

ORDINANCE NO. 928

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CITY OF CAMBRIDGE

In the Year One Thousand,

Nine Hundred Seventy-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Two, entitled "Administration" is hereby amended by adding a new Article XXXII entitled "Cambridge Consumer Advisory Commission", which reads as follows:

Article XXXII. Cambridge Consumer Advisory Commission.**Section 1. Establishment.**

Under the authority conferred by Chapter 40, section 8F of the Massachusetts General Laws, Chapter 153 of the Acts of 1970, and pursuant to the governmental powers possessed by cities and towns in accordance with Article LXXXIX of the Amendments to the Constitution of the Commonwealth, section 6, there be and is hereby created, in the City of Cambridge a Consumer Advisory Commission.

Section 2. Members; Terms.

The Commission shall consist of five (5) members, who must be citizens and residents of the City of Cambridge. One member shall be a consumer to be appointed by the City Manager; three other members shall be from the public-at-large, to be appointed by the City Manager. A fifth member shall be the Sealer of Weights and Measures, who shall serve as an ex-officio member.

The members shall serve for a term of two years each. Any member so appointed may be removed at the discretion of the City Manager. A vacancy occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointment. Said members shall serve without compensation but shall receive their expenses necessarily incurred in the performance of their duties.

Section 3. Meetings.

The Commission shall hold regular monthly meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the meeting.

The Commission shall have the power to adopt rules and regulations for the conduct of its business, and shall keep a record of its proceedings. A simple majority shall constitute a quorum. A vacancy shall occur when any member shall fail to be present at three (3) consecutive meetings or (fifty (50 percent) percent of) (twelve (12) such meetings in any calendar year, unless such absence shall be excused by the Commission and the reason therefore entered in the proceedings.

Section 4. Officers.

The Commission shall from time to time designate a chairman. The chairman, or a person designated by him, shall preside at Commission meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Commission shall elect such officers, committees, and task forces from among its members as they may from time to time deem necessary.

Section 5. Powers and Duties.

The Commission shall exercise and perform the following powers and duties:

(a) The commission shall conduct investigations, studies and research into matters affecting consumer interest and education and shall advise and report the results of such investigations, studies and research to the general public as well as to local governmental authorities and law enforcement agencies. The Commission may also undertake or recommend programs, as it deems in the best interest of the City, to correct, improve, or coordinate the protection of consumers in the City. The Commission shall also have the duty to study and report all matters referred to it by any City official or department.

(b) The Commission shall have the power to hold a public hearing on any matter it deems important and necessary and may call upon any municipal official or department, or any resident of the City, for testimony in connection therewith. The Commission shall establish rules of procedure governing the conduct of its hearings which shall be available to each witness prior to his testimony.

(c) The Commission shall have the power to call upon any other department of the City government for assistance or information in performing its duties; and it shall be the duty of such other departments to comply with a proper request of the Commission. Any question as to what constitutes a proper request for assistance or information shall be decided by the City Solicitor. The Commission shall also seek the cooperation and assistance of the Chamber of Commerce, the Office of the District Attorney, the Department of the Attorney General, the Consumers' Council and other agencies which regularly deal with consumer related matters.

(d) The Commission may appear, through its members or staff, for and in behalf of the people of the City before boards, commissions, commissioners, departments or agencies of the City, county or commonwealth, in any hearing affecting the rights of the City's consuming public or in any proceeding seeking a change or curtailment of public transportation services, or an increase of rates or costs of services or commodities, and shall be deemed an aggrieved party for the purpose of judicial or administrative review of any decision or ruling in any such proceedings in which it has so appeared, any other provision of law to the contrary notwithstanding.

(e) The Commission shall have the power to provide for a complaint referral service. The Commission may receive, refer, act upon or otherwise handle consumer complaints as it best determines, and shall keep a record of such complaints and their disposition. The Commission may call upon any City official or department for assistance in resolving such complaints, and it shall be the duty of such other officials or departments to act as expeditiously as possible on such requests.

(f) The Commission shall have the power to promulgate rules and regulations to protect consumers from practices which it determines to be unfair and deceptive or otherwise detrimental to the consuming public. Such rules and regulations shall have the force of ordinance and shall be subject to judicial or administrative review.

Section 6. Staff.

The Commission may appoint, by and with the approval of the City Manager, an executive director and such assistants, investigators, consultants, attorneys and experts on either a full or part time basis, as it deems necessary to carry out its functions and duties.

Section 7. Offices.

The Commission shall be provided with offices in City Hall or elsewhere within the City.

Section 8. Annual Report.

The Commission shall submit an annual report of its activities which shall include an evaluation of its effectiveness, and shall send a copy thereof to the Consumers' Council of the Commonwealth.

Section 9. Conflicting Ordinances.

All Ordinances, resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, and this ordinance shall take effect upon the date of passage.

In City Council September 10, 1979.

Passed to be ordained by a yeas and nays vote:- Yeas 6; Nays 3; Absent 0.

James L. Sullivan,
City Manager.

ATTEST:- Paul E. Healy,
City Clerk.

(C)Sept.13

