



City of Cambridge

7.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER J. SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1989 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 18, 1989.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

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 following chapter:

CHAPTER 26

STATEMENTS OF INTERESTS BY CERTAIN CITY OFFICIALS
AND PERSONS CONDUCTING BUSINESS WITH THE CITY

Section 26-1. Definitions. As used in this chapter, unless the context requires otherwise.

(a) "amount" means a category value, rather than an exact dollar figure, as follows: greater than \$1000 but not more than \$2500; greater than \$2500 but not more than \$5000; greater than \$5000 but not more than \$10,000; greater than \$10,000 but not more than \$25,000; greater than \$25,000 but not more than \$50,000; greater than \$50,000 but not more than \$100,000; greater than \$100,000;

(b) "business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, receivership, business or real estate trust, or any other legal entity organized for profit, non-profit or charitable purposes, including any federal, state, county, district or municipal agency, authority or other governmental entity;

(c) "business with which he is associated" means any business in which the reporting person or a family member is an employee, an elected or appointed governmental official, a general partner, proprietor, officer, director, trustee or

serves in any managerial capacity; and any business more than one per cent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "candidate" means any individual who seeks nomination or election to the office of city councillor or school committee member. For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to an office if he has (1) received a political contribution or made an expenditure, or has given his consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific municipal office for which he will seek nomination or election is known at the time the political contribution is received or the expenditure is made, or (2) taken action necessary under the law to qualify himself for nomination or election to such office;

(e) "commission" means the board of election commissioners of Cambridge, established by chapter 239 of the acts of 1921, as amended;

(f) "equity" means any stock or similar ownership interest in a business;

(g) "family member" means a spouse, any dependent children residing in the reporting person's household, or a sibling;

(h) "gift" means a payment, entertainment, subscription, advance services or anything of value, unless consideration of

equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the price shall be treated as a gift. "Gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance or a gift received from a family member or from a relative within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative;

(i) "legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation or any other matter before the City Council or School Committee, or to influence the decision of any member of the city administration where such decision concerns legislation or the adoption, defeat or postponement of a standard rate, rule or regulation pursuant thereto. The term shall include persons who, as any part of their usual employment and not simply incidental thereto, attempt to promote, oppose or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(j) "municipal body" means any agency, authority, board, bureau, commission, committee, council, department, division, school department, or other legal entity within the government of the City of Cambridge;

(k) "municipal official" means:

(i) any individual holding any one of the following positions in the government of the City of Cambridge, whether by election or appointment: mayor; councillor; city manager; deputy city manager; assistant city manager; city clerk; auditor; city solicitor; school committee member;

(ii) the executive or administrative head or heads, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with primary executive authority for any of the following: general purpose administration; planning; development and land use; public safety; education; inspection and licensing; public works; or assessment; or

(iii) the executive or administrative head or heads, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies which the commission may designate; or

(iv) any employee of a municipal body whose salary exceeds that of any of the foregoing and reports directly to any of the foregoing, or who is head of a major administrative unit within a municipal body, as determined by the commission;

(l) "person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons;

(m) "political contribution" means a contribution of money or anything of value to an individual, candidate, or political committee, or person acting on behalf of any individual, candidate, or political committee, for the purpose of

influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and the general public; and (6) the forgiveness of indebtedness or payment of indebtedness by another person, but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services or such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality;

(n) "reporting person or reporting business" means any person required to file a statement of interests pursuant to section 3 of this chapter.

(o) "businesses conducting business within the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City in excess of \$5,000 per year, which monies are not received as a consequence of a contract awarded on the basis of competitive bidding.

Section 26-2. Administration.

