

PRELIMINARY DRAFT

CHAPTER 2

EXECUTIVE OFFICERS

- Art. I. The Mayor
 - Official Head Of City; Powers And Duties; Offices; Civil Process, sec. 2.101
- Art. II. The Council
 - Governing Body, sec. 2.201
 - Legislative Powers Of Council, sec. 2.202
 - Membership; Election, sec. 2.203
 - Organization, sec. 2.204
 - Meeting Of Council, sec. 2.205
 - Quorum, sec. 2.206
 - Presiding Officer, sec. 2.207
 - Manner Of Voting On Expenditures, sec. 2.208
 - Manner Of Handling Sale Or Rental Of City Owned Land; Hearing, Notice, sec. 2.209
 - Compensation Of Members, sec. 2.210
- Art. III. The Executive Department
 - A. The City Manager
 - Appointment And Tenure Of Office, sec. 2.301
 - Qualifications, sec. 2.302
 - Duties; Powers; Rights, sec. 2.303
 - Powers Of Appointment And Removal Of Officers And Employees, sec. 2.304
 - Enforcement Of Laws; Supervision Of Departments, sec. 2.305
 - Discharge Of Mortgages, sec. 2.306
 - Signing Deeds, Conveyances, Etc., sec. 2.307
 - Approving Drafts, Bonds, Contracts, sec. 2.308
 - Compensation Of City Manager, sec. 2.309
 - Removal Of City Manager, sec. 2.310
 - B. The Assistant City Manager For The Department Of Administration
 - Heads Department, sec. 2.311
 - Appointment And Term, sec. 2.312
 - No Civil Service Or Tenure Rights, sec. 2.313
 - Powers And Duties, sec. 2.314
 - Compensation, sec. 2.315
 - C. The Assistant City Manager For Community Development
 - Heads Department, sec. 2.316
 - Appointment And Term, sec. 2.317
 - No Civil Service Or Tenure Rights, sec. 2.318
 - Powers And Duties, sec. 2.319
 - Compensation, sec. 2.320

CHAPTER 2

EXECUTIVE OFFICERS

- D. The Assistant City Manager For Fiscal Affairs
 - Heads Division Of Finance, sec. 2.321
 - Appointment And Term, sec. 2.322
 - No Civil Service Or Tenure Rights, sec. 2.323
 - Powers And Duties, sec. 2.323
 - Compensation, sec. 2.325

ARTICLE I. THE MAYOR

SECTION 2.101. OFFICIAL HEAD OF CITY; POWERS AND DUTIES; OFFICES; CIVIL PROCESS. (a) The mayor shall be the official head of the City.

(b) He shall have all the powers and perform all the duties prescribed in 1 A.L.M., c. 43, sec. 100 and the ceremonial duties as official head of the City.

(c) He shall be provided with suitable offices in City Hall.

(d) He shall accept service of civil process on behalf of the City. (G.O. 1943, c. 2, sec. 1)

ARTICLE II. THE COUNCIL

SECTION 2.201. GOVERNING BODY. The City Council shall be the governing body of the City as provided in G.L., c. 43, sec. 95. (G.O. 1943, c. 2, sec. 13)

SECTION 2.202. LEGISLATIVE POWERS OF COUNCIL. The Council shall exercise all legislative powers as provided by G.L., c. 2, sec. 15)

SECTION 2.203. MEMBERSHIP; ELECTION. The Council membership its term of office and election shall be as provided in G.L., c. 43, sec. 96. (G.O. 1943, c. 2, sec. 14)

¹ The "Plan E" Charter, G.L., c. 43, secs. 93-116, defines the governmental structure of the City. See Appendix A for date of passage.

