

# PRELIMINARY DRAFT

## CHAPTER 3

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### ARTICLE I. CONTRACT AND BOND REGULATIONS

#### A. CONTRACTS <sup>1</sup>

SECTION 3.101. FORM OF CONTRACTS; COMPETITIVE CONTRACTS. All purchases or contracts for purchases exceeding Two Hundred Fifty (\$250) Dollars shall be based upon competition. In all cases where the amount of any contract shall exceed the sum of Two Thousand (\$2,000) Dollars, the contract shall be in writing, and after being signed by the parties, shall not be altered, in any particular, without the consent of the contractor and of the board or officer making the contract, indorsed thereon. And all payments for extra work shall be made at the time of the final payment on such contract. (Ord. Nos. 774, 776, September 23, 1968)

SECTION 3.102. BONDS FOR PERFORMANCE OF CONTRACT. Every contract exceeding Two Thousand (\$2,000) Dollars for any work to be done for the City, or for any materials or supplies to be furnished the City, shall be accompanied by a suitable bond for the performance of the same, or by the

<sup>1</sup>As to the necessary signatures for validation of deeds, bonds, contracts and other instruments, see secs. 2.306-2.308.  
These sections conform to G.L., c. 43, sec. 29.

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deposit of money or security to the amount of such bond. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three years preceding. All written contracts shall be executed in triplicate, and one of the copies shall be deposited with the Auditor. (Ord. No. 775, September 23, 1968)

**SECTION 3.103. PROPOSALS AND BIDS.** No proposal shall be received from any person offering to contract for work unless it is enclosed in a sealed envelope or wrapper. Such proposal shall be at once placed in a sealed box in the Purchasing Department. All proposals shall be opened, read and recorded in City Hall, at the hour and place designated in the advertisement, in the presence of the City Manager or such person as he may designate. Such proposals shall be publicly opened, whenever so ordered by the City Manager. The contract shall be awarded to the lowest bidder complying with the terms, subject to other provisions here; provided, however, that if any such proposals shall be offered by persons who in the judgment of the board or officer issuing the advertisement shall be incompetent in respect to their means of faithfully executing the same, such proposals may be rejected, notwithstanding the same to be at a lower rate than other proposals offered for the same work, and the next highest bidder shall be substituted; and provided further that if the second lowest bidder shall be a person having his place of business in Cambridge and if such bid in the case of contracts of Five Hundred (\$500) Dollars or over but not exceeding One Thousand (\$1,000) Dollars shall not be more than five percent above the lowest bidder and in case of contracts from One Thousand (\$1,000) Dollars to Three Thousand (\$3,000) Dollars not more than four percent above the lowest bidder and in contracts over Three Thousand (\$3,000) Dollars but not more than Ten Thousand (\$10,000) Dollars not more than three percent above the lowest bidder, such board or officer shall have the discretion to award such contract to such second lowest bidder, and provided also, in all cases, that the board or officer may reject all bids and issue new advertisements. All bids shall be preserved by the Purchasing Department and shall be open to public inspection after the contract has been awarded and accepted by the bidder. (Ord. No. 270, April 17, 1950)

**SECTION 3.104. ALTERATION OF CONTRACTS.** Every contract shall provide that, in case of any alteration, so much of such contract as is not necessarily affected by the change shall remain in force. It shall also provide that no payment for work done under such alterations shall be made until the completion of the whole contract, and also that the adjustment and payment of the bill when rendered for such work shall release and discharge the City from any and all claims or liability on account of any alteration thereof. (G.O. 1943, c. 2, sec. 146)

**SECTION 3.105. RETENTION OF FUNDS TO PAY LABORERS AND MECHANICS.** In every contract entered into on behalf of the City and involving the employment of mechanics or laborers by the contractor, a

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provision shall be inserted to the effect that the board, or other authority making such contract, may, if it deems expedient, withhold from such contractor any amounts sufficient to cover any unpaid claims of mechanics or laborers for work or labor performed under such contract for thirty-five days after the completion of the work under the contract. (G.O. 1943, c. 2, sec. 147)

### B. OFFICIAL BONDS

**SECTION 3.106. APPROVAL OF BOND BY CITY MANAGER.** The required bond of every City Officer and the sureties upon it shall be approved by the City Manager before the officer enters upon his duties, except bonds of officers as to which other forms of approval are required by law. (G.O. 1943, c. 2, sec. 158)

**SECTION 3.107. SURETIES; NEW BONDS.** The surety on any official bond subject to the approval of the City Manager shall be an incorporated surety company licensed to do business in the Commonwealth unless the City Manager shall be satisfied that a satisfactory surety of this character cannot be obtained at a reasonable premium, in which case he may accept individuals as sureties. Officers or employees required to furnish such official bonds shall further be required to give new bonds satisfactory to the City Manager whenever required by him to do so. (G.O. 1943, c. 7, sec. 159)