The commission shall:

(a) on or before March first of each year request from the city manager a list of the names and positions of all municipal officials and businesses conducting business with the City, certified as to correctness and completeness, and the city manager shall furnish such a list within (60) days;

(b) on or before May first of each year make forms and instructions for statements of interests available to persons required to file the statements pursuant to the provisions of this chapter;

(c) upon receipt of a statement of interests filed pursuant to this chapter, issue to the person filing such statement a receipt verifying the fact that a statement of interests has been filed and a receipted copy of such statement;

(d) make the lists of municipal officials and statements of interests filed with the commission pursuant to this chapter available upon written request of any individual for public

inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost; the commission shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the attorney general, the district attorney, or the State Ethics Commission shall be confidential;

(e) compile and maintain an index of all filed statements of interests to facilitate public access to the statements;

(f) inspect all filed statements of interests in order to ascertain whether any reporting person has failed to file a statement as required by law or has filed a statement which is deficient on its face. After inspection, the commission shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interests on its face;

(g) notify each delinquent reporting person that a statement of interests has been filed or that such a statement which has been filed is deficient. Such notice shall be in writing and shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(h) preserve all statements filed with it for six years from the date of receipt.

Section 26-3. Statements of Interests.

(a) Every candidate shall file a statement of interests for

the preceding calendar year with the commission on or before the date on which nomination papers for such candidate must be submitted to the commission;

(b) Every municipal official shall file a statement of interests for the preceding year with the commission:

(1) on or before June first of each year that such person is a municipal official or within thirty days of becoming a municipal official, whichever is later, and (2) on or before June first of the year after such person ceases to be a municipal official; provided, however, that no former municipal official shall be required to file a statement of interests for any year in which he was a municipal official for less than (30) days;

(c) the statements of interests shall be filed on a form prescribed by the commission and shall be signed under penalty of perjury by the reporting person;

(d) every reporting person (other than businesses conducting business with the City) shall disclose, to the best of his knowledge, the following information for himself and every family member for the preceding calendar year:

(i) the name and address of and the nature of association with any business from which income in excess of \$1,000 is received if that business is transacting business in Massachusetts, provided, however, that no such disclosure must be made where dividends or other such profit distributions arise from the beneficial ownership of less than one percent of the business;

(ii) the name of all businesses transacting business in Massachusetts as to which more than one percent of the beneficial ownership of which is held directly or indirectly by a family member;

(iii) the name and address of each creditor, located within, or doing business with the City of Cambridge, to whom more than one thousand dollars was owed on December 31, and the original amount, the amount outstanding, the terms of repayment and the general nature of the security pledged for each obligation; provided, however, that mortgages on the person's primary residence, obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of business, and any obligation to make alimony or support payments shall not be reported; provided, further, that such information need not be reported if the creditor is a relative within the third degree of consanguinity or affinity;

(iv) the name and address of the source, and the cash value of any reimbursement for expense aggregating more than one hundred dollars in the calendar year if the recipient is a member of a municipal body and the source of such reimbursement is a person having a direct interest in legislation, legislative action, administrative action, or a matter before that municipal body;

(v) the name and address of the donor, and the fair market value, if determinable, of any gift(s) aggregating more than one hundred dollars in the calendar year, if the recipient

is a member of a municipal body and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(vi) the description, as appearing on the most recent tax bill of all real property located within the boundaries of the City of Cambridge, in which direct or indirect financial interest was held, which has an assessed value greater than one thousand dollars; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer;

(vii) the name and address of the source, and the fair market value, of any honoraria aggregating more than one hundred dollars if the source of such honoraria is a legislative agent; or if the recipient is a member of a municipal body and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(viii) the name and address of any creditor who has forgiven an indebtedness of over one thousand dollars, and the amount forgiven; provided, however, that no such information need be reported if the creditor is a relative within the third degree of consanguinity or affinity of the reporting person, or the spouse of such a relative;

(ix) the name and address of any business from which the reporting person is taking a leave of absence;

(x) the identity of any equity in a business from which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a member of a reporting person's family need not report any such transfer to the reporting person;

(xi) the date, nature, amount or value of any commercial or business transaction with any city councilor and the name of the councilor.