EXECUTIVE OFFICERS

SECTION 2.204. ORGANIZATION. The Council after its election shall meet and organize as provided in G.L., c. 43, sec. 97. (G.O. 1943, c. 2, sec. 16)

SECTION 2.205. MEETING OF COUNCIL. (a) All regular meetings of the City Council shall be held in the City Council Chamber, City Hall or, if agreed to by a majority of the Council, at any other suitable public building within the City of Cambridge, at 7:00 o'clock in the evening of Monday of each week, from the first Monday in January to and including the last Monday in June and from the second Monday in September to and including the last Monday in December, provided, however, that when a meeting day falls on a holiday the succeeding Monday shall be the meeting day, and provided, further, that the City Council may at any meeting by a majority vote, decide to discontinue any further meetings hereinbefore assigned.

(b) The Mayor, or the Vice-Chairman of the City Council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meetings and signed by the person calling the same, to be delivered in hand to each member of the City Council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meeting of the City Council may also be held at any time when all the members of the City Council are present and consent thereto. (Ord. No. 808, Jan. 24, 1972)

(c) All meetings of the City Council shall be open to the public, unless the Council shall vote to go into executive session, pursuant to the provisions of G.L., c. 43, sec. 98, and c. 39, sec. 23B.

SECTION 2.206. QUORUM. As provided in G.L., c. 43, sec. 98 a majority of the Council shall constitute a quorum. (G.O. 1943, c. 2, sec. 18)

SECTION 2.207. PRESIDING OFFICER. As provided in G.L., c. 43, sec. 98 the Mayor shall preside at the Council meetings and may vote. In his absence the Vice Chairman of the Council shall preside and in the absence of both a temporary Chairman shall be chosen pursuant to rules established by the Council. (G.O. 1943, c. 2, sec. 19, as amended)

SECTION 2.208. MANNER OF VOTING ON EXPENDITURES. All final votes on questions involving expenditure of Fifty Dollars (\$50.00) or more, or upon request of any member shall be in the manner provided in G.L., c. 43, sec. 99. (G.O. 1943, c. 2, sec. 20)

SECTION 2.209. MANNER OF HANDLING SALE OR RENTAL OF CITY OWNED LAND; HEARING; NOTICE. (a) For the purposes of protecting the

EXECUTIVE OFFICERS

citizens, real estate values and obtaining the best possible land use, no sale, lease or rental of City owned land or ways shall be accomplished until such offer, when received by the Council, shall be referred to the Planning Board for study and a report made to the Council. The Council shall hold a public hearing, to which the Planning Board shall be invited, within one month after receipt of the report.

(b) At least ten days prior to the hearing the City Clerk shall post notices of the hearing upon the City owned land or ways with respect to the proposed sale, lease or rental and shall send a written notice to the owners of the property adjoining and opposite said land or ways within two hundred (200) feet thereof as shown on the most recent tax list of the Board of Assessors, and to such owners and civic groups as may be deemed by the City Clerk to be affected and shall publish notice of the hearing in newspapers of general circulation within the City. (Ord. No. 733, Jan. 18, 1965)

SECTION 2.210. COMPENSATION OF MEMBERS. The members of the City Council shall receive for their annual compensation the amount of twelve thousand five hundred dollars (\$12,500.00) to be effective July 1, 1976 to be paid monthly or weekly, and the member of the City Council elected to the office of Mayor shall receive an additional one thousand dollars (\$1,000.00) pursuant to G.L., c. 39, sec. 6A. (Ord. No. 866, June 7, 1976)

ARTICLE III. THE EXECUTIVE DEPARTMENT

A. THE CITY MANAGER

SECTION 2.301. APPOINTMENT AND TENURE OF OFFICE. The City Manager shall be appointed by the City Council and shall hold office pursuant to G.L., c. 43, sec. 103. (G.O. 1943, c. 2, sec. 2)

SECTION 2.302. QUALIFICATIONS. The qualifications of the City Manager shall be such as are set out in G.L., c. 43, sec. 103. (G.O. 1943, c. 2, sec. 3)

SECTION 2.303. DUTIES; POWERS; RIGHTS. The duties, powers and rights of the City Manager shall be such as are provided in G.L., c. 43, sec. 104. (G.O. 1943, c. 2, sec. 5)

SECTION 2.304. POWERS OF APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES. The duties, powers and rights of the City Manager as to appointment and removal of administrative officers and employees of the City shall be such as are set out in G.L., c. 43, sec. 104 to 107. (G.O. 1943, c. 2, sec. 6)

EXECUTIVE OFFICERS.