**SECTION 3.108. PREMIUM FOR SURETY.** The premium for surety upon any bond shall not exceed the rate established for premiums on such bonds by companies authorized to issue them, and shall be allowed and paid by the department of which the principal on the bond is an officer or employee. (G.O. 1943, c. 2, sec. 160)

## ARTICLE II. DEPARTMENTS - GENERAL PROVISIONS

**SECTION 3.201. DEPARTMENTS CREATED; SUPERVISION.** (a) In addition to any boards, commissions or departments required by any Act of Congress or the Legislature, the following agencies, boards, commissions, councils, departments and divisions are hereby created:

- Board of Zoning Appeal
- Cambridge Historical Commission
- City Clerk Department
- Council on Aging
- Community Schools Commission
- Department of Administration
- Department of Civil Defense
- Department of Health and Hospital
- Department of Traffic and Parking

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### Department of Finance

- a) Assessor Division
- b) Auditor Division
- c) Budget and Personnel Division
- d) Purchasing Division
- e) Treasury Division

### Division of Council Services

### Electrical Department

### Fire Department

### Inspection and Construction of Building Department

### Law Department

### Planning Board

### Pole and Conduit Commission

### Police Department

### Public Library Department

### Public Works Department

- a) Cemetery Division
- b) Engineering Division
- c) Sewers Division
- d) Streets Division

### Recreation Commission

### Veterans Service Department

### Water Works Department

### Weights and Measures Department

(b) Each of the several departments shall be under the charge and management of the officers or boards designated in the respective Chapters relating thereto, all to be under the general supervision and control of the City Manager, except the City Clerk Department and the Auditing Department in accordance with the Charter. (G.O. 1943, c. 2, sec. 13B as amended)

**SECTION 3.202. CO-OPERATION OF DEPARTMENTS.** For the purpose of promoting co-operation in the several departments and executive boards, the City Manager may call meetings of the heads thereof, at the City Hall, at any time. He may invite other persons for conference at these meetings. (G.O. 1943, c. 2, sec. 139)

**SECTION 3.203. CLOSING OF PUBLIC OFFICES ON SATURDAYS; EXCEPTION; APPLICABILITY OF STATE LAW.** (a) Public offices located in City Hall, the Robert E. and Leo J. McCusker Center, and the offices of the Election Commission shall be closed on all Saturdays.

(b) However, when the public needs require that an office be open on Saturday, this shall be done with the approval of the Department Head.

(c) The provisions of Chapter 4, Section 9 of the General Laws shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday. (Ord. No. 109, Chapter 141, May 19, 1947)

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### ARTICLE III. DEPARTMENT OF FINANCE

#### A. DEPARTMENT ESTABLISHED

**SECTION 3.301. SCOPE OF DEPARTMENT.** There shall be a Department of Finance embracing, but not limited to, the functions of budgeting, fiscal program evaluation and development, accounting and control, purchasing, property assessment, revenue collection, pension administration, treasury, and such other finance-related activities as may validly be assigned by the City Manager or by law.

#### B. DIRECTOR OF FINANCE

**SECTION 3.302. DIRECTOR OF FINANCE HEADS DEPARTMENT; QUALIFICATIONS.** The Assistant City Manager for Fiscal Affairs shall serve as the Director of Finance and as City Treasurer. The person so appointed shall be skilled in the areas of municipal finance, accounting and budgeting, and shall have demonstrated competence in the techniques of public program management and control.

**SECTION 3.303. DUTIES OF DIRECTOR.** The director shall have charge of the administration of the financial affairs of the City and to that end shall:

- (a) Supervise and be responsible for the efficient and effective performance of the powers and duties conferred or imposed by law on finance administrative units, officers and employees;
- (b) Develop, recommend and maintain policies which safeguard and promote the financial capability and repute of the City;
- (c) Assist and advise the City Manager on the formulation of the annual budget and other matters of fiscal policy;
- (d) Submit periodic reports on the financial condition of the City to the City Manager for presentation to the City Council;
- (e) Prepare for the City Manager at the end of each fiscal year a report on the financial condition of the City, in a form suitable for printing and public distribution, such report to incorporate the best recognized practices of financial reporting.

**SECTION 3.304. REQUIRING DEPARTMENTS TO ESTABLISH COST ACCOUNTING.** The Director shall have the power to require any department or official of the City to establish methods of cost accounting for such department or work under the control of such official, which shall accurately reflect the cost to the City of performing any service performed by such department or official. (G.O. 1943, c. 2, sec. 60)

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### C. ASSESSOR DIVISION

**SECTION 3.305. PROPERTY ASSESSMENT.** The assessment of property for tax purposes shall be the responsibility of a three-member board of assessors, such board to have such powers and duties as are conferred or imposed on assessors by the laws of the Commonwealth.<sup>2</sup> Each assessor shall be appointed by the director of finance with the approval of the City Manager for a term of three years, commencing on January 1, of the year of appointment. Should a vacancy occur on the board, an appointment for the unexpired portion of the term shall be made forthwith in the same manner.