(e) every business conducting business with the City shall file a statement of interests for the calendar year in which any city funds are owed or paid and for two years thereafter listing thereon any of the following:

(i) the date, amount, and basis for any loan payment, gift or honorarium paid to any municipal official, candidate or committee supporting a candidate.

(ii) the name and address of any municipal official, candidate or member of their family employed by the business or owning more than one percent of the business or of any class of outstanding equity.

(f) any reporting person or reporting person who fails to file a statement of interests within the time, in the manner and to the extent required by this section shall be punished by a fine of not more than \$300. Every day that any such statement is not so filed shall constitute a separate offense.

Section 26-4. Powers and Duties of the Commission.

The commission shall:

(a) prescribe and publish rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of proceedings hereunder;

(b) determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If a reporting person has failed to file a statement of interests, or if any such statement filed with the clerk fails to conform with the requirement of section 3 (d) of this chapter, then the commission shall notify the delinquent in writing. Such notice shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(c) initiate a hearing and require the attendance and testimony of the delinquent reporting person, if that person fails to file or correct the statement of interests within thirty (30) days. The delinquent person may forego a hearing before the commission at his or her discretion, but shall be subject to a civil penalty pursuant to subsection (d) of this section.

Any member of the commission may administer oaths and any member of the commission may hear testimony or receive other evidence in any proceeding before the commission.

All testimony in commission proceedings shall be under oath. All parties have the right to call and examine witnesses and to be represented by counsel. Before testifying, all

witnesses shall be given a copy of the regulations governing commission proceedings.

All proceedings of the commission carried out pursuant to the provisions of this subsection shall be public, unless the members vote to go into executive session in accordance with section 23B of chapter 39 of the General Laws.

Within thirty days after the end of the proceeding pursuant to the provisions of this subsection, the commission shall meet for the purpose of reviewing the evidence before it. Within thirty days after the completion of deliberations, the commission shall publish its findings.

(d) issue an order requiring the delinquent reporting person to pay a civil forfeiture of not more than \$300 for each violation against such person, if the commission establishes in its findings that a violation of this chapter has been committed, or if the delinquent reporting person decides to forego a hearing before the commission.

The commission may commence a civil action in the Cambridge division of the district court department to enforce such an order, and for this purpose may retain independent legal counsel. Any such order shall also be subject to judicial review in said court, upon complaint of the delinquent reporting person filed within thirty days after such order.

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 following chapter:

CHAPTER 26

STATEMENTS OF INTERESTS BY CERTAIN CITY OFFICIALS
AND PERSONS CONDUCTING BUSINESS WITH THE CITY

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(b) "business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, receivership, business or real estate trust, or any other legal entity organized for profit, non-profit or charitable purposes, including any federal, state, county, district or municipal agency, authority or other governmental entity;

(c) "business with which he is associated" means any business in which the reporting person or a family member is an employee, an elected or appointed governmental official, a general partner, proprietor, officer, director, trustee or

serves in any managerial capacity; and any business more than one per cent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "candidate" means any individual who seeks nomination or election to the office of city councillor or school committee member. For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to an office if he has (1) received a political contribution or made an expenditure, or has given his consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific municipal office for which he will seek nomination or election is known at the time the political contribution is received or the expenditure is made, or (2) taken action necessary under the law to qualify himself for nomination or election to such office;

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equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the price shall be treated as a gift. "Gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance or a gift received from a family member or from a relative within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative;

(i) "legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation or any other matter before the City Council or School Committee, or to influence the decision of any member of the city administration where such decision concerns legislation or the adoption, defeat or postponement of a standard rate, rule or regulation pursuant thereto. The term shall include persons who, as any part of their usual employment and not simply incidental thereto, attempt to promote, oppose or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

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(iii) the executive or administrative head or heads, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies which the commission may designate; or

(iv) any employee of a municipal body whose salary exceeds that of any of the foregoing and reports directly to any of the foregoing, or who is head of a major administrative unit within a municipal body, as determined by the commission;

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influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and the general public; and (6) the forgiveness of indebtedness or payment of indebtedness by another person, but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services or such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality;

(n) "reporting person or reporting business" means any person required to file a statement of interests pursuant to section 3 of this chapter.

