of this chapter.

#### 14. Favors By City Councillors

City Councillors shall not make loans, gifts, offers of employment or future employment to the city manager, to heads of city departments or agencies, city solicitors or to members of boards or commissions involved in the granting of variances, permits, licenses or other such discretionary or adjudicatory functions.

#### 15. Penalties

(a) Any employee or City official who violates this code shall be subject to appropriate discipline, including suspension, termination or censure, consistent with the rules and requirements of the state civil service law, as well as civil or criminal prosecution under any other applicable state laws.

(b) A knowing violation of this code shall constitute a misdemeanor. Upon conviction, the Court shall impose a fine of not more than \$500 per offense.

(c) All City contracts shall include therein a clause for termination in the event of a violation of this Chapter in connection with the awarding, administration or performance of the contract.

(d) Any permit, license, ruling, determination or other official action taken in violation of this Code shall be void.

16. Other remedies. Nothing in this chapter shall preclude the City or any City Agency from maintaining an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

17. Conflict with other laws. In the event of any conflict or inconsistency of this ordinance with any other state law, the provision of broadest or most strict coverage shall control.



# City of Cambridge

15.

IN CITY COUNCIL  
October 23, 1989

Vice Mayor Wolf  
Councillor Duehay  
Councillor Graham  
Councillor David E. Sullivan

- ORDERED: That the following three attached proposed ordinances be referred to the Committee on Ordinances and/or Planning Board for hearing and report:
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A true copy:

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(l) "Gift" means anything of value given without consideration, for nominal consideration or without expectation of fair value in return.

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committee or other subdivision thereof, including any other matter which may be the subject of Council action.

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(o) "Lobbyist" means any person (i) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action; or (ii) any part of whose regular duties as an employee of another includes undertaking to influence any legislative or administrative action.

(p) "Official" means any person holding any elected office of the City or any appointed, non-employee member of any City agency.

(q) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing or other organization as a group of persons, and whether or not operated for profit.

(r) "Professional services" means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting,

insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.

(s) "Relative" means a person who is related to an official or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

2. Fiduciary duty. Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.

3. Improper influence. No official or employee shall make, participate in making or in any way attempt to use his position to influence any City governmental decision or action in which he knows or has reason to know that he has any economic interest distinguishable from its effect on the public generally.

4. Offering, receiving and soliciting gifts, favors.

(a) No person shall give to any official or employee, or to the spouse or child of either of them, and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any official, employee, or City contractor, or to the spouse or

child of any of them, and none of them shall accept, anything of value, including, but not limited to, a gift, a loan, a favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee or City contractor concerning the business of the City would be directly or indirectly influenced thereby.

(c) No person who has an economic interest in a specific business conducting business in the City, a City service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the sibling, spouse or child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service provided however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

(d) Except as prohibited in subsections (a) and (b), nothing in this section shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii) commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable hosting, including travel and expenses, entertainment, meals or

refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

(e) Any gift given in violation of the provisions of this section shall be turned over the Treasurer, who shall add the gift to the inventory of City property.

(f) Nothing in this section shall prohibit any official or employee, or his spouse or child, from accepting a gift on the City's behalf, provided, however, the person accepting the gift shall promptly report receipt of the gift to the Treasurer, who shall add it to the inventory of City property.

5. Solicitation or receipt of money for advice or assistance. No official or employee, or the spouse or minor child of any of them, shall solicit or accept any money or other thing of value including, but not limited to gifts, loans, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee or the spouse of an official or employee from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

6. City-owned property. No official or employee shall engage in or permit the unauthorized use of City-owned property by any person.

7. Use or disclosure of confidential information. No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Massachusetts Public Records Act, as amended.

8. Conflicts of interest.

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(b) Any member of the City Council who has any economic interest distinguishable from that of the general public or all councilors in any matter pending before the City Council or any Council Committee shall publicly disclose the nature and extent of such interest on the record of proceedings of the City Council. He shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection

arises as soon as the member of the City Council knows or had reason to know of such potential conflict.

9. Representation of other persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any city agency on behalf of his constituents in the course of his duties as an elected official or any person from representing himself.

(b) No elected official or employee may have an economic interest in the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is adverse to that of the City.

(c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the official's City duties and responsibilities.

10. Post-employment restrictions.

(a) No former official or employee shall assist or represent any person other than the City in any judicial or

administrative proceeding involving the City of any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment; provided, however, that any person may represent himself.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

11. Interest in City business. No elected official or employee shall have a financial interest, directly or indirectly, in his own name or in the name of any other person in any contract, work or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or is authorized by ordinance. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this

section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City or a City Agency, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City. No appointed official shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's City duties and responsibilities.

12. Contract inducements. No payment, gift or offer of employment or future employment shall be made in connection with any City contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every City contract and solicitation therefor.

13. Employment of relatives.

(a) No official or employee shall employ or advocate for employment, in any City agency in which said official or employee serves or over which he exercises authority, supervision, or control, any person (i) who is a relative of said official or employee, or (ii) in exchange for or in consideration of the employment of any of said official's or employee's relatives by any other official or employee.

(b) No official or employee shall exercise contract management authority where any relative of the official or

employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management authority.

(c) No official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or official exercises contract management authority. The employment of or contracting with a relative of such a City official or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a City contract shall be evidence that said employment or contract was obtained in violation of this chapter.

#### 14. Favors By City Councillors

City Councillors shall not make loans, gifts, offers of employment or future employment to the city manager, to heads of city departments or agencies, city solicitors or to members of boards or commissions involved in the granting of variances, permits, licenses or other such discretionary or adjudicatory functions.

#### 15. Penalties

(a) Any employee or City official who violates this code shall be subject to appropriate discipline, including suspension, termination or censure, consistent with the rules and requirements of the state civil service law, as well as civil or criminal prosecution under any other applicable state laws.

(b) A knowing violation of this code shall constitute a misdemeanor. Upon conviction, the Court shall impose a fine of not more than \$500 per offense.

(c) All City contracts shall include therein a clause for termination in the event of a violation of this Chapter in connection with the awarding, administration or performance of the contract.

(d) Any permit, license, ruling, determination or other official action taken in violation of this Code shall be void.

16. Other remedies. Nothing in this chapter shall preclude the City or any City Agency from maintaining an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

17. Conflict with other laws. In the event of any conflict or inconsistency of this ordinance with any other state law, the provision of broadest or most strict coverage shall control.



# City of Cambridge

*see replacement.*

15.

IN CITY COUNCIL

October 23, 1989

Vice Mayor Wolf  
Councillor Duehay  
Councillor Graham  
Councillor David E. Sullivan

ORDERED: That the three (3) attached proposed ordinances be referred to the Committee on Ordinances for hearing and report.

Order # 15

0-137

Vice-Mayor Wolf, Councillors Duehay,  
Graham and David Sullivan re: referring  
three proposed amendments to the General  
Ordinances to the Committee on Ordinances.

*Code of Conduct for City  
Officials*

*12/28/89 - Placed on file  
without prejudice*

In City Council,

October 23, 1989

*Order adopted  
3 ordinances referred  
to Committee on Ordinances  
1 ordinance referred to  
Planning Board for  
hearing + report.  
Copies sent to Ord. Committee  
& Planning Board 10/24/89*