### D. AUDITOR DIVISION

**SECTION 3.306. ACCOUNTING AND CONTROL.** The functions of accounting and control shall be the responsibility of the City Auditor who shall be elected by a majority vote of the Council in the month of May to hold office from June 1 for three years and until his successor is elected and qualified. The Auditor shall have such powers and duties as are conferred or imposed on auditors by the laws of the Commonwealth.<sup>3</sup>

**SECTION 3.307. DUTIES.** In addition to the foregoing provisions, the Auditor shall serve as comptroller, and to that end shall:

- (a) Maintain a comprehensive accounting system for the city government in conformity with the best recognized practices in governmental accounting, such system to be approved by the finance director;
- (b) Supervise and control all expenditures to ensure that appropriations, allotments or other financial controls are not exceeded;
- (c) Examine all contracts, purchase orders, and other documents which involve financial obligations of the City, approving and immediately recording the same only if unexpended and unencumbered appropriations or allotments thereof are available to meet such obligations;
- (d) Audit before payment by the City Treasurer, all bills, invoices, payrolls, and other evidences of claims, demands or charges against the City and approve the same if proper, legal, and correct;
- (e) Prescribe the time and manner in which funds received by various offices and employees shall be transmitted to the City Treasury or deposited in bank accounts under the City Treasurer's control, taking care to periodically inspect and audit such transactions.

<sup>2</sup>For law of the Commonwealth relative to assessors, see G.L., c. 41, secs. 24 to 30.

<sup>3</sup>For law of the Commonwealth as to city auditors, see G.L., c. 41, sec. 48 to 54A; G.L., c. 43, sec. 18.

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**SECTION 3.308. ANNUAL AUDIT.** Promptly at the beginning of each fiscal year, the City Council shall designate an independent public accountant or firm of independent accountants to audit the accounts of the City, the audit report to be submitted to the City Council promptly after the close of each fiscal year. Said reports shall be in compliance with the provisions of Section 42 of Chapter 44 of the General Laws.

### E. BUDGET AND PERSONNEL DIVISION

**SECTION 3.309. DIRECTOR; APPOINTMENT; TERM; VACANCY.** (a) The Division of Budget and Personnel shall be under the charge of the Budget and Personnel Director. He shall be appointed by the City Manager in the month of August and shall hold office from September 1 for a term of three years and until a successor has been appointed and qualified.

(b) A vacancy in the office of Director shall be filled for the residue of the term in the same manner in which the office is originally filled. (Ord. No. 166, June 28, 1948)

**SECTION 3.310. SALARY OF DIRECTOR.** The Budget and Personnel Director shall receive such salary as the City Council shall from time to time determine. (Ord. No. 166, June 28, 1948)

**SECTION 3.311. DUTIES AS TO EXPENDITURES.** The Budget and Personnel Director shall inquire into actual and proposed expenditures of the City and its departments and shall bring together the estimates of the financial needs of the City and shall check such estimates against information relative to past expenditures and income. In general, he shall assist the City Manager in the preparation of the annual budget, of any supplementary budgets, in the calculation of transfer proposed and of any other matters relating to expenditures to be made by the City. (Ord. No. 166, June 28, 1948)

**SECTION 3.312. DUTIES AS TO DEPARTMENTS.** The Budget and Personnel Director shall have authority at any time to examine and investigate the work of any City department or official, to require reports from such department or official relative to any and all costs of operation, and to require statements from any department or official as to reasons for any proposed expenditure. The Budget and Personnel Director shall at any time have access to the records of any City department or official. (Ord. No. 166, June 28, 1948)

**SECTION 3.313. REPORTS.** The Budget and Personnel Director shall report to the City Manager with all reasonable speed such information as he may desire relative to the activities of any department or official of the City. He shall make

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reports and recommendations to the City Manager concerning methods and means by which the work of any department or official may be more efficiently or economically performed. (Ord. No. 166, June 28, 1948)

**SECTION 3.314. DUTIES AS PERSONNEL DIRECTOR.** The Budget and Personnel Director shall interview City officials, department heads, City employees, and any officers or agents of the City concerning all matters relating to personnel. He shall investigate and make reports and recommendations to the City Manager concerning compensation, service, ratings, Civil Service classifications, safety measures and complaints of City employees, officials, department heads and any officers or agents of the City. He shall discharge any other duties as may relate to the personnel of the City. He shall keep an accurate system of records of all persons employed by the City. (Ord. No. 166, June 28, 1948)

**SECTION 3.315. OTHER DUTIES.** In addition to the duties specifically prescribed to by law, the Budget and Personnel Director shall perform such other duties with reference to the City budget or the City personnel as the City Manager may require. (Ord. No. 166, June 28, 1948)

### F. PURCHASING DIVISION

**SECTION 3.316. PURCHASING.** (a) The functions related to purchasing shall be the responsibility of the Purchasing Agent, who shall be appointed by the Finance Director, by and with the approval of the City Manager in the month of March, and shall hold office from April 1 for two years or until a successor is appointed and qualified.