(o) "businesses conducting business within the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City in excess of \$5,000 per year, which monies are not received as a consequence of a contract awarded on the basis of competitive bidding.

Section 26-2. Administration.

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(b) on or before May first of each year make forms and instructions for statements of interests available to persons required to file the statements pursuant to the provisions of this chapter;

(c) upon receipt of a statement of interests filed pursuant to this chapter, issue to the person filing such statement a receipt verifying the fact that a statement of interests has been filed and a receipted copy of such statement;

(d) make the lists of municipal officials and statements of interests filed with the commission pursuant to this chapter available upon written request of any individual for public

inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost; the commission shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the attorney general, the district attorney, or the State Ethics Commission shall be confidential;

(e) compile and maintain an index of all filed statements of interests to facilitate public access to the statements;

(f) inspect all filed statements of interests in order to ascertain whether any reporting person has failed to file a statement as required by law or has filed a statement which is deficient on its face. After inspection, the commission shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interests on its face;

(g) notify each delinquent reporting person that a statement of interests has been filed or that such a statement which has been filed is deficient. Such notice shall be in writing and shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(h) preserve all statements filed with it for six years from the date of receipt.

Section 26-3. Statements of Interests.

(a) Every candidate shall file a statement of interests for

the preceding calendar year with the commission on or before the date on which nomination papers for such candidate must be submitted to the commission;

(b) Every municipal official shall file a statement of interests for the preceding year with the commission:

(1) on or before June first of each year that such person is a municipal official or within thirty days of becoming a municipal official, whichever is later, and (2) on or before June first of the year after such person ceases to be a municipal official; provided, however, that no former municipal official shall be required to file a statement of interests for any year in which he was a municipal official for less than (30) days;

(c) the statements of interests shall be filed on a form prescribed by the commission and shall be signed under penalty of perjury by the reporting person;

(d) every reporting person (other than businesses conducting business with the City) shall disclose, to the best of his knowledge, the following information for himself and every family member for the preceding calendar year:

(i) the name and address of and the nature of association with any business from which income in excess of \$1,000 is received if that business is transacting business in Massachusetts, provided, however, that no such disclosure must be made where dividends or other such profit distributions arise from the beneficial ownership of less than one percent of the business;

(ii) the name of all businesses transacting business in Massachusetts as to which more than one percent of the beneficial ownership of which is held directly or indirectly by a family member;

(iii) the name and address of each creditor, located within, or doing business with the City of Cambridge, to whom more than one thousand dollars was owed on December 31, and the original amount, the amount outstanding, the terms of repayment and the general nature of the security pledged for each obligation; provided, however, that mortgages on the person's primary residence, obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of business, and any obligation to make alimony or support payments shall not be reported; provided, further, that such information need not be reported if the creditor is a relative within the third degree of consanguinity or affinity;

(iv) the name and address of the source, and the cash value of any reimbursement for expense aggregating more than one hundred dollars in the calendar year if the recipient is a member of a municipal body and the source of such reimbursement is a person having a direct interest in legislation, legislative action, administrative action, or a matter before that municipal body;

(v) the name and address of the donor, and the fair market value, if determinable, of any gift(s) aggregating more than one hundred dollars in the calendar year, if the recipient

is a member of a municipal body and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(vi) the description, as appearing on the most recent tax bill of all real property located within the boundaries of the City of Cambridge, in which direct or indirect financial interest was held, which has an assessed value greater than one thousand dollars; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer;

(vii) the name and address of the source, and the fair market value, of any honoraria aggregating more than one hundred dollars if the source of such honoraria is a legislative agent; or if the recipient is a member of a municipal body and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(viii) the name and address of any creditor who has forgiven an indebtedness of over one thousand dollars, and the amount forgiven; provided, however, that no such information need be reported if the creditor is a relative within the third degree of consanguinity or affinity of the reporting person, or the spouse of such a relative;

(ix) the name and address of any business from which the reporting person is taking a leave of absence;

(x) the identity of any equity in a business from which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a member of a reporting person's family need not report any such transfer to the reporting person;

(xi) the date, nature, amount or value of any commercial or business transaction with any city councilor and the name of the councilor.