SECTION 2.305. ENFORCEMENT OF LAWS; SUPERVISION OF DEPARTMENTS. The City Manager shall cause the laws of the Commonwealth and the ordinances, orders and regulations of the City to be executed and enforced by the proper officers; he shall exercise general supervision and control over the official acts and conduct of all officers,² and shall take proper action to cause every violation and neglect of duty to be punished. (G.O. 1943, c. 2, sec. 8)

SECTION 2.306. DISCHARGE OF MORTGAGES. Whenever the amount due and payable on any mortgage belonging to the City is paid to the Treasurer, he shall certify it to the City Manager, who shall thereupon discharge the mortgage; or he may assign it, without recourse in any event and without representations or warranties, express or implied, and for that purpose shall execute and deliver all necessary papers. (G.O. 1943, c. 2, sec. 9)

SECTION 2.307. SIGNING DEEDS, CONVEYANCES, ETC. All deeds, conveyances, leases and other instruments, which shall be given by the City, and which must be signed, sealed and acknowledged, shall be signed and acknowledged and delivered on behalf of the City, by the City Manager, who shall affix thereto the City Seal. This provision shall not be construed to prevent any officer from executing any conveyance, lease, contract or other instrument in performing the duties devolving upon him. (G.O. 1943, c. 2, sec. 10)

SECTION 2.308. APPROVING DRAFTS, BONDS, CONTRACTS.³(a) The City Manager shall approve all drafts drawn by the City Auditor upon the City Treasurer, and with the Treasurer and Auditor sign all bonds, notes and certificates of indebtedness issued for loans to the City authorized by the City Council. (G.O. 1943, c. 2, sec. 11)

(b) Any purchase, contract, order, or requisition involving an amount exceeding Three Hundred (\$300) Dollars shall be approved by the City Manager before the City shall be held liable therefor. (G.O. 1943, c. 2, sec. 105)

SECTION 2.309. COMPENSATION OF CITY MANAGER. Notwithstanding the provisions of G.L., c. 43, sec. 103, the City Manager shall receive such compensation as the City Council shall determine by ordinance, in accordance with the Acts of 1972, Chapter 22.

SECTION 2.310. REMOVAL OF CITY MANAGER. Removal of the City Manager shall be affected only in the manner provided in G.L., c. 43, sec. 103. (G.O. 1943, c. 2, sec. 7)

²For exceptions, see G.L. c. 43, sec. 103

³For regulations pertaining to contracts, bonds, and other instruments, see c. 3, sec. 3.101 et seq.

EXECUTIVE OFFICERS

B. THE ASSISTANT CITY MANAGER FOR THE DEPARTMENT OF ADMINISTRATION

SECTION 2.311. HEADS DEPARTMENT. The Department of Administration shall be under the control of the Assistant City Manager, who shall be considered a department head within the provisions of G.L., c. 43, sec. 103. (Ord. No. 744, sec. 2, June 27, 1966)

SECTION 2.312. APPOINTMENT AND TERM. The Assistant City Manager shall be appointed by and shall serve at the pleasure of the City Manager. (Ord. No. 744, sec. 3, June 27, 1966)

SECTION 2.313. NO CIVIL SERVICE OR TENURE RIGHTS. The Assistant City Manager shall have no rights under Civil Service, nor acquire any rights of tenure in any manner. (Ord. No. 744, sec. 4, June 27, 1966)