(b) The Purchasing Agent shall have such powers and duties as are conferred or imposed on purchasing officials by the laws of the Commonwealth.<sup>4</sup>

**SECTION 3.317. DUTIES.** Subject to the foregoing provisions, the Purchasing Agent shall contract and purchase all supplies, materials, equipment and contractual services required by the City, and to that end shall: (a) Establish, with the approval of the City Manager and upon consultation with the leaders of the City's several service programs, standard purchasing specifications for supplies, materials and equipment where such standardization is deemed practical and economical;

(b) Prescribe the timing and period covered by the required requisitions for supplies, materials and equipment;

(c) Inspect or cause to be inspected all deliveries of supplies, materials and

<sup>4</sup>For law of the Commonwealth as to city auditors, see G.L., c. 41, secs. 103-104

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equipment, and cause tests to be made when necessary in order to determine quantity, quality, and conformance with specifications;

(d) Supervise and control stores and which may be established on a revolving fund basis to serve the needs of the City's several service programs;

(e) Transfer, or sell, with the approval of the City Manager, and after consultation with the appropriate officials concerned, supplies, materials and equipment determined to be surplus, obsolete or unused;

(f) Maintain an inventory of all movable equipment belonging to the City;

(g) Alert the leaders of the City's several service programs to technological innovations which could, if acquired, improve the effectiveness and efficiency of such programs.

**SECTION 3.318. BOND OF PURCHASING AGENT.** The Purchasing Agent shall give a bond for the faithful performance of his duties in such form as the City Solicitor shall approve, in a sum not less than Ten Thousand (\$10,000) Dollars. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten days after his appointment, whichever event shall first occur. (G.O. 1943, c. 2, sec. 65)

**SECTION 3.319. EFFECT OF FAILURE TO GIVE BOND.** If the Purchasing Agent fails to give the required bond, his appointment shall be void and a new appointment shall be made forthwith. In case of the dissolution or insolvency of any of the sureties on the bond, the Purchasing Agent shall, upon notice from the City Manager, give a new bond with sufficient surety or sureties. If the Purchasing Agent fails to give such new bond within ten days after notice by the City Manager, such failure shall be sufficient cause for his removal from office. (G.O. 1943, c. 2, sec. 66)

**SECTION 3.320. PURCHASES IN ADVANCE OF REQUISITIONS.** The Purchasing Agent shall have authority to purchase in advance of requisition such equipment, materials or supplies as may be needed by the City and its departments, and which upon requisition shall be furnished the various departments. (G.O. 1943, c. 2, sec. 73)

**SECTION 3.321. NO LIABILITY ON PURCHASES UNTIL APPROVAL OF CITY AUDITOR.** No liability shall be incurred upon purchases made by the Purchasing Agent until they have been approved by the City Auditor. (Ord. No. 855, March 22, 1976)

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**SECTION 3.322. SALES BY AUCTION.** (a) All sales of personal property made by the Purchasing Agent, where the value exceeds One Hundred (\$100) Dollars, shall be made in public, by auction or otherwise, and, if by auction, advertisements of the time and place of such auction shall be made in a newspaper published in the City at least one week in advance and such property shall be sold to the highest bidder, unless in the opinion of the Purchasing Agent such bid is less than the value of the property.

(b) All expenses incurred by the Purchasing Agent in conducting any sale of the personal property of the City shall be approved by the Director of Finance before payment. (G.O. 1943, c. 2, secs. 82, 84)

**SECTION 3.323. DIRECT PURCHASES IN EMERGENCY.** In case of emergency, a department head or official may directly purchase such equipment, materials or supplies as may be needed, but before any liability shall accrue to the City, approval of the purchase shall be given by the City Manager. (G.O. 1943, c. 2, sec. 89)

### G. TREASURY DIVISION

**SECTION 3.324. TREASURER.** (a) The City Treasurer shall have charge of the treasury and collection departments and the books, documents, and papers thereof.

(b) The City Treasurer shall have such powers and duties as are conferred or imposed on treasurers and collectors by the laws of the Commonwealth.<sup>5</sup>

**SECTION 3.325. DUTIES.** Subject to the foregoing provisions, the City Treasurer shall have the custody of all City funds, managing and disbursing these funds in a lawful and prudent manner, and to that end shall: (a) Deposit the funds of the City in such lawful depositories as shall be approved by the City Manager;

(b) Have the care and custody of all moneys, property and securities which may be assigned to the City or its Treasurer by virtue of any gift, devise, bequest or deposit;

(c) Invest and reinvest the assets of "the cemetery fund for the perpetual care of lots" in some safe manner, making the interest realized from such investments available for the care of graves and lots;

(d) Negotiate all loans authorized by the City Council and shall countersign with the City Auditor and the City Manager all bonds, notes, and certificates of indebtedness issued for loans to the City. When surrendered for cancellation the

<sup>5</sup>For law of the Commonwealth as to City Treasurer, see G.L., c. 41, sec. 35 et seq.