(e) every business conducting business with the City shall file a statement of interests for the calendar year in which any city funds are owed or paid and for two years thereafter listing thereon any of the following:

(i) the date, amount, and basis for any loan payment, gift or honorarium paid to any municipal official, candidate or committee supporting a candidate.

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Section 26-4. Powers and Duties of the Commission.

The commission shall:

(a) prescribe and publish rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of proceedings hereunder;

(b) determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If a reporting person has failed to file a statement of interests, or if any such statement filed with the clerk fails to conform with the requirement of section 3 (d) of this chapter, then the commission shall notify the delinquent in writing. Such notice shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(c) initiate a hearing and require the attendance and testimony of the delinquent reporting person, if that person fails to file or correct the statement of interests within thirty (30) days. The delinquent person may forego a hearing before the commission at his or her discretion, but shall be subject to a civil penalty pursuant to subsection (d) of this section.

Any member of the commission may administer oaths and any member of the commission may hear testimony or receive other evidence in any proceeding before the commission.

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witnesses shall be given a copy of the regulations governing commission proceedings.

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Within thirty days after the end of the proceeding pursuant to the provisions of this subsection, the commission shall meet for the purpose of reviewing the evidence before it. Within thirty days after the completion of deliberations, the commission shall publish its findings.

(d) issue an order requiring the delinquent reporting person to pay a civil forfeiture of not more than \$300 for each violation against such person, if the commission establishes in its findings that a violation of this chapter has been committed, or if the delinquent reporting person decides to forego a hearing before the commission.

The commission may commence a civil action in the Cambridge division of the district court department to enforce such an order, and for this purpose may retain independent legal counsel. Any such order shall also be subject to judicial review in said court, upon complaint of the delinquent reporting person filed within thirty days after such order.

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(b) "business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, receivership, business or real estate trust, or any other legal entity organized for profit, non-profit or charitable purposes, including any federal, state, county, district or municipal agency, authority or other governmental entity;

(c) "business with which he is associated" means any business in which the reporting person or a family member is an employee, an elected or appointed governmental official, a general partner, proprietor, officer, director, trustee or

serves in any managerial capacity; and any business more than one per cent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "candidate" means any individual who seeks nomination or election to the office of city councillor or school committee member. For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to an office if he has (1) received a political contribution or made an expenditure, or has given his consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific municipal office for which he will seek nomination or election is known at the time the political contribution is received or the expenditure is made, or (2) taken action necessary under the law to qualify himself for nomination or election to such office;

(e) "commission" means the board of election commissioners of Cambridge, established by chapter 239 of the acts of 1921, as amended;

(f) "equity" means any stock or similar ownership interest in a business;

(g) "family member" means a spouse, any dependent children residing in the reporting person's household, or a sibling;

(h) "gift" means a payment, entertainment, subscription, advance services or anything of value, unless consideration of

equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the price shall be treated as a gift. "Gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance or a gift received from a family member or from a relative within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative;

(i) "legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation or any other matter before the City Council or School Committee, or to influence the decision of any member of the city administration where such decision concerns legislation or the adoption, defeat or postponement of a standard rate, rule or regulation pursuant thereto. The term shall include persons who, as any part of their usual employment and not simply incidental thereto, attempt to promote, oppose or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(j) "municipal body" means any agency, authority, board, bureau, commission, committee, council, department, division, school department, or other legal entity within the government of the City of Cambridge;

(k) "municipal official" means:

(i) any individual holding any one of the following positions in the government of the City of Cambridge, whether by election or appointment: mayor; councillor; city manager; deputy city manager; assistant city manager; city clerk; auditor; city solicitor; school committee member;