SECTION 2.314. POWERS AND DUTIES. The powers and duties of the Assistant City Manager shall be such as are designated and assigned from time to time by the City Manager. In the absence or disability of the City Manager the Assistant City Manager shall assume the duties of the City Manager, subject to the formal approval of the City Council. (Ord. No. 744, sec. 5, June 27, 1966)

SECTION 2.315. COMPENSATION. The Assistant City Manager for the Department of Administration shall receive as an annual compensation the amount set forth in the Salary and Classification Plan, as specified in section 3.909 of this Code. (Ord. No. 744, June 27, 1966, as amended)

C. THE ASSISTANT CITY MANAGER FOR COMMUNITY DEVELOPMENT

SECTION 2.316. HEADS DEPARTMENT. (a) There shall be an Assistant City Manager for Community Development, who shall be considered a department head within the provisions of G.L., c. 43, sec. 103.

(b) He shall have general supervision and control of the Department of Community Development, and those related local departments, divisions, agencies, boards, and commissions, such as the Planning Board, and the Model Cities Administration, for which the City Manager's office has direct managerial responsibilities. (Ord. No. 838, June 3, 1974, as amended)

SECTION 2.317. APPOINTMENT AND TERM. The Assistant City Manager for Community Development shall be appointed by and serve at the pleasure of the City Manager. (Ord. No. 838, June 3, 1974, as amended)

EXECUTIVE OFFICERS

SECTION 2.318. NO CIVIL SERVICE OR TENURE RIGHTS. The Assistant City Manager for Community development shall have no rights under Civil Service, nor acquire any rights or tenure in any manner. (Ord. No. 838, June 3, 1974)

SECTION 2.319. POWER AND DUTIES. The powers and duties of the Assistant City Manager for Community Development shall be such as are delegated and assigned from time to time to him by the City Manager. The Assistant City Manager for Community Development shall have all the powers, rights and duties that the City Manager shall determine as are necessary for the proper functioning and general effectiveness, as well as for the general supervision and control, of the departments, divisions, boards, agencies, commissions, and officers, consistent with the powers and duties assigned to him by the City Manager. (Ord. No. 838, June 3, 1974)

SECTION 2.320. COMPENSATION. The Assistant City Manager for Community Development shall receive as annual compensation the same amount set forth for the Assistant City Manager for the Department of Administration. (Ord. No. 838, June 3, 1974)

D. THE ASSISTANT CITY MANAGER FOR FISCAL AFFAIRS

SECTION 2.321. HEADS DIVISION OF FINANCE. The Assistant City Manager for Fiscal Affairs shall be the Director of Finance and City Treasurer, and shall be considered a department head within the provisions of G.L., c. 43, sec. 103.

SECTION 2.322. APPOINTMENT AND TERM. The Assistant City Manager for Fiscal Affairs shall be appointed by and serve at the pleasure of the City Manager. (Ord. No. 839, June 3, 1974)

SECTION 2.323. NO CIVIL SERVICE OR TENURE RIGHTS. The Assistant City Manager for Fiscal Affairs shall have no rights under Civil Service, nor acquire any rights of tenure in any manner. (Ord. No. 839, June 3, 1974)

SECTION 2.324. POWER AND DUTIES. The powers and duties of the Assistant City Manager for Fiscal Affairs shall be such as are designated and assigned from time to time to the Assistant City Manager for Fiscal Affairs by the City Manager. The Assistant City Manager for Fiscal Affairs shall have all the powers, rights, and duties that the City Manager shall determine as are necessary for the proper functioning and general effectiveness, as well as for the general supervision and control, of the departments, divisions, boards, agencies, commissions, and officers, consistent with the powers and duties assigned to him by the City Manager. (Ord. No. 839, June 3, 1974)

SECTION 2.325. COMPENSATION. The Assistant City Manager for Fiscal Affairs shall receive as annual compensation the same amount set forth for Assistant City Manager for the Department of Administration. (Ord. No. 839, June 3, 1974)