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Treasurer may exchange coupon or registered bonds, notes or certificates of the City for one or more registered bonds, notes, or certificates having the same maturity and rate of interest, and they may be issued to the same or new owner or owners. Such new bonds, notes, or certificates shall be signed by the Treasurer and countersigned by the City Auditor and the City Manager.

**SECTION 3.326. BOND OF CITY TREASURER.** The Treasurer shall give a bond in such forms as the Commissioner of Corporations and Taxation of the Commonwealth shall approve, with sufficient sureties, to be approved by the Commissioner in a sum not less than the amount fixed by the City Council. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his appointment, whichever event shall first occur. Should he fail to give such bond within the time herein required, the election shall be void and a new appointment shall be had forthwith. (G.O. 1943, c. 2, sec. 120)

**SECTION 3.327. REVENUE COLLECTION.** The Assistant City Treasurer, appointed by the Treasurer with the approval of the City Manager, shall be the collector of taxes, assessments, water and sewer charges and all other revenues due or paid to the City.

**SECTION 3.328. DUTIES OF ASSISTANT TREASURER.** The Assistant Treasurer shall have such powers and duties as are conferred or imposed on such officers by the laws of the Commonwealth. Said Assistant City Treasurer shall perform duties as may be required by the City Treasurer and shall have all the powers and duties of that office in the absence or disability of the Treasurer.

**SECTION 3.329. BOND OF ASSISTANT CITY TREASURER.** The Assistant City Treasurer shall give a bond in such form as the Commissioner of Corporation and Taxation of the Commonwealth shall approve, with sufficient sureties, to be approved by the Commissioner. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his appointment, whichever event shall first occur. Should he fail to give bond within the time herein required, the appointment shall be void and a new appointment shall be had forthwith.

## ARTICLE IV. CITY CLERK DEPARTMENT

**SECTION 3.401. CITY CLERK; ELECTION; TERM; GENERAL POWERS AND DUTIES.** The City Clerk Department shall be under the charge of the City Clerk, who shall be elected by a majority vote of the City Council in the month of May, and shall hold office for three years from June 1 in the year of his election and until his successor is elected and qualified. He shall have such powers and perform such duties as the Council and the laws may prescribe. He

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shall have the care and custody of all the records, documents, maps, plans and papers of the City. He shall attend and keep the records of all the meetings of the City Council. (G.O. 1943, c. 22, sec. 22)

**SECTION 3.402. BOND OF CITY CLERK; FAILURE TO POST; FAILURE OF SURETY.** (a) The City Clerk shall give to the City a bond, with sufficient sureties, in the sum of Three Thousand (\$3,000) Dollars, in such form as shall be satisfactory to the Council. The bond shall be executed, approved and delivered before he enters upon the duties of his office or within ten (10) days after his election, whichever event shall first occur. Should he fail to give such bond as required, the election shall be void, and a new election shall be had forthwith.

(b) In the case of death or insolvency of any of the sureties upon any bond so given, the City Clerk shall immediately notify the City Manager and give a new bond, with sufficient sureties, as hereinbefore provided; and if he fails to give such new bond within a reasonable time after notice to do so, it shall be sufficient cause for his removal from office. (G.O. 1943, c. 2, sec. 23)

**SECTION 3.403. NOTIFICATION OF APPROPRIATIONS, EXPENDITURES; REPORTS AND PAYMENTS AS TO LICENSES AND FEES; DUTIES IN RELATION TO SEWERS AND SIDEWALKS.** The City Clerk shall notify the Auditor of all orders passed by the Council, authorizing appropriations, expenditures, assessments, apportionments or abatements, immediately after such orders are approved. He shall also report to him weekly all amounts received by him, and paid to the Treasurer, on account of licenses or fees of any description. He shall report to the Treasurer all orders for sewers and sidewalk assessments, and all apportionments and abatements thereof, immediately after such orders are approved. (G.O. 1943, c. 2, sec. 24)

**SECTION 3.404. DEPUTY CITY CLERK.** (a) A Deputy City Clerk shall be elected by a majority vote of the City Council, who shall serve the Council as staff person to their committee's along with attending all City Council meetings. Furthermore, the Deputy City Clerk shall assist the City Clerk in recording, indexing, and certifying all documents and papers required by law to be filed in the office of or recorded by the City Clerk. He shall be under the direct supervision and control of the City Clerk and shall be deemed to be an employee of said City Clerk.