(ii) the executive or administrative head or heads, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with primary executive authority for any of the following: general purpose administration; planning; development and land use; public safety; education; inspection and licensing; public works; or assessment; or

(iii) the executive or administrative head or heads, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies which the commission may designate; or

(iv) any employee of a municipal body whose salary exceeds that of any of the foregoing and reports directly to any of the foregoing, or who is head of a major administrative unit within a municipal body, as determined by the commission;

(l) "person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons;

(m) "political contribution" means a contribution of money or anything of value to an individual, candidate, or political committee, or person acting on behalf of any individual, candidate, or political committee, for the purpose of

influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and the general public; and (6) the forgiveness of indebtedness or payment of indebtedness by another person, but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services or such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality;

(n) "reporting person or reporting business" means any person required to file a statement of interests pursuant to section 3 of this chapter.

(o) "businesses conducting business within the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City in excess of \$5,000 per year, which monies are not received as a consequence of a contract awarded on the basis of competitive bidding.

Section 26-2. Administration.

The commission shall:

(a) on or before March first of each year request from the city manager a list of the names and positions of all municipal officials and businesses conducting business with the City, certified as to correctness and completeness, and the city manager shall furnish such a list within (60) days;

(b) on or before May first of each year make forms and instructions for statements of interests available to persons required to file the statements pursuant to the provisions of this chapter;

(c) upon receipt of a statement of interests filed pursuant to this chapter, issue to the person filing such statement a receipt verifying the fact that a statement of interests has been filed and a receipted copy of such statement;

(d) make the lists of municipal officials and statements of interests filed with the commission pursuant to this chapter available upon written request of any individual for public

inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost; the commission shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the attorney general, the district attorney, or the State Ethics Commission shall be confidential;

(e) compile and maintain an index of all filed statements of interests to facilitate public access to the statements;

(f) inspect all filed statements of interests in order to ascertain whether any reporting person has failed to file a statement as required by law or has filed a statement which is deficient on its face. After inspection, the commission shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interests on its face;

(g) notify each delinquent reporting person that a statement of interests has been filed or that such a statement which has been filed is deficient. Such notice shall be in writing and shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(h) preserve all statements filed with it for six years from the date of receipt.

Section 26-3. Statements of Interests.

(a) Every candidate shall file a statement of interests for

the preceding calendar year with the commission on or before the date on which nomination papers for such candidate must be submitted to the commission;

(b) Every municipal official shall file a statement of interests for the preceding year with the commission:

(1) on or before June first of each year that such person is a municipal official or within thirty days of becoming a municipal official, whichever is later, and (2) on or before June first of the year after such person ceases to be a municipal official; provided, however, that no former municipal official shall be required to file a statement of interests for any year in which he was a municipal official for less than (30) days;

(c) the statements of interests shall be filed on a form prescribed by the commission and shall be signed under penalty of perjury by the reporting person;

(d) every reporting person (other than businesses conducting business with the City) shall disclose, to the best of his knowledge, the following information for himself and every family member for the preceding calendar year:

(i) the name and address of and the nature of association with any business from which income in excess of \$1,000 is received if that business is transacting business in Massachusetts, provided, however, that no such disclosure must be made where dividends or other such profit distributions arise from the beneficial ownership of less than one percent of the business;

(ii) the name of all businesses transacting business in Massachusetts as to which more than one percent of the beneficial ownership of which is held directly or indirectly by a family member;

(iii) the name and address of each creditor, located within, or doing business with the City of Cambridge, to whom more than one thousand dollars was owed on December 31, and the original amount, the amount outstanding, the terms of repayment and the general nature of the security pledged for each obligation; provided, however, that mortgages on the person's primary residence, obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of business, and any obligation to make alimony or support payments shall not be reported; provided, further, that such information need not be reported if the creditor is a relative within the third degree of consanguinity or affinity;