(b) In accordance with the General Laws, Chapter 31, Section 5, the position of Deputy City Clerk shall be one of the two positions exempt from Civil Service in the Office of City Clerk. He shall assume and perform all duties of the City Clerk, including overall administrative and supervisory responsibility of all office functions including personnel, when for any reason said office becomes vacant due to absence or disability of the City Clerk. The Deputy City Clerk shall give bond in such form as the City Council shall approve, but not less than \$6,700 with sufficient sureties in the sum of \$3,000, which bond shall be executed, approved and delivered before he assumes his duties.

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

(c) The Deputy City Clerk may be removed from said office by a two-thirds vote of the City Council. (Ord. No. 846, May 17, 1974)

### ARTICLE V. DIVISION OF COUNCIL SERVICES

SECTION 3.501. ADMINISTRATIVE ASSISTANT HEADS DIVISION. There shall be an Administrative Assistant to the City Council who shall be in charge of the Division of Council Services.

SECTION 3.502. APPOINTMENT; TERM; REMOVAL. (a) The Administrative Assistant to the City Council shall be elected by a majority vote of the City Council for a term of two years or until his or her successor is appointed and qualified.

(b) The Administrative Assistant may be removed by a majority vote of the City Council.

SECTION 3.503. DUTIES. (a) The Administrative Assistant to the City Council shall assist the City Clerk and the Deputy City Clerk as staff person to designated Council Committees. He or she shall keep proper records of said committees and when requested by the Chairman, shall forward all appropriate notices and materials.

(b) He or she shall handle all the correspondence and scheduling needs of the City Council as they might require.

(c) He or she shall handle all financial records of the Council and shall assist them in the preparation of their budget.

(d) The Administrative Assistant to the City Council shall supervise a Clerk Stenographer and whatever additional staff is needed to carry out the work of this division.

(e) The Administrative Assistant to the City Council shall provide the Council with whatever resources and research they might require in order to fulfill their legislative responsibilities. (Ord. No. 862, April 12, 1976)

### ARTICLE VI. LAW DEPARTMENT

SECTION 3.601. CITY SOLICITOR; QUALIFICATIONS; APPOINTMENT; REMOVAL. The Law Department shall be in charge of the City Solicitor, who shall be a citizen of Cambridge and an attorney admitted to practice in the courts of the Commonwealth. He shall hold no other office under the City government. He shall be appointed by and shall serve at the pleasure of the City Manager. (G.O. 1943, c. 2, sec. 27)

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

**SECTION 3.602. DUTY TO DRAFT LEGAL INSTRUMENTS.** The City Solicitor shall draft all legal instruments of whatever nature which may be required of him by any ordinance, the City Council, the Mayor or the City Manager. (G.O. 1943, c. 2, sec. 28)

**SECTION 3.603. OTHER DUTIES.** The City Solicitor shall prosecute and defend all suits, causes and actions in which the City is a party. He shall represent the City before administrative agencies on any matter in which the interest of the City may be affected. He shall defend the officers and employees of the City for any act or omission in the discharge of their official duties. He shall furnish legal opinions on matters submitted to him by the City Manager, Mayor, City Council, School Committee or head of any department. (G.O. 1943, c. 2, sec. 29)

**SECTION 3.604. DUTY WITH RESPECT TO NEGLIGENCE CLAIMS.** (a) Every officer in charge of a department shall immediately report in writing to the Law Department whenever any transaction, act or negligence of his department occurs which results in, or may occasion the bringing of a claim against the City. Upon receipt of a claim against the City or any department thereof, it shall be referred to the Committee on Claims of the City Council, and notice shall be given to the City Solicitor, who shall make an investigation of the claim, and for this purpose shall be furnished, on request, with all necessary departmental books, papers or records, and may require any official or employee of a department who may have information concerning such claim to attend any hearing thereon. Upon completion of the investigation, the City Solicitor shall report to the Committee on Claims recommending settlement for a certain amount or disapproving the claim.

(b) The Committee on Claims shall have the authority to settle any such claim for the amounts recommended by the Law Department or for a lesser amount, or to reject the proposed settlement. No such settlement shall be made for an amount exceeding Five Hundred (\$500.00) Dollars. Nothing herein contained shall affect the power of the City Solicitor conferred by law concerning the settlement of suits in which the City is a party. (G.O. 1943, c. 2, sec. 33)

**SECTION 3.605. SALARY AND EXPENSES.** The City Solicitor shall receive such salary as the Council may determine. In all cases when his attendance is required out of the City, his reasonable travelling expenses shall be allowed him. (G.O. 1943, c. 2, sec. 30)

**SECTION 3.606. ASSISTANT CITY SOLICITORS.** The City Manager, or by his authority, the City Solicitor shall appoint two Assistants who shall be residents of Cambridge and attorneys admitted to practice in the courts of the Commonwealth. (G.O. 1943, c. 2, sec. 31)

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

SECTION 3.607. OFFICES. Suitable offices shall be provided for the Law Department. (G.O. 1943, c. 2, sec. 32)

### ARTICLE VII. VETERANS SERVICE DEPARTMENT

SECTION 3.701. DIRECTOR IN CHARGE OF DEPARTMENT. The Veterans Service Department shall be under the charge of the Director of the Veterans Service Department. (Ord. No. 15, sec. 1, May 22, 1944)

SECTION 3.702. APPOINTMENT; TERM. The City Manager shall appoint a Director in April of every other year for the term of two years from May 1 of the year of appointment until his successor is appointed and qualified. The Director shall be a full time employee and hold no other position or receive any other salary from the City. (Ord. No. 15, sec. 2, May 22, 1944)

SECTION 3.703. DUTIES OF DEPARTMENT. The Department shall advise and assist persons who have served or are serving in the Armed Forces of the United States, and their families, concerning their rights and privileges under Federal and State and Local laws; shall advise and assist such persons in obtaining all benefits; shall advise and assist veterans in obtaining employment and training and retraining for any employment, and in obtaining opportunities for further education, and in obtaining medical treatment and assistance. The Department shall further keep informed as to the programs or facilities of any organizations, whether public or private, of service to or of interest to veterans and their families, and in general shall carry on its activities for the purpose of extending aid, other than Soldiers' Relief and State and Military Aid disbursed under G.L., Chapter 115, to members of the armed forces and their families or veterans and their families. (Ord. No. 15, sec. 4, May 22, 1944)

SECTION 3.704. EMPLOYEES OF DEPARTMENT. The Department shall employ, subject to the provisions of G.L., Chapter 31 and of the Charter, such employees as may be from time to time necessary. (Ord. No. 15, sec. 5, May 22, 1944)

SECTION 3.705. VOCATIONAL EDUCATION. The Educational opportunities provided by Section 14 of Chapter 74 of General Laws as amended, shall be established and maintained through the School Committee. The Veterans Service Department shall assist and advise veterans in availing themselves to such opportunities and shall advise the School Committee as to the educational need of veterans. (Ord. No. 15, sec. 6, May 22, 1944)

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

### ARTICLE VIII. WEIGHTS AND MEASURES DEPARTMENT

**SECTION 3.801. SEALER; DEPUTY SEALERS; DUTIES.** (a) The Weights and Measures Department shall be under the charge of the Sealer of Weights and Measures. The department shall consist of a sealer and three deputy sealers.

(b) The Sealer of Weights and Measures shall have general control and supervision of all the public scales in the City and, in case of his absence or inability to perform his duties from any cause, a deputy designated by the Sealer of Weights and Measures shall exercise such duties.

(c) The Sealer and Deputy Sealers shall enforce the laws pertaining to weighing and measuring devices and to the giving of false or insufficient weight or measures, pursuant to General Laws, c. 98, sec. 34.

(d) In the month of January the Sealer shall make a full report to the City Manager of all matters pertaining to the department with an inventory of all property of the City under his charge. (G.O. 1943, c. 37, sec. 1 as amended)

**SECTION 3.802. ESTABLISHMENT OF SCALES; APPOINTMENT OF WEIGHERS.** (a) The City Council shall, from time to time, establish as many scales for the weighing of any articles as the public may require, and cause the same to be erected.

(b) The City Manager shall appoint suitable persons to weigh said articles thereon according to law. (G.O. 1943, c. 37, sec. 2 as amended)

**SECTION 3.803. WEIGHERS' OATH.** The weighers shall be sworn to the faithful performance of their duties. (G.O. 1943, c. 37, sec. 3)

**SECTION 3.804. DUTIES OF WEIGHERS.** (a) Every weigher shall be at or near the scales of which he has charge at all reasonable times, ready to weigh all articles offered for that purpose. He shall deliver to the driver or owner of every load weighed a certificate under his hand, specifying the name of the driver or owner, his place of residence, the name of the article weighed, the weight thereof, and the tare, the date and the fees charged. He shall keep a true account of all articles weighed by him, and record the same in a book kept for the purpose, which shall at all times be open for public inspection. The record shall contain the same particulars that are required to be stated in the certificate described in this section.

(b) It shall be the duty of the weighers to keep the scales under their care in good condition for use at all times, and the Sealer of Weights and Measures shall have the general control and supervision of all such scales. (G.O. 1943, c. 37, sec. 4, 6)

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

**SECTION 3.805. FEES FOR WEIGHING.** The fees for weighing to be received by weighers shall be as follows: A sum not to exceed One (\$1.00) Dollar for each weighing. No fees shall be taken for weighing done on account of the City. (G.O. 1943, c. 37, sec. 5 as amended by Ord. No. 529, December 27, 1956)

### ARTICLE IX. REGULATIONS RELATING TO OFFICERS AND EMPLOYEES

#### A. GENERAL PROVISIONS

**SECTION 3.901. REMOVAL OF SUBORDINATES<sup>6</sup>** Whenever any board or officer in charge of a department shall recommend to the City Manager the termination of employment of any subordinate thereof, the order of removal, following such termination shall be entered in full on the records of the department in which he served. Every such board or officer shall cause all statutes, ordinances, regulations and orders relating to the duties of his department to be observed and enforced. (G.O. 1943, c. 2, sec. 148)