(iv) the name and address of the source, and the cash value of any reimbursement for expense aggregating more than one hundred dollars in the calendar year if the recipient is a member of a municipal body and the source of such reimbursement is a person having a direct interest in legislation, legislative action, administrative action, or a matter before that municipal body;

(v) the name and address of the donor, and the fair market value, if determinable, of any gift(s) aggregating more than one hundred dollars in the calendar year, if the recipient

is a member of a municipal body and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(vi) the description, as appearing on the most recent tax bill of all real property located within the boundaries of the City of Cambridge, in which direct or indirect financial interest was held, which has an assessed value greater than one thousand dollars; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer;

(vii) the name and address of the source, and the fair market value, of any honoraria aggregating more than one hundred dollars if the source of such honoraria is a legislative agent; or if the recipient is a member of a municipal body and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before that municipal body;

(viii) the name and address of any creditor who has forgiven an indebtedness of over one thousand dollars, and the amount forgiven; provided, however, that no such information need be reported if the creditor is a relative within the third degree of consanguinity or affinity of the reporting person, or the spouse of such a relative;

(ix) the name and address of any business from which the reporting person is taking a leave of absence;

(x) the identity of any equity in a business from which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a member of a reporting person's family need not report any such transfer to the reporting person;

(xi) the date, nature, amount or value of any commercial or business transaction with any city councilor and the name of the councilor.

(e) every business conducting business with the City shall file a statement of interests for the calendar year in which any city funds are owed or paid and for two years thereafter listing thereon any of the following:

(i) the date, amount, and basis for any loan payment, gift or honorarium paid to any municipal official, candidate or committee supporting a candidate.

(ii) the name and address of any municipal official, candidate or member of their family employed by the business or owning more than one percent of the business or of any class of outstanding equity.

(f) any reporting person or reporting person who fails to file a statement of interests within the time, in the manner and to the extent required by this section shall be punished by a fine of not more than \$300. Every day that any such statement is not so filed shall constitute a separate offense.

Section 26-4. Powers and Duties of the Commission.

The commission shall:

(a) prescribe and publish rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of proceedings hereunder;

(b) determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If a reporting person has failed to file a statement of interests, or if any such statement filed with the clerk fails to conform with the requirement of section 3 (d) of this chapter, then the commission shall notify the delinquent in writing. Such notice shall state in detail each deficiency and the penalties for failure to file a correct statement of interests pursuant to this chapter;

(c) initiate a hearing and require the attendance and testimony of the delinquent reporting person, if that person fails to file or correct the statement of interests within thirty (30) days. The delinquent person may forego a hearing before the commission at his or her discretion, but shall be subject to a civil penalty pursuant to subsection (d) of this section.

Any member of the commission may administer oaths and any member of the commission may hear testimony or receive other evidence in any proceeding before the commission.

All testimony in commission proceedings shall be under oath. All parties have the right to call and examine witnesses and to be represented by counsel. Before testifying, all

witnesses shall be given a copy of the regulations governing commission proceedings.

All proceedings of the commission carried out pursuant to the provisions of this subsection shall be public, unless the members vote to go into executive session in accordance with section 23B of chapter 39 of the General Laws.

Within thirty days after the end of the proceeding pursuant to the provisions of this subsection, the commission shall meet for the purpose of reviewing the evidence before it. Within thirty days after the completion of deliberations, the commission shall publish its findings.

(d) issue an order requiring the delinquent reporting person to pay a civil forfeiture of not more than \$300 for each violation against such person, if the commission establishes in its findings that a violation of this chapter has been committed, or if the delinquent reporting person decides to forego a hearing before the commission.

The commission may commence a civil action in the Cambridge division of the district court department to enforce such an order, and for this purpose may retain independent legal counsel. Any such order shall also be subject to judicial review in said court, upon complaint of the delinquent reporting person filed within thirty days after such order.



City of Cambridge

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.

0-150

STATEMENTS OF INTERESTS BY CERTAIN CITY
OFFICIALS AND PERSONS CONDUCTING BUSINESS
WITH THE CITY.

12/28/89 Placed on
file without prejudice