**SECTION 3.902. APPROPRIATION REQUIRED FOR EXPENDITURES.** No board or officer in charge of a department shall, unless specially authorized thereto by statute, make any expenditure or incur any liability on behalf of the City for any purpose until an appropriation sufficient to meet such expenditure or liability together with all other expenditures and liabilities which he or it proposes to make, and which are properly chargeable to the same appropriation, has been made therefor; nor shall he or it exceed any specific appropriation made for his department, nor shall any officer or member of a board, unless thereto authorized by the City Manager or City Council, apply for, object to, or advocate before the Legislature any special act relating to the City. (G.O. 1943, c. 2, sec. 149)

**SECTION 3.903. SALARIES NOT OTHERWISE PROVIDED FOR; EMPLOYEES SUBJECT TO CALL.** (a) All employees of the City whose salaries are not fixed by ordinances shall be paid such salary as shall from time to time be fixed by the respective heads of the departments subject to the approval of the City Manager except in the departments of the City Clerk, City Auditor and the Executive Department and boards elected by the people, in which cases the salaries shall be fixed by the respective heads of the departments.

(b) All persons employed by the City shall be subject to call to perform work in their respective departments at any time. (Ord. No. 589, April 21, 1958)

**SECTION 3.904. EMPLOYEES NOT TO ACT AS ELECTION OFFICIALS.** No permanent employee of the City shall act as warden, clerk, inspector or deputy officer at the polls at any primary or election held in the City. (G.O. 1943, c. 2, sec. 156)

<sup>6</sup> For power of City Manager to appoint and remove officers and employees, see sec. 2.304 of this Code.

## ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

**SECTION 3.905. RESIDENCY REQUIREMENT.** (a) No person shall be appointed to any position of employment in any department of the City or to any unpaid board or commission, except professional employees whose qualifications must include technical training and experience, unless said person is a resident of the City of Cambridge.

(b) This section shall apply prospectively only, and shall not apply to any person in the employ of the City at the date of passage of this ordinance.

### B. ACCOUNTING AND REPORTING

**SECTION 3.906. ACCOUNTING FOR MONEY RECEIVED.** The several boards and City officers, who shall in their official capacity receive any money whether for payment of fees, services or otherwise, shall keep a detailed record of all money so received, and the purposes for which the money was paid, which book shall at all times be open to the inspection of the Committee of Finance, and all boards and City officers shall pay to the Treasurer weekly all money so received. All such boards and City officers shall, before making such payment, make a true return to the Auditor, stating the account upon which said moneys were received. All other persons, who shall at any time have money in their possession belonging to the City, shall forthwith pay the same to the Treasurer. (G.O. 943, c. 2, sec. 140)

**SECTION 3.907. RECORDS TO BE KEPT.** (a) Every board or officer in charge of a department shall keep records of the activities of the department. All records and files, shall, under the supervision of the officer in charge of the department, be open to public inspection, and any person may take notes therefrom; but this shall not apply to matters on which final action has not been taken, or which, in the opinion of the City Manager should not be made public, or to the records of the proceedings of the various committees kept by the Clerk of Committees.

(b) All boards or officers in charge of departments, except the City Auditor, shall present to the City Manager annually, on or before January 10, a departmental report showing in detail the expenses of the departments, the material and other property on hand, and an account of the work performed, and any other facts and recommendations which may be deemed advisable. The City Auditor shall present his annual report to the City Manager during the month of January. (G.O. 1943, c. 2, secs. 150, 152)

**SECTION 3.908. ESTIMATES OF EXPENDITURES.** Every board or officer in charge of a department shall, annually, during November, send to the City Manager an estimate in detail of the appropriations which will be required to enable the department to perform its duties and works during the next financial year and also an estimate of all income to be received from any source by the department during the said year. (G.O. 1943, c. 2, sec. 151)

ADMINISTRATIVE DEPARTMENTS AND REGULATIONS

C. OCCUPATIONAL CLASSIFICATIONS AND SALARIES

SECTION 3.909. ADOPTION OF SALARY AND CLASSIFICATION PLAN BY REFERENCE. (a) The Classification Plan And Revised Salary Schedule For Municipal Employees, prepared by the Budget-Personnel Division, City of Cambridge, effective July 1, 1976, and as subsequently amended by ordinance, is hereby adopted and by this reference made a part of this Code, with the same force and effect as though set out in full herein.<sup>7</sup>

(b) At least three copies of said publication shall be on file and open to public inspection in the office of the City Clerk.

<sup>7</sup> The Classification Plan And Revised Salary Schedule For Municipal Employees contains a list of positions of employment created by and for the City with corresponding salary scales. This Section complies with the provisions of G.L., c. 41, sec. 108A.

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